

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-fifth day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Bishop James Conley, the Lincoln Diocese of the Roman Catholic Church in Lincoln, guest of Senator Storm. Please rise.

JAMES CONLEY: Thank you very much. In the name of the Father, and of the Son, and of the Holy Spirit. Amen. God of all creation, the majestic beauty of our state reminds us that you are the source of all blessings and goodness. We humbly ask your blessing on our legislators and on all who collaborate with them in their work. Bestow on them abundant share of your wisdom and grant them a deep and sincere desire to serve the common good. May they be instruments of your providential care, most especially in the lives of those who are most in need, our children, our elderly, those who live on the margins of our society. May they be bridge builders, helping us to strengthen those bonds that unite a very diverse population, encourage us to honor the innate dignity of each human person, and inspiring us to respect the differences in culture and experience that have traditionally strengthened our common, common life. May they be wise stewards of the many resources, human, natural, and economic, with which you have so richly blessed us, and may they help us to restore the honor and dignity of the great tradition of public service that has long distinguished our state, and may they and their families be given a glimpse of the fruits that flow from their sacrifices as they dedicate themselves to pursuing the common good over their own self-interest. And we ask all these things of you, Lord, trusting that you are indeed, the source of all that is good. Amen. Father, Son, and Holy Spirit. Amen. Thank you.

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

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

KELLY: Thank you. I call to order the seventy-fifth day of the One Hundred Ninth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 8, 2025
Rough Draft

KELLY: Are there any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

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

CLERK: There are, Mr. President. An amendment to be printed from Senator Sorrentino to LB647. That's all I have at this time.

KELLY: Thank you, Mr Clerk. Please proceed to the first item on the agenda.

CLERK: Mr. President, General File, LB275A, introduced by Senator Hunt. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB275. The bill was read for the first time on May 6 of this year and placed directly on General File.

KELLY: Thank you, Mr. Clerk. Senator Hunt, you're recognized to open.

HUNT: Thank you, Mr. President. This is the A bill for my priority bill, LB275. That's the bill that has to do with the state's practice of taking the social security benefits that belong to foster youth and using it to pay for the cost of their care, which, of course, no other foster youth do we do that to. On General File, we talked more in depth about the history and the background of the bill. I can refresh us more on that when the bill comes up on Select. But at that time, we discussed and adopted an amendment that my office worked out with DHHS, the Legislative Fiscal Office, and foster youth advocates to lessen the administrative burden for the department by removing some previous requirements, cutting in half the amount of funds required to be conserved for youth from the amounts prescribed in the original bill, and we also maximized the department's drawdown of federal Title IX-E funds available to states for foster care maintenance payments and administrative costs. This is something CEO Corsi has spoken about his intention to do in recent hearings. It also added language that restored broader authority to the department to use those benefits, even if other funds are available, so long as they are used in the child's best interest. In summary, the amended bill eliminated the highest costs of the original bill and the fiscal note, allowing the department greater flexibility in their utilization of the youth's funds while still saving a percentage of that money for youth to have when they leave care. Because after all, those social security benefits are for those kids. It is not meant for the state. With these

changes, we have a new fiscal note and this A bill reflects that new fiscal note which is much less. General Fund expenditures of \$958,512, less than a million, are required for fiscal year '26-27. Relative to the larger budget package, I'm hopeful that we can advance this A bill. And another thing I wanted to mention is some great news that just came out of Missouri. In Missouri, the legislature recently banned the practice altogether, and it's exciting to see a state like that take decisive action on this topic. And I think we can expect more of our neighbors in other states to take action, just making sure that social security funds that kids are entitled to, that we give those to them so they can transition out of care and use those funds that rightfully belong to them. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Seeing no one else in the queue, you're recognized to close and waive. Members, the question is the advancement of LB275A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB275A is advanced to E&R Initial, Mr. Clerk.

CLERK: Mr. President, next item, General File, LB288A, introduced by Senator McKinney. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB288. The bill was read for the first time on May 6 of this year, and placed directly on General File.

KELLY: Senator McKinney, you're recognized to open.

McKINNEY: Thank you. This is the A bill for LB288, which was an Urban Affairs priority bill. We got a fiscal note after it moved on the General File, dealing with the rent to own and the changes, once Senator Kauth's bill got attached to the bill. But I hope to get your green vote for this. The, the bill is already on Select File. Thank you.

KELLY: Thank you, Senator McKinney. No one else in the queue, you're recognized to close and waive closing. Members, the question is the advancement of LB288A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB288A advances to E&R Initial. Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate May 8, 2025

Rough Draft

CLERK: Mr. President, next bill, General File, LB647A, issued by Senator von Gillern. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB647; and declares an emergency. The bill was read for the first time on May 6 of this year and placed directly on General File.

KELLY: Senator von Gillern, you're recognized to open.

VON GILLERN: Thank you, Mr. President. This, of course, is the A bill for LB647, which is a committee priority bill. It incorporates another-- a number of bills from a number of different senators, including LB242, LB131, LB401, and LB628 and LB709. This, of course, is the A bill that goes along with that. The, the-- this advanced from General File, and I would appreciate your green vote today on the A Bill. Thank you.

KELLY: Thank you, Senator von Gillern. You're recognized to close and waive. Members, the question is the advancement of LB647A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB 647A is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, next item, Select File, LB36A. Senator, I have nothing on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that we advance LB36A onto E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB80A. Senator, I have nothing on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that, I move that we-- Mr. President, I move that LB38A be advanced to E&R for engrossing.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate May 8, 2025

Rough Draft

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, next item, General File, LB513, introduced by Senator Bosn. It's a bill for an act relating to judges' salaries. It amends Section 24-201.01; changes judges' salaries; provides an operative date; repeals the original section; and declares an emergency. The bill was read for the first time on January 21 of this year and referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments, Mr. President.

KELLY: Senator Bosn, you're recognized for a one-minute refresh on the bill.

BOSN: Thank you, Mr. President. Good morning, colleagues. This is the biannual bill regarding judges' salaries. The committee has advanced this bill with an increase of 1.5% over the course of the next two years. I certainly ask for your green vote. I know we had, as Senator Conrad calls it, a robust discussion yesterday. But I, I think-- and I'm in the queue to kind of explain more, sort of why my perspective is. But I, I really do hope that everyone votes green on this. And with that, I'll submit.

KELLY: Thank you, Senator Bosn, and you are recognized to open on the committee amendment.

BOSN: How long do I have for the committee amendment?

KELLY: 10 minutes.

BOSN: I won't need that long. Again, thank you, colleagues. Just to address some of the conversations that were happening yesterday and really where this-- what I think is getting wrapped up in something maybe larger than it, than it needs to. Every biennium, the Judiciary Committee hears the judges' salary bill. It is separate from the Appropriations Committee, but it is considered as part of the Appropriations Committee bill that they put to the floor. The 1.5% that was passed out of the committee was confirmed with the Appropriations Committee, and certainly, my hope is that Senator Clements can articulate why they ultimately supported that increase, as well. Some of the discussions that were had yesterday, I think kind of went off the rails. We were talking about this was too much money and we didn't need to do this, and at, at the expense of Nebraskans. But I think we really need to come back to the fact that there is a

significant importance to having qualified judges who understand the importance of what they're doing and the expectations that we have for them, and they hold this, this area to the highest standards. Senator Cavanaugh talked about, I think it was the advocacy group that will come in and defend homicide cases in small communities throughout Nebraska, and his argument is correct. Those homicides take a lot more expertise, was his argument. And the public defenders can't handle those enhanced caseloads, so they bring in an expert who is-- you know, has more experience trying cases like that. The same is true for these judges. They're still hearing those serious crimes and the added responsibility that goes with that. Additionally, and to that end, is the emotional stress that goes with that. There's a tremendous amount of pressure on these individuals who have left their private practice or left their careers that they've had to go sit on the bench, and it weighs on them, things such as making determinations of who's an appropriate candidate for probation and to be back in the community, versus who really needs to spend some time incarceration-- in-- incarcerated for the safe-- sake of the public safety aspect. Those are significant decisions, and we want individuals who recognize the importance of being thoughtful, of taking their time, of weighing all the pros and cons of those things. And we really need a well-rounded group of individuals in addition to individuals who want to be thoughtful and well-rounded. Having a broad spectrum of applicants for these judicial positions is important. Albeit I'm a former prosecutor and I think prosecutors make great judges, I won't argue otherwise, I think it-- there is a benefit to having individuals with criminal defense experience, having individuals come from private practice, having individuals who come with having done significant divorce custody cases, because we all have those different talents that we bring. And when you have a diverse group of individuals who are the judges, they can work together. They can have those conversations and try and come to the best solutions that benefit all of us. So, I, I think-- I, I think that ways-- while Senator Cavanaugh's arguments were opposing why we need to approve this increase, I think they actually support the increase. There was also some discussion that this money shouldn't go to judges' salaries, but rather should go to problem-solving courts instead. First of all, they're totally separate. You don't give the judges this salary increase, that doesn't mean that it goes to the problem-solving courts. In addition to that, and perhaps even more importantly, I think everyone here needs to understand that when you have a problem-solving court in a district, that judge doesn't get an additional salary or an additional pay for volunteering to run the problem-solving court. Right? So they each

take turns, they rotate who's doing the problem-solving courts. It's a tremendous amount of additional work. They meet every week. They meet in the evenings. They meet on weekends. They have graduations. They have meetings outside of the court that these judges are doing for problem-solving courts, but here's the problem. If we don't value the judges who are willing to do that enough to give them increases and, and recognize that-- the importance of the work that they do, there are not going to be judges to run the problem solving courts. We won't need to fund them because nobody's going to run them. Because there is no obligation to do it and they are volunteering essentially, through their rotation process to do that added additional work. So colleagues, I, again, ask for your green vote on AM1157 and ultimately, on the bill. And I'm happy to answer any questions that you have on or off the mic. Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. Moving to the queue, Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. I appreciate Senator Bosn's defense of the Commission on Public Advocacy. And, and to be clear, my point on this bill is not that about the commission. I do think their work is really important as well, but it's not related to this bill, in my opinion. My issue here is I have-- I agree with everything Senator Bosn is saying. I respect judges. I think they work really hard. I think that they deserve to be paid well and they deserve the help that we give to them and they do put in extra hours and they do a lot of things. So it's nothing about the fact that I don't think that they deserve a raise. My issue is just when we are making cuts everywhere else-- I'm-- technical difficulties here. So, my, my, my point is that when we're making cuts everywhere else, we're making transfers, we're shifting costs onto the backs of Nebraskans, that I don't think it's the right time to give a raise, even to those, those who we view as most deserving. And folks might think other people are more deserving of a raise, but in this case it's not a question that they don't deserve it, it's that we can't currently afford it in, in all the other choices we're making. And I would, again, point to, on the cash transfers, the \$5 million being transferred out of the Game and Parks Cash Fund, which is paid for by, when you buy that little sticker to go to the park, when you rent a cabin, when you get a hunting permit, all of those fees go to that cash fund. And then, we are now sweeping that to, to backfill the shortage in our budget, which includes this, I think it's \$1.5 million or maybe \$3 million in the next biennium, but the cost that this creates. And so that's a choice that we're making, is to shift this cost onto the backs of

families going to the state park. And I-- that's the choice that I don't think-- I wouldn't-- that I, I don't agree with. So I, I do think judges are deserving of all of these things, but I'm not in favor of giving them a raise at this time. I would also just point out, Senator Bosn did say this is the annual judge's pay raise increase, or biannual, which means we are regularly giving them a pay increase, so it's just sort of habitual at this point. And I think that maybe we just need, at this point, to pause, take a, take a step back, and say this isn't the right time to be doing this. I would also point out that I think it was the constitutional officer or the, the state officer budget, we did have an amendment to that, that actually did pay for an increase in the state's share of the cost for insurance, which I, I was told did include a share or the state's share of the cost for judges as well, so somebody can correct me if I'm wrong on that. So we've already actually increased our contribution to help cover their insurance. But yes, with-- even with this pay increase, 1.5% increase, judges' salaries or take-home pay is going to be less. And so, I'm just not in favor of us making that choice to push this cost onto families going to the state parks. And I'm not in favor of taking this cost to push onto people's driver's license and license plate registration and all those other fees. I'm just not favor of that choice, and that's why I'm not in favor of the bill at this point in time. I do think that the argument that a 1.5% increase is flat is interesting in the context of the minimum wage conversation we had, where folks argued that holding steady at 1.5 or then, as amended, 1.75, was a fair resolution to what the voters had said, which the voters, of course, said in that instance, they wanted increased minimum wage and they wanted it-- a minimum wage that kept up with inflation. This bill here is a representation of the fact that a, a 1.5% increase does not keep up with inflation. So I'm not going to vote for the bill at this point in time. If we can, you know, find other ways where we're not shifting the cost onto regular families going to the state park, that might change my perspective on this. But at the moment, it's nothing against the judges. I have tremendous respect for all of our judges. I just think that the choice right now is between increasing their salary 1.5% or shifting that-- and shifting that burden to families going to the state park. So, thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I rise in support of AM1157. And I was involved in-- with the Judiciary Committee. Chair Bosn came to me

and talked about what the request was, that there was a request for a 4% increase. And I said in these budget times, I didn't think we were able to fund that. And so, they talked about how about a 1.5% increase and I did some calculations regarding that, and I'm, I'm agreeable that that is a reasonable amount. I looked at the four-year history of judges' salary increases, from 2023 to 2027. And if you factor 1.5% for these next two years, over a four-year period, their four-year average increase is 2.33% increase, and so that is a little bit less than inflation has been. And I think that is a reasonable amount. And working on the budget, I've been building in this \$1.5 million over the two years, that we can accommodate that increase. And I also calculated if their increases was zero, their four-year average increase would be 1.57%, which is well below inflation. And the state employees and a lot of the judicial staff got a 3.25% increase. This would have the judges at 1.5%, and over a four-year average, just 2.33%. So there is room in the budget for the \$1.5 million, and it's given them a four year average that still is below inflation, in my opinion. So I do support AM1157. We can fund this and it is a reasonable request. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. Yeah. So I still am in opposition to LB513. And while I appreciate a reduction in the increase that AM1157 brings, I am in opposition to that, as well. I, I listened to the points about, you know, the need to give an annual increase. I, I don't believe that now is the time to perpetuate that annual increase. I think, like so many other things, this is a time to hit pause on these types of spending. I was listening this morning to the prayer, delivered by Bishop Conley, and it really, it really spoke to me, not, not just as a Catholic, but also as a legislator, about what our job is inside this Chamber. And the Bishop, in his prayer, talked about how we should be focusing on the needs of the people and the least of us, and ensuring that they are, are taken care of first. Our job is to advocate for those who can't advocate for themselves. And while I appreciate the work of the judges, I think having a fiscal fiasco and a felon factory of a legislative session, we are not living up to that expectation that was laid out this morning in the prayer. And so, you know, I, I, I-- we can make the resources available because we allocated an extra transfer out of the Cash Reserve Fund to pay for the judges' salary. That's how we're paying for it, is the Cash Reserve Fund. We-- the judges' salary isn't important enough to take

from the canal or the prison or the-- what's the other thing-- the Property Tax Relief Fund. It's not important enough to take from those, but it is important enough to take from the rainy day fund. And-- but then, that's important enough to take from the rainy day fund, but we can't fund anything else from the rainy day fund, like the dental reimbursements for Medicaid dentistry. We had that bill in HHS-- or not HHS. Sorry, that was my old job-- in Appropriations-- that-- to increase Medicaid reimbursement for dentistry across the state. We have a Medicaid dentistry desert. It is so cost prohibitive for dentists to take on Medicaid patients that they only do it, much like we do, being paid \$12,000 a year, as a labor of love because it really costs them to do that. And there are children that are actually going to the emergency room because they don't get access to dental care. And it's really heartbreaking. And we're not talking about that. We're not talking about addressing the needs of the least of us. We're not talking about addressing the economic disparities in this state. We're talking about giving judges an annual increase when everybody else is getting a cut, when everybody has to tighten their belts. We did, as Senator John Cavanaugh said, in the LB-- what was it, yesterday, LB263-- I like you try. I phoned a friend. He, he didn't give me the right answer. LB263, that we moved yesterday, the constitutional officer salaries and insurance. We did increase the state reimbursement for the judges' insurance, but that doesn't mean that they need an across-the-board increase in their salary. And I think that now is the time to really look at-- if we want to make their jobs easier, how about we do sentencing reform? How about we don't become a felony factory? That would make their jobs easier. How about we invest in problem-solving courts, which they like, otherwise they wouldn't volunteer their time for them. So, I'm gonna stay a no on this. I think that if we're going to use this money out of the Cash Reserve, there are many, many critical things, like public health, that we should be prioritizing over salary increases. So, that's where I'm at this morning. And thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. President, members. I rise in support of AM1157 and LB513. I hope everybody was listening to the data that Senator Clements provided. When you take a four-year running average, we probably have increases in judges' salaries that are running below the rate of inflation. I think it's important to note that there was an original request and need for a 4% increase. And I think the Judiciary Committee, as well as with the input from Senator Clements,

prudently reduced that down to 1.5%, and I think that is an appropriate way to go. I can't speak for all of the judges across the state, but I, I certainly know that I've been blessed to practice in southeast Nebraska and Otoe County, in particular. And looking at some of the outstanding jurists that have been in that particular district, current Chief Justice Funke was both a county and a district court judge down in Otoe County, as was the Honorable Randall Rehmeier, John Steinheider, longtime friend and county judge, all excellent jurists, and the current county court judge, David Partsch, and district court judge, Julie Smith. I think one thing that's overlooked is the immense amount of time that-- my particular experience has been that these judges put in, many times being in the courthouse on the weekends, poring over court files and trying to come to the decisions that they make that affect people's lives, and I think we are appropriately looking at making a 1.5% increase in the judges' salaries, and would encourage your green vote when we get there. Thank you.

KELLY: Thank you, Senator Hallstrom. Senator Spivey, you're recognized to speak.

SPIVEY: Thank you, Mr. President. And good morning, colleagues, and folks that are joining us online, and in the Rotunda. I appreciate the continued conversation on LB513 and the judges' salary. I did want to point out that as a member of Appropriations, this information around what the judges' salaries and kind of the evolution of the conversation that was held in Judiciary, we were not given an opportunity to also weigh in, which I think is an important role of the committee when we think about the budget, balancing the budget and what does that look like. As stated by Senator Clements, who is chair of that committee, is that he worked directly with Senator Bosn on that and provided insight. But yet, the kind of final number and line item was put on a document for us to review just in the total sheet of what other changes, maybe-- I think last week, that we saw. And so, again, I think that this is a critical conversation that Appropriations, as a committee, did not weigh on in the same way. And we had other conversations about other agencies around what their increase is for an average for their salary, what we didn't do and did do, and we had critical reflection time that was not offered in the same space as this. And so, I think the conversation now on the floor is important to have, because we are not applying an equitable lens to what we're saying for judges' salary as we did with agencies that we did not improve some of the requests for an increase whether we consider it modest or not because of the financial state that we are in in Nebraska and so we have said numerous times As a body that

there's going to be choices, everyone is going to feel some hurt. I think that is the language that people have said. It's going to be painful for everyone. And so if you look at their current salary, they are competitive. We are still competitive within the market. And there are other things if we are going to increase our general fund bottom line that we can use these funds towards. I agree with Senator Cavanaugh that there are things that we can do to make the judges' jobs easier so that the competitive salary that they are receiving now is in line with what their scope of work is, and that is investing in some of our problem-solving courts. That is investing more in criminal justice reform. That could be investing in childcare and other things that we haven't even talked about and really grappled with this session, either. And so, I still rise in opposition to LB513, not that it's rooted in the judges don't need to have a competitive salary and that we should look at some sort of standard for their pay increase. I do think that is true. And while in this current fiscal environment, we are going to have to make hard decisions that we have continued to already do previously, and we have to continue to do that. And I think this is going to be one of those hard decisions. We have not approved other increases. We have not looked at PSL in, in the full amount. Like, we've really have told people to-- this is where you are within recruitment, re--retaining of staff. This is what it needs to look like for the salaries and the benefits. Like, we've had hard conversations and grappled with-- we didn't get the opportunity to do that as a committee on LB513 and what is being proposed, so we're doing it now on the floor. And I think that same critical frame and lens still needs to be present. And so I think where the judges are now is competitive. I think the increase of what we are seeing can be used in a more efficient and intentional and effective way to address some of the priorities that we have said, as a body, are important, that really are main themes and narratives of the people that we were sent here to represent. And so I rise in opposition of LB 513 for those reasons. And I thank you, Mr. President, for the time.

KELLY: Thank you, Senator Spivey. Senator Hunt would like to recognize some guests in the north balcony. They're being led by Val McPherson. They are here on a U.S. State Department program for young leaders from 11 different southeast Asian countries. Please stand and be recognized by the Nebraska Legislature. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, I wasn't going to talk again, but I thought some folks raised some interesting points in the conversation. And one of them was the consistent, you know, that I

think both Senator Clements and Senator Hallstrom pointed out that it's been, like, a 2.3% average increase. And I would, again, point to the voters voted for minimum wage to keep up with inflation, and we decided it was not appropriate to do that, or I guess many of the rest of you decided that we shouldn't do that and we should cap it at 1.75%, which we're being told here 1.5% clearly doesn't keep up with inflation, and so I, I do think there's a correlation to be tied there. But then Senator Clements said we can afford this. And that was kind of what struck me. And I have said, you know, one of the things that jumps out at me about this bill is the cash transfer for Game and Parks, where we're taking \$5 million out of the cash fund for that, which is paid for by park user fees, which again, are families coming to the parks. But then I just grabbed, I'm trying to find here that sheet that was handed out yesterday, other cuts that we're making. So, you know, if we can afford the fiscal note on this, which I think is \$1.3 million and then \$3 million in the out years. So we are having to cut \$5 million out of the Water Sustainability Fund. We're cutting \$5 million-- or sweeping \$5 million of the interest and some of-- this is the conversation of the water-- Surface Water Infrastructure Fund, which is a \$50 million dollar fund to repair irrigation-- ditch irrigation traps and things like that, in western Nebraska. Put \$50 million dollars into it about 2 years ago. We're sweeping the interest from that fund, and we're taking some of the principal out of that fund to pay-- to meet our budget gap, which is \$2.5 million a year for that one, so \$2.5 million a year. That's about what we're talking about here, so we can't repair-- irrigate-- surface irrigation projects, or at least as many of them. We're taking \$750,000 out of clean air, which is one I haven't-- we haven't even addressed yet. Safe wa-- Safe Drinking Water Act Cash Fund, we're taking \$500,000. We're taking \$12 million out of the DMV, which, again, is user fee-based funds. 9-1-1 Service Fund, looks like that's \$5 million. Department of Education VR basic match, \$750,000. So-- oh, homeless shelters. Oh, this maybe is an old one, is because I'm told homeless shelters aren't in there anymore, but that's \$2 million that we were talking about taking. Radon, I think we ended up taking \$500,000 out of Radon. So what I'm saying is that that's not-- that is not true that we can afford this. We are balancing this increase with other cuts. So that's a choice. It's not that we afford it. We are making cash transfers out of existing funds. We are cutting funds out of existing programs, which, you know, a lot of people have said, well, we're cutting spending. We're not cutting spending, we're just shifting spending around. This is not a cut in spending. This is an increase in spending, and we are paying for it by shifting spending

from something else. So when people are patting themselves on the back about a budget that is cutting spending, that's not what's happening, folks. You're not cutting spending. You are just shifting it. You're rearranging it so that it-- you know, you can meet your obligations on paper. We're putting 4-- \$45 million into the construction fund and then taking \$8 million out of the interest of that. That's not a cut in spending. That's an accounting trick to make it look like our budget is balanced. So to say that we can afford this is not true. To say that you can, you can take funds from one place from other-- from taxpayers who are paying it on a--as a fee for service at the DMV or at the state parks to pay for this, that is true. But this is a choice. We are, we are taking other funds that are for an intended purpose to pay for this. So, what I'm saying is I don't think that that's the right choice at this point in time. I don't think that we should be shifting funds out of Game and Parks. I don't think that we should be taking DMV funds and raising people's DMV fees to pay for this. So that-- that's why I don't think this is the right time. And again, nothing but respect for judges. I think they-- the world of them, but I just think right now is not the right time to make those decisions. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans. I stand in opposition to the salary increases in LB513, and it's not because I don't support our judges. I have been humbled and privileged to have worked with our judges throughout the last 15 years of my elected positions that I have held, and I cannot dispute their commitment to public service. I have seen their passion when they work with problem-solving courts and their utmost dedication to seeing the participants in the problem-solving courts succeed and get their felony charges dismissed, which is such an extraordinary experience to be involved in. So I, I can't deny the outstanding work they do, but we have to understand that there are trade-offs. We all see them. We've lived them, when you give up your profession, maybe in a law firm, to, to become a public servant. So there, there are trade-offs. There's good ones and bad ones. Maybe there's a, a salary pay cut in that area. But the problem-- the, the issue is that there's a lot of pressure taken off, too. You aren't-- you don't have to be that rainmaker hustling for business for your law firm. You don't have to stress out about the partnership track of trying to get as many billable hours as you possibly can. Your focus is solely dedicated on serving the law and serving those in our state,

which is highly commendable. And please don't get me wrong. This is my objection to it, for just a couple of reasons. And Senator Cavanaugh went over all the spending cuts that we have looked through and the clawbacks of funding, over the last 2 days. To me, that is the disturbing part of it all. You know, we, we--we're taking funding from emergency preparedness. We're taking funding from State Patrol. We are taking funding from Surface Water Infrastructure Fund on critical projects that we just had a briefing on this morning. You know, we're taking funds out of the trail development. This has been a project in the works for years. And I-- you know, they seem to think it's OK to take money out of a project like that, that benefits so many in our entire state on our bike trails, but it's not OK to take a small amount from the Perkins Canal. They're taking funding away from litter re-- litter reduction and, and recycling, and those contracts have been awarded in January for this funding. You know we're seeing funding taken away-- Senator Cavanaugh mentioned that, as well-- from the Daugherty Water for Food Institute and the University. So when it comes to trying to compartmentalize on how best can we deliver on our commitment to a budget that is balanced, I see this really disconnect-- be, be-- of authorizing salary increases and pulling back other things with our, our judges. And I, I just want to pick at one of Senator John Cavanaugh's arguments, and you know, they, they default back to the minimum wage. There can be no comparison. There is no analogy. Minimum wage is for those entry-level employees, entry level, employees that are just entering the workforce that have some skill set that they bring, but not that experience. Younger people are paid minimum wage, et cetera, so there is a-- not a complete analogy or correct analogy with highly trained, highly skilled, highly educated, highly experienced judges. I, I want to thank you for listening to these arguments, not to detract from the great work our judges do in their service of the law and our community, but I do ask us to really think and slow down this process of funding because I can't, in all good conscience, support something-- a salary increase like this, when we have just been taking away from other worthy projects that deliver on their commitment to making Nebraska lives better. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. And good morning, colleagues. Every day in the Legislature is such an interesting day. I have kind of a frame of mind when I enter, about how I think or guess or assume the day may go. And this-- the day, the session, the debate takes on a

life of its own. I was fully planning to move very quickly through this debate this morning so that we could get on to other matters, but I guess proponents of the measure want to spend a little bit more time on it, so that's what we will do. Another piece that I do just want to lift up, in addition to the fact that we're in a present fiscal crisis, we have an existing structural deficit that is challenging to meet our balanced budget requirements presently. It is growing larger in the out years. It is primarily due to fiscal mismanagement and diverting revenues to unsustainable, inaffordable, inequitable tax cuts. We are seeing budgets move through the body that undeniably will increase tuition on students and families at our institutions of higher education across Nebraska. We've seen a host of additional fee increases move through the Legislature, making garbage service more expensive, making professional licensures expensive, making access to family fun activities, in terms of hunting fees, fishing fees, park fees more expensive. We've seen increased-- significant increase in fees to DMV services and had a very interesting debate about that yesterday, in terms of how some members see the DMV as loaning the General Fund money from their cash funds, which is a brand new one to me, I guess, in terms of creative budgeting. And we see this body pushing back on modest increases for minimum wage earners, who are not primarily young people starting out their careers. That's, that's not reflective of what the demographics of minimum wage earners in Nebraska looks like. And we can take some time, if I don't get to it today on this time at the mic to, to just kind of reset in that regard. We, when, when looking at this issue from both a fiscal angle and an equity angle, in terms of how we look at our approach to treating other hard-working Nebraskans-- and no doubt, judges do work hard. And I am grateful that we have fair-minded jurists in Nebraska who are dedicated to public service and doing this important work. But the same empathy that proponents of this measure put forward that, you know, they work hard and the cost of living has gone up, other people have gotten raises, is not extended to working Nebraska families, and, and I find that incongruent. Another angle on this measure that I do think is relevant, at least to place in the record if it is not persuasive to your consideration, perhaps, but I do want to draw upon a report from June 2023, from the Brennan Center for Justice, which looked at the state of judiciary in Nebraska and across the country, to see whether or not the demographics of our judicial leadership was reflective of our communities or reflective of the legal profession writ large. And Nebraska does not fare well, in regards to that report and analysis. And I see that my one minute time is up, so I'll punch

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 8, 2025
Rough Draft

in again to complete that, that component for the record. Thank you, Mr. President.

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

CONRAD: Yes, thank you, Mr. President. I need to know [INAUDIBLE]-- I need to know what the demographics are for minimum wage [INAUDIBLE]. Thank you, Mr. President. So the report from the Brennan Center for Justice indicated, in 2023, that Nebraska is among 12 states whose population has at least 20% people of color, yet the highest court is devoid of any racial or ethnic representation. And again, that's according to the latest analysis of the State Supreme Court diversity by the Brennan Center for Justice that was published in 2023. It goes on to note that at that time, Nebraska has been one of 13 states that have not seated a person of color on their high court since at least 1960, the earliest year for which comprehensive data was available. If you go on and you read the report and analysis and look at what the Brennan Center found in 2023, it noted that Nebraska's judicial composition remains an all-white body with 2 women and 5 men. It goes on to note that the high court in Nebraska does outpace at least 7 other states in terms of female representation. 6 states only have 1 woman on their supreme court and 1 state has all males. Then, if you look further into the conclusions and findings of the Brennan Center report and you look beyond just the State Supreme Court in Nebraska at all of our fair-minded, hard-working jurists in Nebraska, again, according to the 2023 reporting and news in that regard, of the 146 judges overall in Nebraska currently, 10 identify as a person of color: 5 black judges, 3 Hispanics, 1 Native American, and 1 Asian American, so that would be including, in addition to the Supreme Court, the Court of Appeals, District, County, Juvenile, and Workers' Compensation Courts. Noted also by the Brennan Center researches-- researchers was the fact that Nebraska is one of 16 states and the city of Washington, D.C. where the Hispanic population exceeds 10%, yet has no Latino Supreme Court justices. Nebraska had a 12%-- 12% Latino residents in the 2020 census. Brennan Center goes on to cite many factors that drive the lack of diversity in the judicial profession, including inequitable excess-- access to leadership positions across the legal profession and a history of racial and gender discrimination. And of course, a judge's personal demographics and backgrounds offer no guarantee of how they will make judicial decisions. However, the Center goes on to note that the public typically is better served by a judiciary that's reflective of the overall pop-- diversity of the population. Among the other findings in

the report, it notes that in addition to racial diversity, that there's a significant gender imbalance when it comes to judges, men holding about 60% of the high court seats, despite the fact that for many, many years, women have made up at least 40% of the law school population and now are starting to outpace our male counterparts. It also went on to-- and the exact statistic in regards to the gender imbalance shows that the underrepresentation of women is striking. Because as early as 1985, women have made up 40% percent of law students and have outnumbered men in law school since at least 2016, yet still severely represented in terms of judicial selection and service. The report also goes on to note that there has been a historical and present trend in terms of a lack of professional diversity, as well, in addition to a lack of gender diversity and a lack racial diversity, and that primarily, those that are seeking judgeships and being selected for judgeships--

KELLY: That's your time, Senator.

CONRAD: Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Mr. Clerk, for items. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. So the report continues that there's a, a, a discrepancy when it comes to professional diversity, as well. And we see that in Nebraska, as well, that when it comes to judicial nomination, selection, and service, that primarily, judges are former prosecutors and remain heavily overrepresented, with 40% of sitting justices-- and I believe this is a national statistic-- being former prosecutors, while only about 9% are being former public defenders, and the rest having different judicial backgrounds, which is another interesting point here and, I think, in many ways, reflective of the professional pipeline and judicial makeup in Nebraska. Before I conclude my remarks in--on this point in particular, I do want to just provide the actual statistics for who makes minimum wage in Nebraska, based on 2022 statistics from the National Employment Law Project. In Nebraska, 75% of minimum wage earners are not teenagers. They're 20 years or older. 54% of minimum wage earners have a family income in Nebraska of less than \$50,000 per year. 21% of minimum wage earners are parents, people with children. 61% of minimum wage earners are women. 23% of minimum wage workers are people of color in Nebraska. In Nebraska, those making minimum wage, 32% have a high school diploma. 43% have attended college, including 8% who have graduated with a post-secondary degree. In Nebraska, 55% of minimum wage workers live

in or near the poverty level. In Nebraska, of the 150,000 Nebraskans who work minimum wage jobs and aren't just teenagers starting out their career and building their resume, 40% of Nebraskans making minimum wage work full time. 40%. So it's important to lift that up. And again, I do think it sends a rather clear and disturbing message that the political leadership in this body and the political leadership in this state has said that we won't afford modest but meaningful inflationary increases for 150,000 working Nebraskans who rely upon minimum wage to meet their needs and their families' needs, yet I do think it's incredibly striking that this body seeks to place no sort of analysis or limitation on what superintendents make in this state. And we know that they are being paid far more than their peers in Nebraska and across the country, according to Auditor Foley's most recent analysis. I think it's striking that we put our fingers on the scale and tip it against minimum wage workers on both sick leave and modest increases, yet we increase salaries for judges who are fair-minded and hardworking, but who are already making far more than many practicing attorneys in Nebraska and far-- much, much more than their peers in other states. That, that is a striking disconnect and incongruence with our approach, and I think that the public can see that very clearly. And I think that there is a significant amount of concern that a body is out of touch when, in a time of fiscal crisis, it provides additional compensation to highly-paid public officials while putting its finger on the scale to tip the balance against working men and women in this state. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, Senator Bosn, you're recognized to close on the amendment.

BOSN: Thank you, Mr. President. I, again, would ask for your green vote on AM1157 and ultimately, on LB513. Colleagues, I had handed out an article that was provided to me this morning, entitled Courting Qualified Candidates: Filling Judicial Vacancies, written by Judge Freeman. And I would encourage all of you to read it. It's a two-page article. But I think, in addition to reading the information that's in there, think about the fact that we are taking two-page articles out of a magazine in an effort to encourage individuals to apply for judgeships. That's a level of-- we're-- that we're recognizing the elephant in the room, that we are not getting enough applicants to fill these judicial vacancies. I won't read the whole article to you. But for those who are watching and certainly for those who are having other conversations and can hear bits and pieces of this, in the article she says, judges are entrusted with upholding the rule of law and making decisions that affect the lives of individuals and

sometimes the broader society. Therefore, the selection of highly-qualified candidates is fundamental for the integrity and reliability of the legal system. First and foremost, the judiciary plays a role in interpreting and applying laws, and judges make decisions that can have far-reaching consequences. Ensuring the judicial branch is filled with well-qualified candidates, individuals with a deep understanding of the law, strong analytical skills, and a commitment to fairness is essential to maintain public trust in the legal system. The second column of that first page provides sort of an interesting perspective that I think is sometimes missing in our floor debate. Interestingly, the occurrence of judicial vacancies in Nebraska and the number of candidates who apply to fill those judgeships have had a curious relationship over the past several years. While the number of applicants has been generally declining, the actual number of candidates was at its lowest when the number of judicial vacancies was at its highest. Occasionally, a judicial nominating commission cannot fulfill its statutory obligation to forward at least two qualified candidates to the governor, due to the lack of applicants applying for judgeships. The Nebraska Supreme Court must then repost the judicial vacancy to encourage other qualified candidates to apply. And when these types of delays occur, they put additional strain on existing judicial resources. She then goes on to articulate some of the reasons of why she-- and she admits she's speculating why individuals may not be applying for these. But among them, among the chief reasons she's anticipating people are not applying, is they recommend-- excuse me-- they recognize a financial disincentive to being appointed to the bench, especially attorneys in private practice. That's a reality. I, I think it's worth understanding that and I don't mean to argue or reopen a Pandora's box of arguments that have been made this morning, about other areas where we've cut costs. We can't conflate the two. It is important and it is relevant that we have the highest quality individuals who are interested in serving the public. This is public service. No, we shouldn't be paying them millions of dollars or you know, lavish-- things like that. But these-- giving them an incentive to want to do this type of public service is relevant and it is important and it's in all of our best interests, whether you're involved in the criminal justice system, the civil system, or any other system. For those reasons, colleagues, I ask for your green vote on AM1157 and LB513. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate May 8, 2025

Rough Draft

KELLY: Thank you, Senator Bosn. Members, the question is the adoption of AM1157. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 26 ayes, 5 nays on adoption of the amendment, Mr. President.

KELLY: AM1157 is adopted. Seeing no one in the queue, Senator Bosn, you're recognized to close on the bill and waive. Members, the question is the advancement of LB513 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 6 nays on advancement of the bill, Mr. President.

KELLY: LB513 is advanced to E&R Initial. Mr. Clerk, for an item.

CLERK: Mr. President, an announcement. The Judiciary Committee will meet now in executive session in Room 2022; Judiciary, now, 2022. Additional items, amendments to be printed from Senator Bosn to LB150 and LB188. And a new A bill, LB468A, introduced by Senator Clements. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB468; and declares an emergency. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. Please proceed to the next item on the agenda.

CLERK: Mr. President, General File, LB534, introduced by Senator Kauth. It's a bill for an act relating to claims against the state. It appropriates funds for the payment of certain claims; provides for payment of the claims; and authorizes agencies to write off certain claims as prescribed; and declares an emergency. The bill was read for the first time on January 22 of this year and referred to the Business and Labor Committee. That committee placed the bill on General File with committee amendments.

KELLY: Thank you, Mr. Clerk. Senator Kauth, you're recognized to open.

KAUTH: Thank you, Mr. President. Because this is very dense with a lot of dollar numbers and we have 18 total claims, I passed it out to everyone what I'm saying so you can follow along. LB534 is a state claims bill, an annual bill before this Legislature to pay the settlements made by the Attorney General and the State Claims Board, as well as requests by administrative agencies to write off certain accounts. It was originally heard in committee March 17. AM1243 is the updated list of claims that was heard on April 29, 2025. The total

amount of claims to be paid out of the General Fund is \$2,023,191.75, Workers Compensation Claims Revolving Fund is \$1.26 million, the State Insurance Fund is \$1,446,454.12, and the agencies that are seeking to write off, they're seeking to right off \$1,767,570.24. The first section of claims are paid out of the General Fund. The first is a claim by the Nebraska Press Advertising Service for \$348,654.28, and that was for the publishing notice for the 6, 6 ballot measures in the 2024 election. The second is a line of duty claim for \$280,000-- 9-- pardon me-- \$280,932.50 for the widow of Ross Bartlett, a Ceresco police officer, whose patrol officer [SIC] was struck by a distracted driver in April of 2024, killing Officer Bartlett. The third is a claim of money owed to the Follett Corporation, an unclaimed corporate income tax refund of \$134,046 that they had failed to cash within one year of their refund and are now requesting it to be paid out. The fourth is a line of duty claim for \$250,000 to the widow and children of Grand Island police investigator, who died after suffering cardiac arrest investigating the sexual assault of a child, which led to being threatened repeatedly by the suspect's family members. The fifth is a claim by Johnson County for \$182,058.97 in expenses related to the cost of prosecution of the 2017 Tecumseh prison riots that left 2 inmates dead. The second, the second section of claims are the settlement of indemnification claims by the Attorney General, to be paid out of the General Fund. The first claim is for \$395,000, owed to the special administrator, Paige Carter, on behalf of the estate of Kevin C. Carter, who alleged claims against NDCS employees, after Mr. Carter was murdered by his cellmate at NSP, in November of 2020. The claim was settled for \$445,000, and the first \$50,000 has been paid. The second claim is for \$162,500, owed to Rachel Ritke, who alleged claims against an NDHHS employee for allegedly placing her in a home where she was subjected to unwanted sexual advances, lewd comments, and physical assault. Her claims settled for \$212,500. The first \$50,000 had been paid. The third claim is for \$185,000, owed to Gerald Kro-- Krolikowski, Jr., a former Nebraska State Patrol captain who alleged employment discrimination claims against the state. His claims were settled for \$235,000. The first \$50,000 has been paid. The fourth claim is \$85,000, owe-- owed to Amy Eidenmiller, who alleged employment discrimination claims against the state and NDHHS. Her claims were settled for \$135,000, and the first \$50,000 has been paid. The third section of claims is for workers' compensation claims against the state, as settled by the Attorney General in the Workers' Compensation Court, who has approved each settlement. The Attorney General had previously settled 3 Workers' Compensations Court claims totaling \$665,000, to be paid out of the Workers' Compensation

(Claims) Revolving Fund. They have now settled 6 additional Workers' Compensation Court claims totaling \$595,000, for a total of \$1.26 million from the Workers' Compensation (Claims) Revolving Fund. The fourth, the fourth section of claims is for the payment of tort claims related to several vehicle accidents, as is paid out of the State Insurance Fund. The first 2 claims are related to the same automobile accident with a state employee. \$50,000 already has been paid to the victims, and the \$26,000, \$510,894.24 are the amounts remaining to be paid out. The third claim is related to another automobile accident, and the \$49,826.83 is the remainder due after the first \$50,000 was paid out. The fourth and fifth claims are related to the same automobile accident. \$50,000 has already been paid out, and the amounts of \$17,983.05 and \$16,250 are the amounts still owed the victims. The sixth claim of \$950,000, owed to Clementine Hernandez, whose vehicle-- after an NSP trooper made an illegal U-turn on U.S. 34, causing the vehicle to roll several times into a ditch and suffered very serious injuries. The first \$50,000 has been paid. The final claim of \$375,000 is owed to Jay Krejci, who was struck by an NSP vehicle that had gone through a red light during active pursuit at South 48th Street and Pioneers Boulevard, here in Lincoln. The final section of claims are from agencies seeking to write off certain accounts. The Department of Veteran Affairs seeks to write off \$14,983.58 related to uncollectible debt. The Department of Motor Vehicles seeks to write off \$14,296.88, related to the issuance of international registrations that are handed out as temporary registrations, but were never paid by those who received the temporary registrations. The Department of Transportation seeks to write off \$120,741.50 of uncollected debt related to damage of highway guardrails, traffic signs, right-of-way fences, and state vehicles by motor vehicle accidents. The Department of Labor seeks to write off \$90,339.82 in uncollectible overpayment of unemployment benefits. The amounts come from 46 accounts that have entered Bankruptcy Court. The court deemed the debts unsecured and discharged the debts in each case. The Nebraska Public Employees Retirement System seeks to right off \$49,591.34 in overpayments of refunds and overpaying of retirement benefits paid out to dead employees after their deaths but before they were notified of the death. They are prevented from collecting on these debts. The Nebraska Department of Environment and Energy seeks to write off \$53,256.46 in uncollectible debt from the Dollar Energy Savings and Loan Program. Finally, the Department of Health and Human Services seeks to write off \$1,424,360.66. These debts are from overpayments in benefits or payments made to providers for services that were not reimbursed. Almost all of the debts are because a debtor

is deceased, the business is no longer a business, or the debt has been discharged in bankruptcy. The statute of limitations on the last payment was over 5 years old on many of them. I request that the Legislature approve these claims and appropriate sufficient funds to pay them. I understand that the sticker price is high, but this is an annual bill. These are the debts that state owes victims of accidents, officers who died in the line of duty, the cost of publishing the ballot initiatives, and the victims of brutal murders. The State Claims Board and the Attorney General have reached these settlements, have, have made them in good faith with the victims. Failure by this Legislature to pay them would lead to an absolute breakdown on how the state can defend itself from claims and will open the state to far greater liability that it will have to pay. Please vote green on AM1243 and LB534.

KELLY: Thank you, Senator Kauth. Senator Hughes would like to recognize some guests in the north balcony, they're fourth graders from Centennial Elementary in Utica. Please stand and be recognized by the Nebraska Legislature. As the Clerk stated, there is a committee amendment. Senator Kauth, you're recognized to open on the committee amendment.

KAUTH: Thank you, Mr. President. Pretty much everything I just said, I wrapped it all up into one. I appreciate your green vote.

KELLY: Thank you, Senator Kauth. Moving to the queue, Senator Spivey, you're recognized to speak.

SPIVEY: Thank you, Mr. President. Again, good morning, colleagues. As I was looking through this bill, I don't have opposition to LB534 or the AM, but just wanted to point out some of the dollar amounts that we are paying due to the negligence and policies and practices of our institutions. And so, as Senator Kauth mentioned, there will be a payout to the family around \$440,000, for the person that was incarcerated that was forced to double bunk in solitary confinement-- or restrictive housing is the language that we use-- who lost their life. I have talked about a lot a-- around our reform and what's important and how we spend taxpayer dollars. So due to negligence and a practice that we know is not evidence-based or successful, there is data that shows people that are incarcerated should not be double-bunked in this way, through restrictive housing. And there was context to this case leading up that they knew that this was going to happen and this was the result. And so not only does it cost taxpayers more money to incarcerate people, but now we are paying out a

settlement to a family, which I do not think is nearly enough, because of that person losing their life. And so when we talk about our decision-makings and budgets and what we invest in, again, if we go upstream, then we will not see suits against us because our institutions are not doing what they were intended to do. When you are in the carceral system, you are literally owned by the state. You become their property. And so, the inherent thought that one, it, it is re-- rehabilitative is not necessarily true. There has to be an intentional approach and structure to that which doesn't exist in our current setup and structure, and well-- as well as with HHS. We have seen harm caused by these systems. And again, it costs taxpayers more money. When we are not holding these systems accountable to creating environments for human beings to still navigate whatever circumstance they are in with dignity and safety. And so I just wanted to uplift that, as we've had lots of conversations around investment, priorities, how do we use taxpayer dollars in a way that is wise and has a strong return on investment, and what it should be used for. And I don't think paying out a settlement because we have bad practices inside of our correctional system is a good use of taxpayer dollars. I had a bill that is still in Judiciary, around restrictive housing. We'll be doing an interim study. Because as I have gone to visit one of our systems as a sitting senator and will continue to visit, what they say are-- is happening around "little p" policy for restrictive housing is not the case. And so again, we are continuing to not align to evidence-based practices that allow for people to enter into our carceral system to actually not become institutionalized and to come back to [INAUDIBLE] to be successful. Instead, we are creating circumstances that does not allow for their success, that causes taxpayer more money because they end up recidivizing and coming back in, or things like this, which is the ultimate horror, that someone under our purview in our correctional system lost their life. And so, I hope folks can continue to connect the dots on that and critically reflect around what is the best use of money and our priorities, as we continue to debate finances, budget, revenue, and all the things this session. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I lost my papers, but I definitely think we should pay our debts, so, so I will be supporting LB534. I just cannot pass up an opportunity to fangirl over Director Lahm. In looking at the state claims and the different agencies that have state claims, I saw that the DMV, Department of Motor Vehicles,

had the smallest state claims right off. And it's \$14,296.88, and it is because they couldn't get the money from the international registrations, which is an understandable thing that's difficult to overcome. So , just shout out to my favorite public servant, Director Lahm. And of course, she continues to be the most fiscally responsible person in the state of Nebraska, in my humble opinion. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. First off, I want to thank my friend, Senator Kauth, for giving me more information on some of the claims that I was unfamiliar with, when I was first trying to analyze and get up to speed on the state claims bill. Appreciate the chair's leadership and knowledge in providing more context for some of those more significant payouts, which just kind of strike me-- struck me as out of the ordinary in regards to a typical claims bill, so I really appreciate Senator Kauth taking the time to chat about that off the mic. And I think she did a good job kind of detailing the specific claims that are component parts of the overall claims bill, and as amended. The one piece that I did want to discuss a bit more and it dovetails on some of the important advocacy from my send-- friend, Senator Spivey, is that we do know that when we are not meeting best practices, particularly for vulnerable Nebraskans, that it does come with a human toll and it does come with a toll for the taxpayers. And while she was talking about her work to ensure that Nebraska's meeting best practices on human rights issues, like limiting the use of solitary confinement and particularly, the use of solitary confinement for Nebraskans with mental illness, severe mental illness, which is important and, and that work needs to continue. I also just want to lift up 2 particular claims in the claims bill that help to reaffirm the urgent need for this body to move expeditiously, in regards to reestablishing robust oversight of our state's most troubled institutions. So if you look at a claim that is here for \$395,000, the special administrator on behalf of the estate of Kevin Carter alleging claims against a Correctional Services employee after Mr. Carter was murdered, after Mr. Carter was murdered by his cellmate at NSP in 2020. The claim settled for \$445,000, and the first of \$50,000 had been paid. The second claim is for \$162,500, owed by Rachel Ritke-- hope I pronounced that right-- who alleged claims against an NDHHS employee-- an HHS employee-- for placing her in a home where she was subjected to unwanted sexual advance-- advances, lewd comments, and physical assaults. Her claims were

settled for \$212,500, and the first \$50,000 has been paid. So the Legislature rightly established the Office of Inspector General for Child Welfare and for Corrections, to ensure that the Legislature has eyes and ears on two of our largest, most troubled agencies, which are also entrusted with the care of some of our most vulnerable Nebraskans, including children in the child welfare system. And without robust access to know what's happening on a case level or a systemic level, as has been prevented for the past almost 2 years, due to the Attorney General's political opinion, which has restricted access for the legislative Inspector Generals on keeping tabs at what's happening in these agencies, we, we literally are paying claims, taxpayer dollars, in the tune of hundreds of thousands of dollars for an individual who was murdered by his cellmate at NSP and for a child in the child welfare system, who was placed by HHS in a home where they were subjected to sexual advances, lewd comments, and physical assault. So it's a good and painful reminder that we need to move swiftly in order to reestablish robust oversight of these troubled agencies. It's a good value for taxpayers. It is aligned with the powers granted to us by the people in the State Constitution--

KELLY: That's your time, Senator.

CONRAD: Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, Senator Kauth, you're recognized to close on the committee amendment, and waive. Members, the question is the adoption of AM1243. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: AM1243 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Kauth, I have AM491 with a note that you would withdraw.

KELLY: It is withdrawn.

CLERK: In that case, Mr. President, I am nothing further.

KELLY: Members, the question is the advancement of L-- Senator Kauth, you're recognized to close, and waive. Members, the question is the advancement of LB534 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 8, 2025
Rough Draft

CLERK: 37 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB534 is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, Select File, LB660. First of all, there E&R amendments, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB660 be adopted.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. The E&R amendments are adopted.

CLERK: Mr. President, Senator Andersen would move to amend with AM1234.

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

ANDERSEN: Thank you, Mr. President. AM1234 did-- had one-- it was the clean-up amendment to LB660. After follow-on discussions with some of the principals, we will-- I will readdress removing the carve-out in the clean-up amendment next year, and we'll work in the interim to have a study to identify the verbiage, to make sure that all the stakeholders are comfortable with, with the language in the bill. With this point, I will withdraw AM1234.

KELLY: It is withdrawn. So ordered.

CLERK: Mr. President, Senator Spivey would move to amend with FA189.

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

SPIVEY: Thank you, Mr. President. And, and good morning, colleagues. So I did not get a chance to touch base with Senator Andersen. He's been running around this morning, and I was a little late due to a doctor's appointment for my youngest. And so, wanted to bring FA189, which does not change anything with LB660, so I want to say that now. This is more given the subject matter that is in front of us, around State Building Construction and Alternatives, which LB660 looks at, FA189 is my actual LB441. And so, that was actually seen by the Urban Affairs Committee, but the subject matters do relate, and it's around ensuring what does virtual inspections look like. And so, I wanted to provide just a little insight to this and would love to get a vote

count around this. Again, LB441 is on General File. And so LB441, what came in front of the Urban Affairs Committee, allows for virtual inspections for certain residential building permits under specific conditions, including live video inspections, the use of video or photo documentation for non-structural re-inspections. This was brought to me by my friends in labor. This bill is not a new bill to the body. It came before in the 108th legislative session, so the session before, as LB942, which the idea is to really modernize inspections by allowing virtual alternatives where appropriate. This helps with cost effectiveness and really ensures maintaining safety and oversight, and that Nebraska really remains competitive in housing and business development. And so with the virtual inspections and what LB441 does now, which is FA189, it allows for virtual inspections for residential buildings under 3 stories and 10,000 square feet. This was a process and kind of carve-out that was used with some of the opponents that were talking about like, well, will this be for large commercial properties and all of that. And so, that was a concession worked with the partners to figure that out. They worked through what inspection records actually look like. And so, originally in LB441, there was a period of time that inspections would be kept on record, and there was some opposition to that. FA189, with the amendments, put LB441 changes at, and again, really aligns to what other states are doing, like Arizona, Kansas, Florida, and Texas. And so, LB441, LB441 reduces delays and costs by allowing for virtual inspections. It improves efficiency. It enhances transparency, because it does have some information about who is doing that virtual inspection and what they decided, and it allows for Nebraska to really modernize permitting practices, along with other national best practices. This is, again, not an amendment to derail LB660. This does not change anything with Senator Andersen's bill by any means. But I think this is a good place, as I mentioned earlier, that due to what this bill sets out to do, LB660 includes the State Building Construction Alternatives Act, and so there is alignment in the subject matter and what is in front of us. So with that, colleagues, I would ask for your green vote on FA189. And thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you Mr. President. First, let me say I appreciate Senator Andersen bringing the bill. And more-- most importantly, he had offered the amendment that he has pulled, which would have-- he had agreed to work with public power for a carve-out, then later decided maybe he didn't not want to do that. But in the spirit of, of

negotiation, he agreed to take that up next year, and, and bring the bill-- bring that part of the bill back and perhaps rethink the carve-out. I really appreciate his willingness to work with public power from that standpoint. At the same time, I would say that FA189 came out of nowhere. Nobody talked to Senator Andersen about the bill. This is not the intent of what his bill-- I would argue that it creates big damage to what he's trying to accomplish with F-- LB660. At a minimum, FA189 is an unfriendly amendment that needs to be voted down. And if Senator Spivey wants to work with Senator Andersen next year on making some changes to this, that would be the time to do it, when he's also working with public power and anyone else that's looking for some changes. So with that, I would encourage you to vote no on FA189 and vote yes on LB660, the base bill that Senator Andersen brought forward. So Senator Andersen, thank you for this. And again, I would encourage you to vote no on FA189. Thank you.

KELLY: Thank you, Senator Jacobson. Senator Andersen, you're recognized to speak.

ANDERSEN: Thank you, Mr. President. I would like to, to point out that LB660 is a committee priority bill brought by the Government, Military and Veteran Affairs Committee, and that FA189 is a hostile amendment to this committee priority bill. Now, I remember a few people in this body talking about how it's poor form to attach a hostile amendment, especially to a priority bill. But apparently, it's not for everybody. With that, I yield back my time.

KELLY: Thank you, Senator Andersen. Senator von Gillern, you're recognized to speak.

VON GILLERN: Thank you, Mr. President. I rise in adamant opposition to FA189. I echo everything that Senator Andersen just said. This is a hostile amendment on Select File. I, I-- we all have personal lives and we all have challenges that present themselves regarding communicating with others on the body, but there's no reason that Senator Spivey could not have texted or called Senator Andersen to talk to him about this or talk to others in the body. This is a complete blindside with an amendment that is a bill that was not going to make it to the floor. And, and this bill, as it originally was drafted-- and I'm sorry. I'm scrambling to look through the committee statement right now on LB441, because the printer in the back of the room isn't working, and because we had what, I don't know, 8 minutes to think about it. The biggest Trojan horse part of this bill is it says that the-- along with doing video inspections, that the

individual requesting or holding the building permit must provide a list of personnel who are completing the work on-site. That has nothing to do with inspections. That has everything to do with the folks that brought the bill to Senator Spivey, which, if you look at this-- the committee statement, are the Bricklayers Union, the Operators Local, and the Nebraska Council of Electrical Workers. So this is all about organized labor, getting access to names, which is a-- which is completely a violation of privacy, and those on the left should be standing up and punching in and stating that. This is a-- this is an absolute violation of privacy of people in the workplace and should not be allowed. I, I rise in adamant opposition to FA189, and I encourage others to vote red on that amendment when it comes forward. Thank you, Mr. President.

KELLY: Thank you, Senator von Gillern. Senator Sanders, you're recognized to speak.

SANDERS: Thank you, Mr. President. And good morning, colleagues and Nebraska. This is the very first I have heard about this amendment. I am the committee chair for the Government Committee and it is a very unfriendly amendment. I will say that. It would have been nice to have some heads up. My staff is working full-speed on trying to come up to speed on this. However, at this time, it is an unfriendly amendment and I ask you to vote no on FA189. Thank you.

KELLY: Thank you, Senator Sanders. Senator Sorrentino, you're recognized to speak.

SORRENTINO: Thank you, Mr. President. I rise in opposition to FA189, however, in favor of LB660. As a member of the Urban Affairs Committee, I did hear this language approximately 60 days ago. I was in opposition to it then. I remain in opposition. Senator von Gillern, I think, hit it on the head. It is not our job to be a membership committee for organized labor. And I, and I do oppose this, and I do believe it to be hostile. Thank you, Mr. President.

KELLY: Thank you, Senator Sorrentino. Senator Spivey, you're recognized to speak.

SPIVEY: Thank you, Mr. President. So I just want to reiterate a couple of my comments, because it sounded like folks were listening to respond and not active listening. So, we can "should" a lot. So I think there's a lot of things that people should do that don't happen. The introducer actually had an actual hostile amendment to Senator

Rountree's bill for LB319, as well as Senator Quicks' bill that we've talked about on the floor, and I don't think he should have done that. But nonetheless, that is his prerogative as a senator and what he decides to do with his office and how he would like to make decisions. As I mentioned, this is not about LB60 [SIC]. I would like to get a vote on this. And this actually did come out of committee, Senator von Gillern. It is on General File. And I did see the emails that you sent around opposition. You did not send to me. But the folks and advocates who wanted to get a vote on this addressed some of those concerns, which is reflected in FA189. And so, my intention and what I mentioned when I first got up on the mic was to get a vote on this. You are-- and have absolute prerogative to vote no. I ask for your green vote and that doesn't mean you have to do it. And so, I am asking for a vote on this because we would like to get to it. Time is of the essence, and while this is on General File, it will not be heard this session, based on how the Speaker is structuring our time. And so I mentioned that at the beginning, but it sound like some folks were maybe having side conversations or didn't understand the intention of the words that I was saying, so I wanted just to get back in the mic to repeat that. This is not trying to derail LB650 [SIC]. This is about getting a vote based on the subject matter of LB660. I wanted to put it up there so that we can have this conversation, and that this is not intentional to be hostile. I think that's a really big word to use for someone who just put up an amendment that-- for a bill that is on General File, when it's not about derailing. If I want to derail it, I could have put up priority motions and a lot of other things to be actually hostile. So I would encourage you to, again, reflect on the words that you use and the big feelings that are being projected, and ask that you vote how you need to, and I appreciate the time. Thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Senator Andersen, you're recognized to speak.

ANDERSEN: Yeah. Thank you, Mr. President. I'd just like to do a little recap on LB660. It's the Secure Drone Purchasing Act, amended by a committee amendment, AM1008, as the first Government Committee priority bill. I'd like to thank everybody for moving it forward out of General File over to Select, 38-0. The first portion of the bill, LB660 ensures protections are in place for strategic drone operations while still allowing law enforcement and public utilities to access the best technology to achieve their missions. The bill clarifies who should be-- play an advisory role in developing the approved list that public agencies are going to rely on for drone procurement. We're not

reinventing the wheel. We are simply relying on the best practices being developed by professional operators in these different operational environments. As stated earlier, LB660 incorporates provisions of 4 other bills relating to procurement, not including FA189-- relating to procurement and other administrative processes. Senator von Gillern's LB445 proposes new options for how we build and execute large public construction projects. It also proposes significant changes to the law relating to art in public buildings. Senator Storer's LB664 will increase public access during the state regulatory processes under APA. It will ensure people across our great state can participate in the administrative rulemaking process. They will be heard in a court convenient to them, no matter where they live in the state. Senator Conrad's LB29 is in the package. This bill also makes changes to the APA. It would require that the state agencies regularly review all existing rules and regulations and report back to us here in the Legislature. LB660 contains provisions from LB662, which will increase transparency and awareness of funds provided by the federal government to the Nebraska state agencies. This transparency will assist in oversight, providing a clear, comprehensive picture of these resources and the requisite obligations of our state. It will ensure the Legislature is informed of any obligations resulting from a decline or a termination of federal fundings. All elements of this committee package are designed to make our government more secure, more efficient, and more accessible to Nebraskans. This is a good government bill, and it is the result of a lot of collaboration and hard work. Senator von Gillern, Storer, Conrad, and I are available to answer any further questions you might have, and I would ask you to vote green on LB660 and advance it to Final Reading. Thank you, Mr. President.

KELLY: Thank you, Senator Andersen. Seeing no one else in the queue, Senator Spivey, you're recognized to close on the floor amendment and waive. Members, the question is the adoption of FA189. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 8 ayes, 27 nays on adoption of the amendment, Mr. President.

KELLY: The floor amendment is not adopted. Mr. Clerk.

CLERK: Senator, I have nothing further on the bill.

KELLY: Members, the ques-- Senator Andersen, you're recognized to close. Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that we advance LB660 to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor, say aye. Those opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB311. I have E&R amendments, first of all, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB311 be adopted.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. The E&R amendments are adopted.

CLERK: I have nothing further on the bill, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB311 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. LB311 is advanced for E&R Engrossing.

CLERK: Mr. President, Select File, LB198. Senator, first of all, there are E&R amendments.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB198 be adopted.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Senator, I have nothing further on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB198 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. LB198 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB521. First of all, there are E&R amendments.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB521 be adopted.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. The amendments are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Sanders would move to amend with AM1333.

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

SANDERS: Thank you very much. LB-- or AM1333. I appreciate your support on that amendment in 520-- LB521. First, to remove Section 77 from the committee amendment, which would have prevented the circulation of petition within 200 feet of the secure ballot drop box. The reason for the removal of this section was that the ballot drop boxes are not placed in uniform locations and there was a fear that the petition circulators would have found a gotcha moment that unfairly targeted these circulars. Secondly, the amendment adds a new section to the bill that would make some changes to the Section 32-568 in, in order to make vacancies of the metropolitan city council position and vacancies of the metropolitan class city mayors the same. Colleagues, I thank you for your time, and I appreciate your support on LB521 and the amendment. Thank you.

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

J. CAVANAUGH: Thank you, Mr. President. I just want to thank Senator Sanders for bringing this amendment. The city of Omaha-- this is just cleanup language for the city of Omaha. They-- it will allow them to harmonize their-- if there's a vacancy for city council, they'll be able to hold a special election for that vacancy if it's more than 2 years. And then they'd appoint-- basically, more than half of the term. And if it's less than half, then they would be able to use the same, same process they currently use, which-- this is the process for a vacancy in the mayor's office. So it's just a cleanup that allows

the city to do that as part of my bill. So the city of Omaha asked us to make this change to allow them-- if you all remember, there was a fairly notable vacancy in the Omaha City Council 2 years ago, and they had a little trouble with that. And so this will allow them to address those unforeseen situations with a little bit more voter engagement. So, I encourage your green vote on AM1333. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Sanders, you're recognized to close on the amendment, and waive. Members, the question is the adoption of AM1333. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM1333 is adopted.

CLERK: Mr. President, Senator Bosn would move to amend with FA190.

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

BOSN: Thank you, Mr. President. Colleagues, this is an amendment that I have sort of had ongoing conversations, both with Senator Conrad as well as Senator Machaela Cavanaugh, regarding the local Foster Care Review Board. So specifically, my amendment pertains to Sections 80 and 81 which are on pages 78-80 of the amendment. Here's what I can tell you. So Foster Care Review Boards often are discussing specific and probably what I would characterize as sensitive information pertaining to youth who are in foster care and out-of-home placements in general. The concern that Senator Cavanaugh's bill tries to address is the ability to have some confidentiality and privacy when those things are being discussed, and my amendment, I believe, still allows for that. Because under Section 81, they're already allowed to be exempt from the Open Meetings Act whenever discussing things like confidential, protected nature of child-specific and family-specific information, including mental health and behavioral health services during their meeting. So if you're discussing that confidential information, you're already exempt from the Open Meetings Act, so I think that is considered. The concern I have is I think there is an important factor for transparency and openness when you're not discussing those confidential pieces of information. I've had conversations with Senator Cavanaugh. I think she's going to punch in and sort of talk a little bit about what, what her perspective is. I would ask for your green vote on FA190. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Yes, Senator Bosn and I did speak about FA190, and while obviously I am not advocating against my own bill, I do believe in government transparency and oversight, and I want to do things the right way. So I am viewing this as a friendly-unfriendly amendment, I think. Is that the--is that what you call it? I'm not going to vote for it. I'm not going to vote to take my own bill out of LB521, but there, there won't be any grudges held over FA190 being adopted. I think that if we need to do an interim study to look at this a little bit more closely, then that's what we'll do. And I want to make sure that we're doing things the right way. So I appreciate the Government Committee for including this in their bill, and I'm just going to be PNV on this one. But thank you, Mr. President, and thank you Senator Bosn and Senator Conrad for working with me on it.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. There's far too many, there's far too many reasons I love the Nebraska Legislature, but this is one reason that's on full display in quick order this morning. So earlier today, Senator Bosn and I were on opposite sides of things in regards to raises for our judges in Nebraska. And then, just a moment or two later on the agenda, we're aligned in thinking about ensuring that while we want to protect and continue the good work of our Foster Care Review Board and the local boards that conduct that critical oversight work that we don't want in ever chipping away or evisceration of our tools of citizen engagement and governmental transparency, most notably effectuated through our public meetings laws and our public records laws. And so it is, I think, something that probably is in need of maybe additional education or awareness, in consultation with the Foster Care Review Boards and the Attorney General's Office, which has specific jurisdiction to assist public bodies with this matter. But I, I think that at the outset, I just kind of want to provide a very cursory, very kind of general explanation of how this should work. So any public body should be presumed to be within the jurisdiction under the requirements of our strong opens meetings law-- open meetings law. But then there are very specific reasons why a public entity, which is operating in our name and with our money, might be able to enter an executive session for litigation purposes. There's other stated

reasons-- personnel purposes-- that people may need to enter an executive session outside of the public meetings context that are well-established and well understood. So there's already a provision in the law that allows for the local Foster Care Review Boards to adjourn from a regular open session and head into an executive session, exempt from the requirements of the open meetings laws when they are discussing specific sensitive issues in relation to a particular case. So I think perhaps awareness, education, understanding about how to exercise that existing option might perhaps be a better remedy than a blanket exemption from our Open Meetings Act. And I really appreciate what Senator Cavanaugh is trying to do. She's worked very hard with the Attorney General's Office and the local Foster Care Review Board folks. And I appreciate Senator Bosn stepping in to, to work on this issue, as well, and, and her staff's work on this, as well, which has been exemplary. The other piece that I do want to put a notation in the record in regards to, because it's directly relevant and on point with this exact nuance and this exact kind of conversation, is you might remember that as part of the rebranding bill or the so-called merger bill, as part that effort, Governor Pillen ordained a new water task force to look at water quality and quantity issues. After the first meeting of that new public body there was some perhaps a lack of clarity about whether or not that task force would indeed be subject to public records and open meetings laws. So, my friend, Senator Brandt, was kind enough to have an exchange on that bill to note that unless there would be some sort of specific exemption or exception in place, that those tools of open government would apply to that new task force just as they do other public bodies. I'm just about out of time. I have maybe 2 more minutes to just finish the thought here, so I'll punch in.

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

CONRAD: Thank you. So the other reason that I just wanted to conclude my thought as quickly as possible, colleagues, that I lift this up is because there is, I think, in some instances, there has been kind of a, a creeping, a creeping evisceration of our tools of open government. And you see that at the state level, at the local level, and it really stymies citizens' right to know what their government is doing in their name and with their money. We did take strides forward together as a body in recent years to strengthen our open meetings laws and our public records laws in response to that disturbing trend and evisceration. And that is good. However, one area that I think perhaps is deserving of additional debate and deliberation was the creation of a new task force that I believe Senator Bostar and others

had worked on to specifically look at security issues related to Asian Pacific conflict and otherwise. We heard at the Government Committee level from our partners in public power and in the utility companies that they were concerned that there would be too much information about critical infrastructure as part of those discussions in the public record, and so they had asked for that to be addressed. So, rather than allowing for an adjournment from open session on a clearly defined exception or exception to protect sensitive information in regards to critical infrastructure, the body moved forward with a blanket exemption for the work for that committee. And we're just starting to learn more about that committee's work. There have been a few meetings. Some members of this body have participated in that, as have other members of the executive branch and otherwise. And there has been some really stellar reporting, trying to keep Nebraskans informed of the work of that committee, and then try to get an understanding about what's happening with it, particularly as its work is shielded from public view. So I know Senator Bostar has a measure up later today, as well, that touches upon some of those similar issues, and I'm thinking that perhaps that might be a good vehicle to kind of reset the terms of engagement for that committee, to make sure that we're striking the right balance between protecting critical information that needs to be excluded from public view, but not hiding the important work of public bodies from public engagement altogether. So I just wanted to connect the dots there quickly and, and put that note in the record. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I just got a copy of the letter from the Foster Care Review Offices, so I wanted to share part of it, trying to catch up here on, on all the details of this. And I had a Page bring one over to Senator Bosn so that she could review it, as well, because this is kind of happening in real time, which is fine. So it's the la-- towards the bottom of the first page, it talks about sort of why this is happening-- or why they asked for this. So I just want to give context. During the COVID-19 pandemic, the local boards began meeting over Zoom. In October 2020, it was brought to my attention-- this is Monika Gross-- through the Attorney General's Office that local Foster Care Review Boards were not authorized to conduct meetings via Zoom, since they are created by statute and are therefore, considered public bodies subject to the Open Meetings Act. This was during a period when no executive order was in effect waiving open meetings requirements. At that time, I discussed the issue with

an assistant attorney general, who advised us to seek a legislative solution to our dilemma. This bill was brought previously as LB443 in 2021. It was unopposed and the committee advanced the bill to General File, where it remained for the rest of the 107th Legislature. There are 53 local review boards that meet monthly across the state to review cases of children and youth out of home care. The boards are made up approximately 300 citizens volunteering-- consisting-- volunteers consisting of professionals in the fields of healthcare, mental health, education, law, social work, and law enforcement, in addition to experienced foster and adoptive parents, CASA volunteers, military retirees, and others. During those individual case file reviews, the local board members discuss such topics as the children's school-- I'll skip through all that. All legal parties to the child's juvenile court cases are invited to participate in local board meetings. The parties are given options for participation such as completing a questionnaire online or via email. The parties can provide input answers via telephone or they can attend the local board meeting personally or virtually. Parties include the parents and their attorneys, youth over the age of 10, caseworkers, foster parents, county attorneys, guardians ad litem, CASA volunteers, school officials, and service providers. As such mental health providers-- oh, yeah. Virtual meetings have allowed 600-900 individuals to participate in our local board meetings every month. Local boards also discuss, outside the presence of the parties to the case, the issues that brought children into the foster care system. So it, it, it goes on from there. I don't think I need to read the whole thing, but-- so that's basically the crux of it. That-- that's why they brought it. So again, I, I think an interim study is, is a worthy venture in this regard, but I'm also cool with keeping it. So I will, I will let you colleagues make the decision if you think that we should take it out or leave it in. Thank you, again. That was it. I'm done.

ARCH: Seeing no one left in the queue, Senator Bosn, you're recognized to close on FA190.

BOSN: Thank you, Mr. President. Thank you, Senator Conrad and Senator Machaela Cavanaugh. I am asking for your green vote on FA190, but also recognize that Senator Cavanaugh brings up some good points about whether or not these Zoom meetings are in compliance. We're looking for an answer to that. I do think we can address those concerns over an interim study, and it sounds like she's supportive of that, regardless of the outcome of today's vote. I'll commit to working with her on that and ask for your green vote on FA190 to allow for the

continued transparency of the Foster Care Review Board. Thank you, Mr. President.

ARCH: Colleagues, the question before the body is the adoption of FA190 to LB521. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 31 ayes, 0 nays on adoption of the amendment, Mr. President.

ARCH: FA190 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Dungan would move to amend with FA191.

ARCH: Senator Dungan, you're recognized to open on FA191.

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I apologize for the late notice on this. I was just speaking with Senator John Cavanaugh about his bill that was included as a part of this and the amendment that changes when the city elections happen. I know that a lot of the conversations with him have centered around Omaha and Douglas County, and I think that's a lot of what he has the expertise in. I've had an opportunity to speak with the representatives from the city of Lincoln, and my understanding-- and this is just coming at me fast from this morning, so I apologize. But my understanding is that there are some issues that are different in Lincoln than Omaha, with regards to various offices that are up for election at different times. And so, essentially, FA191 seeks to remove cities of the primary class from Senator John Cavanaugh's portion, which is the changing of the city elections. So obviously, if the city of Lincoln chose to move when their elections were held, they'd be able to do so. That would be up to them, internally. This just allows that local control to continue, and I think, because of the discrepancies with the way that Douglas County operates from-- or Omaha rather, from Lincoln, it makes sense to potentially remove this portion. So FA191, I don't even know if it's up yet. I literally just dropped it off at the front-- just removes, I believe, Section 17 of the amendment, which I think is the portion there, of Senator John Cavanaugh's bill that has to do with the cities of the primary class. I would encourage your green vote. I think this is a friendly amendment. I did speak with Senator John Cavanaugh about this ahead of time. He might punch in here and talk briefly about it, as well, so just trying to get up to speed here, colleagues. But this is just a small change that has to do with cities of the primary class. Thank you, Mr. President.

ARCH: Turning to the queue, Senator Machaela Cavanaugh, you are recognized to speak.

M. CAVANAUGH: Thank you. I got in the queue before I knew it was the amendment, so I'm not speaking to Senator Dungan's amendment. I just wanted to say thank you all for considering FA190, and I look forward to working over the interim to make sure that we're providing transparency and confidentiality in an appropriate way. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Yes, Senator Dungan was correct, so this is kind of a quickly evolving-- so my bill, if you recall, that's part of LB521, originally was a bill that would require the city of a metropolitan class, which, the only one in the state of Nebraska is Omaha, would require the city of a metropolitan class to move its city elections to the even year. That was my original objective, was just to address the city of Omaha or cities of the metropolitan class, because that's what I represent and those are the people, my constituents who have reached out to me and asked that we do this. And so I had sort of said all along that if people from Lincoln also wanted to reach out and have their election moved, that I would, you know, add that in, and so that's how Lincoln got added in, as I heard from a few people who wanted that added in. So we added in a city of the primary class. The one thing I would say, you know, sometimes you move-- one of the reasons we have hearings and response and all those sorts of things is that Lincoln city elections are a little different than Omaha city elections, because Lincoln has School Board and Airport Authority at the same time. And I can't tell you what-- whether my-- the amendment as currently drafted would address that, and so I think there are some concerns about that. And so, at this point, it might just be better to take Lincoln out for the-- or cities of the primary class out for the time being and allow a standalone bill be brought on that particular issue next time, that would maybe then capture up all those other, more nuanced parts of how a city of the primary class handles their elections. So this doesn't undermine the original intention of my bill. It doesn't undermine the original compromise of my bill, which still allows the city of the metropolitan class to choose to move their election. So, this just would say that Lincoln's city of the primary class would not also have that change in their statute about they're move-- moving their city elections. And so, if somebody were to want to achieve that, they would need to go and take a-- more of a approach at changing the

statute sections for their Airport Authority and their School Board elections. And I, and I have not addressed those. I'm just telling you that. So anyway, FA191 is fine with me. So thank you, Mr. President.

ARCH: Senator Ballard, you're recognized to speak.

BALLARD: Thank you, Mr. President. I rise in opposition of FA191. I, I was under the impression that, as Senator John Cavanaugh said, this is an optional move for the charter of the city of the primary class. Just coming off a city election in Lincoln where we had between about 24 percent voter turnout, I think that this will increase voter turnout to move it to the primary-- to move it to even-year elections, if the city chooses to do so. And I'm also under the impression that-- or the opinion that what is-- what's good for Omaha can also be good for Lincoln in moving their, their charter. So I do rise in opposition to this floor amendment. I agree with Senator Dungan that we're still learning more about all the, the nuances to, to including in the primary class, but I do raise in opposition. Thank you, Mr. President.

KELLY: Thank you, Senator Ballard. Senator Sanders, you're recognized to speak.

SANDERS: Thank you, Mr. President. I rise in favor of FA191, and I would like to thank my colleague, Senator Dungan, for working with us. This came fast and quick, but I'm happy to help my colleague and the citizens of Lincoln. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I am really intrigued by this floor amendment, and actually am torn, in terms of my, my decision-making in regards to how I'm going to cast my vote. On the one hand, I think there is very strong public policy reasons behind ensuring a streamlined approach to elections. It helps to perhaps reduce voter fatigue. It helped to perhaps save taxpayer money. It helps to ensure, when we know that there's already, in many instances, a lack of poll workers to consolidate elections, so that we can always fully staff the polls, perhaps just once every 2 years instead of continually, with our local elections. So I think there may be a lot of good reasons for looking at this and carrying it forward. A lot of these same policy underpinnings perhaps came forward with my friend, Senator Holdcroft's bill, as he was trying to streamline or consolidate special elections for school bonds and otherwise, to

coincide with the existing election calendar and framework to boost voter engagement, to streamline governmental operations, the list goes on and on. This body decided not to move forward with that issue for a variety of different reasons this year, but it-- there's echoes of that debate that are ringing in my head in regards to consideration on this issue. On the flip side of that coin, as I'm thinking about these issues and as we just recently completed local elections in Lincoln and are about to complete local city elections in-- up, up the road in Omaha, the, the positive feedback I have heard from constituents, in regards to the present system, is that it does allow for a uniquely local focus on local issues. It allows the mayor and city council and in Lincoln's case, school board candidates and airport authority candidates, to really have a direct conversation with citizens about what's happening in their city, instead of getting wrapped up into the turmoil or hot-button issues that come with say, for example, a presidential race or a statewide election. And it really helps to put-- shine a bright light on what's happening with sidewalks, what's happening with local roads, what's happening with key local city ordinances, like the one Lincolniters just passed this week in regards to non-discrimination on source of income for rental-- for renters. So I, I really am truly torn about how to vote on this issue because I think there are really smart, good arguments on both sides of this and will be kind of intrigued to see where the body goes with it. No doubt, voter turnout is much, much lower in city elections. And anything that we can do to boost civic engagement is generally, I think, good for democracy, whether that's restoration of voting rights to otherwise eligible Nebraskans, removing barriers to access the polls, ensuring that we have robust vote-by-mail options which Nebraskans are increasingly turning to, to carry out their civic duty, and how we structure local elections is, is a piece of, of that puzzle, as well. So I appreciate Senator Dungan bringing this forward, and some of the pros and cons that have been brought forward, in regards to the debate thus far. Thank you, thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I just wanted to share with my colleagues and Nebraska that there has been white smoke at the conclave, and so a new pope has been selected. They haven't announced who it was-- or who it is yet, but I'm actually watching the live stream on the New York Times website, and it's just very moving to see all of the people in the courtyard at the Vatican. It's really, really beautiful and lovely, and they're showing the white smoke and it's--

people are very excited. Flags, all kinds of national flags are being wa-- wa-- waved, waved. And I also, I was like, this is very quick, so I was looking up on the history, history.com, about the history of the length of conclaves. And 2 days is pretty quick, but very exciting. I look forward to finding out who the new head of the Catholic Church is, and kind of poetic that we had the Bishop of Lincoln here today doing the prayer. So maybe, maybe his presence brought this forward so quickly for us all. But I just wanted to share that. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Dungan, you're recognized to close on your floor amendment.

DUNGAN: Thank you, Mr. President. Thank you, again, colleagues, for the conversation about this. I appreciate Senator Conrad's insight. I understand that it always is interesting when there's issues that you legitimately see both sides on. I, I think, again, fundamentally, the issue here when it comes to the city of the primary class, is the charter for Lincoln is just significantly different, obviously, than some other jurisdictions. And the language contemplated in LB521, with Senator John Cavanaugh's bill in there, doesn't take into consideration certain offices and certain specific considerations. So we just would like a little more time to think about it and make sure the language reflects the particularities of Lincoln. So with that, I would encourage your green vote of FA191. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Members, the question is the adoption of FA191. 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: 32 ayes, 1 nay to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Spivey, Fredrickson, Lippincott, and Strommen, please return to the Chamber and record your presence. The house is under call. All unexcused members are now present. Members, the question is the adoption of FA191. There was a vote open. Senator Dungan, would you reque-- would you accept call-ins? And there's been a request for a roll call vote. Mr. Clerk. Reverse order. Mr. Clerk.

CLERK: Senator Wordekemper voting no. Senator von Gillern voting no. Senator Strommen voting no. Senator Storm voting no. Senator Storer voting no. Senator Spivey voting yes. Senator Sorrentino voting no. Senator Sanders voting yes. Senator Rountree voting yes. Senator Riepe voting no. Senator Raybould voting yes. Senator Quick voting yes. Senator Prokop voting yes. Senator Murman voting no. Senator Moser voting no. Senator Meyer voting no. Senator McKinney voting yes. Senator McKeon voting no. Senator Lonowski voting no. Senator Lippincott voting no. Senator Kauth voting no. Senator Juarez voting yes. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt voting yes. Senator Hughes not voting. Senator Holdcroft voting no. Senator Hardin voting no. Senator Hansen. Senator Hallstrom voting no. Senator Guereca voting yes. Senator Fredrickson voting yes. Senator Dungan not voting. Senator Dover voting no. Senator Dorn voting no. Senator DeKay voting no. Senator DeBoer voting yes. Senator Conrad. Senator Conrad voting yes. Senator Clouse voting no. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Brandt voting no. Senator Bostar voting yes. Senator Bosn voting no. Senator Ballard voting no. Senator Armendariz voting no. Senator Arch voting no. Senator Andersen voting no. Vote is 16 ayes, 30 nays on adoption of the amendment.

KELLY: The amendment is not adopted. Mr. Clerk. And I raise the call.

CLERK: Mr. President, Senator Dungan would move to reconsider the vote on FA191.

KELLY: Senator Dungan, you're recognized to open.

DUNGAN: Thank you, Mr. President. Colleagues, I did a motion to reconsider on this because I do get the feeling that some people here are voting on this floor amendment without exactly understanding what it is or what it does. I think sometimes, when we do roll call votes and people are getting back into the room and don't know exactly what we're voting on, they look at the board and they look to see who they agree with and who they don't agree with, and they just vote that way. That's not an insult. It happens. I totally get it. But this is an actual motion to reconsider. And I would encourage your green vote on the motion to reconsider in order to address whether or not cities of the primary class should continue to be included in this bill. I'll be honest with you, colleagues. This is an issue that I have just started talking with representatives from the city of Lincoln about today, so that's why this floor amendment got filed very quickly. But my understanding from speaking with folks, is that the city of Lincoln

and the way the charter is written do have some differences with regards to certain elections as opposed to others. I think Senator Conrad also spoke about some of the benefits obviously, to keeping the elections the way they are, with regards to races like Airport Authority and School Board being able to get more consideration on these off-year elections, and so what the city of Lincoln is simply asking is that they be removed from this bill. I understand the folks who were speaking in opposition to my floor amendment were talking about how it's optional and, you know, why should this be removed. I, I understand that if this-- if Senator John Cavanaugh's portion of this bill passes, it allows for the option of changing. The problem is the way the language is written is my understanding, is that if they did make that choice, the language is not necessarily clear, with regards to what that would mean for some of the other elections outside of school board and city council-- I'm sorry-- city council and mayoral races. So races like School Board, races like Airport Authority, as I've already mentioned, might find themselves in kind of a gray zone. There is currently a process, obviously, where cities can and do make these decisions based on their own and based on the process and procedure that they want to go through to change these things. So this is simply an amendment that exempts or takes out the cities of the primary class, which is Lincoln at this point in time. I would encourage my colleagues who are not from Lincoln to maybe just defer at this point to the city and the folks that are talking. I understand there's some opposition from Senator Ballard. I'm not quite understanding exactly what that is, but I do understand that there is some opposition. It is Senator John Cavanaugh's bill. He is not opposed to that. This is a friendly amendment. Chair Sanders also was supportive of this. It is a friendly amendment. So I guess I'm not quite understanding all of the red votes from the people who I think weren't necessarily engaged in the conversation or having conversations ahead of time. So I understand it's a complicated issue. I, too, am just getting up to speed on some of the intricacies of this, but my understanding is that there's just a little bit more massaging of language that needs to happen. So colleagues, this is a real motion to reconsider. I would appreciate your green vote on that, and then ultimately, a green vote on FA191. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senator DeKay would like to recognize some guests in the north balcony. They are fourth graders from Elgin Public School in Elgin, Nebraska. Please stand and be recognized by the Nebraska Legislature. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Yeah, so this is addressing a portion of LB521 that is my bill. And my bill originally was a bill to move the city elections in the city of a metropolitan class, which is Omaha. And then I, I compromised with the city of Omaha to make it permissive, saying that they could move it if they chose to. And then when I did that, I heard from folks that they thought we should also be permissive for the city of Lincoln, which, to me, sounds like a great idea in principle. The problem is one that Senator Dungan sort of hit on, is my portion of the bill addresses the municipal elections for both the city of the metropolitan class and the city of a primary class. Lincoln, different than Omaha, has School Board and Airport Authority elections that are also held at that time, and my bill does not address that. And so, I am OK with Senator Dungan's amendment to take out the city of the primary class, which is Lincoln, and we can go back to the drawing board and come back with a bill that will address both Lincoln, Lincoln city elections, Airport Authority elections, and School Board elections as a standalone bill and get that right. I would also just-- if, you know, folks are concerned about timing, I, I don't think there's a realistic opportunity-- city of Lincoln would not be able to change its elections before the next election, just how things work. So this wouldn't even go into effect until 2029, anyway. So I think we can come back in 2026 and attempt to address it as a standalone bill at that point in time, in the next government package. So I-- I'm not opposed to taking out the city of the primary class. It was never in my bill originally. And sometimes, when we-- you know, haste makes waste as it were. So we tried to make-- tried to address this issue quickly and I think we-- it ended up not doing it in exactly the precise way. So in the interest of abundance of caution, I think taking it out and addressing it as a-- the city of primary classes, a standalone bill is a preferred way to go. So I would encourage you-- your green vote on that. Thank you, Mr. President.

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

BALLARD: Thank you, Mr. President. I continue to rise in opposition of Senator Dungan's floor amendment. Would Senator Dungan yield to a question?

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

DUNGAN: Yes.

BALLARD: Thank you, Senator Dungan. I apologize. I should have flagged this before. But can you explain-- you've had more conversations with the city-- with folks from the city of Lincoln than I have. Can you explain kind of the chart-- you briefly did, but just kind of dig deeper into the charter issue.

DUNGAN: I'm going to be honest with you, Senator Ballard. That is a difficult and tricky rabbit hole to go down. And I'm gonna be frank. I don't understand all the intricacies of it, either. My elected office, obviously, is at the state level, so I've been a little bit less involved in the city charter. I know there's been issues in the past with regards to the city charter of Lincoln being different than others. I mean, you look back all the way to, you know, 2020, and the way that public health operates differently in Lincoln, just by virtue of the way the Charter is written. And so, I do know that there is sort of just a difference in abilities, I guess you could put it, that Lincoln has versus others, but there are sort of intricacies that, that are also in there, with regards to the changing of elections. I don't understand all of them. I'm going to have to defer to some of our folks from the city of Lincoln, who I know are out in the Rotunda, if you'd like to go speak with them for a little bit more detail. They could probably give you that information. So that's-- my understanding is that it just needs to be a little more massaging on this and the language that's contained in Senator John Cavanaugh's bill, I think just doesn't contemplate some of those intricacies, is my understanding. But I'm also trying to make sure I fully understand that, as well.

BALLARD: OK. I, I appreciate it. Because I guess my-- I guess the main con-- and, and that's all, Senator. I, I-- thank you for answering my questions. I, I guess the, the concern I have is that because School Board and Airport Authority are included in elections that we should treat them differently than municipal in Omaha. And so, I, I just don't fully understand why that would be the case, that just because we have additional down-ballot races that they should be in odd years, and so I do rise in opposition. I think Senator Conrad made a, a, a great point that there is voter fatigue that we wanted to increase voter turnout, and city of Lincoln just had a election with 24% turnout. We want to get as many people to the, to the ballot-- to the polls as possible, and I think the even years on presidential and governor years would be able to do that. And so, I do rise in opposition, and I want to keep the John Cavanaugh amendment for the city of the primary class. Thank you, Mr. President.

KELLY: Thank you, Senator Ballard. Senator Raybould, you're recognized to speak.

RAYBOULD: Thank you, Mr. President. I stand in support of the reconsideration vote, and I'm a little troubled that we're making just a, a very rash, abrupt decision, without deferring fully to the local authority that this impacts, you know? We get on the mic and talk about local authority. Local control is, is instrumental in creating good government policy. I, I would suggest that this would be a perfect opportunity to do an interim study, looking at Lincoln, Omaha, and other municipalities, but just to do just like a, a, a-- all right, I'll just say it, knee-jerk reaction, without giving a full hearing to the entities that it impacts. I'm hearing from so many individuals, from our lobbyists, for-- from colleagues on the City Council. I've been on the City Council. I know how fundamentally important it is to, you know, substantiate a lot of the things that Senator Dungan had said. Because it really laser focuses on the City Council members, on those running for School Board, on those running for Airport Authority. Otherwise, they would just get lost in the shuffle of ballot initiatives and federal candidates and legislative candidates. And so, this is something that I know the city is incredibly proud of-- being able to focus on those issues. And certainly, I know that during our elections for City Council members, School Board, Airport Authority, we also look at adding on stormwater bonds. Lincoln has been so good about stormwater bonds, and it's probably the least sexy topic out there. But because Lincoln has on top of stormwater, stormwater mitigation, we don't have some of the problems that Omaha has. You know, we've been able to address and correct some of the stormwater issues without having to, to overtax the ratepayers, like you see in Omaha. No offense to Omaha. You inherited a, a big problem. But, you know, the, the fix for something like that has been quite expensive. And so, for those reasons, please. I would vote for Senator Dungan's-- let's have the-- a local authority weigh in on it. I know that's kind of a novel idea, a creative idea, but with something so impactful to how they do elections, I think we owe it and should be respectful and defer to that local authority to weigh in. So I would say that this would be a great study for an interim study so that we could really bring in a task force of the knowledgeable people who deal with all these issues and, and have a robust discussion at that time; or gosh, it would be even nice if there were a public hearing on this subject matter, so that we could include the stakeholders that this will definitely impact. So I ask

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 8, 2025
Rough Draft

you: Please, reconsider our vote and support this FA191, by Senator Dungan. Thank you, Mr. President.

KELLY: Thank you, Senator Raybould. Senator Clouse would like to introduce some guests under the south balcony from the University of Nebraska at Kearney. They were the 2025 Men's Wrestling National Champions, NCAA Division II. That includes Head Coach Dalton Johnson [SIC], Assistant Coach Andrew Sorenson, and wrestlers Zach Ourada, Jacobi Deal, Jacari Deal, and Crew Howard. Please stand and be recognized by the Nebraska Legislature. Senator Bosn, you're recognized to speak.

BOSN: Thank you, Mr. President. I rise in opposition of the motion to reconsider and in opposition of FA191, although I was surprised to hear Senator Dungan rise and suggest that the body didn't know what they were voting for. I was wondering if Senator John Cavanaugh would yield to some questions.

KELLY: Senator John Cavanaugh, would you yield to questions?

J. CAVANAUGH: Yes.

BOSN: Thank you. Senator Cavanaugh, you rose in support of the motion to reconsider, and if I heard you correctly, said that what is good for Omaha doesn't necessarily mean it's good for Lincoln. And I'm going to ask if you can flush that out for me a little bit.

J. CAVANAUGH: Sure. Well, I-- and I don't think I said it specifically that way. I'm just saying there's a difference in how Omaha and Lincoln elections are. So Omaha has a standalone city election, and my bill and my intention is to allow for that to be on an even number year. I do support a Lincoln election being on an even number year, as well. But what-- the nuance of how Lincoln also has Airport Authority and School Board elections is not addressed in my bill. And so that's, that's the distinction of-- that there may be wisdom in taking a step back and addressing all three of those elections as one part. So that's, that's why I am OK with FA191. But, of course, I respect the will of my Lincoln colleagues and, and their opportunity to make a decision as representatives for their constituents. So us, us Lincoln senators, or I mean us Omaha senators, I think are all pretty much in unison that we would like Omaha to at least consider moving its election. I know there is some difference of opinion among Lincoln senators, so I support the idea that if Lincoln does move its election, it should move all three, but since I don't represent the

people of the city of Lincoln, I'm not going to attempt to insert myself into that decision-making process. I'm, I'm totally in favor of Lincoln having the ability to make the decision itself.

BOSN: And under your bill, Lincoln would have the ability to make the decision for itself. It's permissive language, not instructive.

J. CAVANAUGH: Correct, but it is only permissive as to the city elections and not to the Airport Authority and to the School Board elections.

BOSN: And your position is they should have the ability to move their-- other than those two portions, as they see fit to the general, in Novem-- or to the November election, if that's what they so choose.

J. CAVANAUGH: It's my opinion they should be able to move all three of them. Yes.

BOSN: And what--

J. CAVANAUGH: If, if they want to.

BOSN: OK. And that's what your bill allows for.

J. CAVANAUGH: I, I-- that's the part I don't know-- I don't think that it addresses the School Board or the Airport Authority. But that-- that's-- so that, that is something somebody else would have to answer for me. But again, my intention was not-- when I set out on this path, was not to address Lincoln, it was to address Omaha, and so that's why I think I missed that nuance about how Lincoln handles its elections.

BOSN: OK. But my question for you, Senator Cavanaugh, is, you would agree that what's good for the Omaha elections to be on some sort of consistent pattern would also make sense to be good on that same consis-- that same logic would apply uniformly then, in other areas.

J. CAVANAUGH: It's my opinion, yes, that I would like to see the Omaha elections moved. And I would-- I think that Lincoln citizens should have the same opportunity that I think my constituents should have, if that's what you're asking.

BOSN: OK. That answers my question.

J. CAVANAUGH: So I, I don't-- I'm not intending at this point to force anybody to move their elections. I was intending to give everybody an

opportunity to move it if they so choose. But I do believe that Omaha should move its election.

BOSN: Thank you. Thank you, Mr. President.

KELLY: Thank you, Senators Bosn and Cavanaugh. Senator Raybould, you're recognized to speak.

RAYBOULD: Thank you, Mr. President. I was hoping that I could ask Senator Cavanaugh a few questions.

KELLY: Senator John Cavanaugh, would you yield to question?

J. CAVANAUGH: Yes.

RAYBOULD: OK. So I haven't been paying 100% attention, but how did this change even get in LB521? Could you give me more of a historical background? What prompted this language to be included, and did you include the stakeholders? Did the city of Omaha reach out to you and said, Senator Cavanaugh, is this something that you would introduce on our behalf? You know, things like that.

J. CAVANAUGH: So-- and it's a long history. I can give you broad strokes. So the city of Omaha had a charter convention a few years back. And I-- actually, if I remember right, I think Senator Kauth was on that, and she was on the City Charter Commission before she was a senator, and one of the proposals that came out of the City Charter Commission was moving the Omaha city elections. And-- but then they were told by the city attorney, correctly, that the city charter could not move the Omaha city elections without a statutory change. So I remember reading that in the paper and talking to people about it at the time. And so I-- when I got here, I started talking about it and I kind of drafted a bill about it a few years ago, and didn't end up dropping that bill at that point in time. And so, then this year, I did end up dropping a bill about moving the Omaha city elections. And I just brought a bill just to move the Omaha city elections, because that's, you know, who I'd heard from. I have heard from constituents who wanted that and I've talked with my city council member and other city council members and have had a mixed response from the Omaha City Council about what they wanted. But everybody who ran for mayor in the city of Omaha this year did say they were interested in, in my, my bill and allowing them to move it. So there's, you know, city-wide, folks running for office had, had wanted to move the election, voters that I've heard from have wanted to move the election, and the City

Council's got a mixed opinion about it. So we had a hearing in the Government Committee, had former mayor Jim Suttle came and testified against it, and then a constituent came and testified in favor of it, and then some people from Lincoln testified neutral about it. Somebody from, I believe it was called LIBA, Lincoln independent business owners, they testified neutral because they wanted the city of Lincoln added. And I had said, well, it-- you know, if somebody wants the city of Lincoln added, I would be willing to add Lincoln, but that was not my intention with my bill. So they came, and then the city of Lincoln's lobbyists came and said that they were not interested in being added, and so that's sort of the-- what happened at the hearing. And then I heard from other senators, including Senator Bosn, who said she did want it included. And so I said, OK, well, I've met what I said was my standard for including the city of Lincoln is hearing from people in Lincoln that they wanted to be included, so, added it at the-- as part of the committee amendment. In the change though-- my original bill was mandatory, so city of-- elections would move. So the other compromise was the permissive language of saying the cities can choose to move it. So the next time the city of Omaha has that charter convention, they could kick out a charter amendment, and that would then be placed on the ballot by the City Council, and the voters could then vote to move the city elections. And so, that's how Omaha does their city charter amendments. And so, next time the statute will be permissive so the charter convention could decide to do it at that point in time, and actually successfully move the elections. So that's the permissiveness language. So then, we apply that same permissive language to the municipal elections for the city of Lincoln. And as I was telling Senator Bosn that this is for municipal elections, and I, I can't tell you how that would affect those School Board and, and Airport Authority elections. So if my bill were to pass and the city of Lincoln were to decide to move the city elections, I would be afraid you'd still have standalone School Board and Airport Authority elections. And so, I-- my bill just doesn't address those two things, was not originally intended to address that because it addressed city council and mayoral elections, so that-- that's why there's kind of that gap in my, my bill. And so, I, again, I do support moving the elections. I support leaving-- giving people the option to move the elections, but I understand why folks from Lincoln would like a more comprehensive approach, and so that's why I was OK in support of, of Senator Dungan's amendment.

RAYBOULD: Thank you. Well, just a followup question. So that-- in the hearing that you held, it was specifically to address Omaha's

intention that was brought to you to modify when Omaha has their elections, or are you saying that it also included Lincoln at the time of the hearing, or just Omaha?

J. CAVANAUGH: The bill only included Omaha.

RAYBOULD: OK. So is it fair to say that maybe the stakeholders in the city of Lincoln and, and our lobbyists have not had an opportunity to address some of the concerns we're, we're hearing now, about this inclusion in the amendment that you have or some of the elements in LB521?

J. CAVANAUGH: You know, that-- that's beyond my expertise.

KELLY: That's your time, Senators. Thank you, Senators Raybould and Cavanaugh. Senator Ibach would like to recognize some guests in the north balcony, they're fourth graders from Sumner-Eddyville-Miller Schools. Please stand and be recognized by the Nebraska Legislature. Senator Hunt would like to recognize some guests in the north balcony, fourth graders from Western Hills Elementary in Omaha. Please stand and be recognized by the Nebraska Legislature. Senator Raybould, you're recognized to speak and this your third opportunity on the motion to reconsider.

RAYBOULD: Thank you, Mr. President. And I just would like to continue my questioning of Senator Cavanaugh, if I may.

KELLY: Senator Cavanaugh, would you yield to questions?

J. CAVANAUGH: I would love to.

RAYBOULD: So I just want to reestablish that you did say that in your hearing, public hearing, that the city of Lincoln wasn't really the subject matter of that hearing. Is that correct?

J. CAVANAUGH: That's correct. It was not in the bill.

RAYBOULD: OK. And I know you've always been such a supporter of local control, but also making sure that stakeholders are included and that we have a public hearing for every substantial change. Is that fair to say?

J. CAVANAUGH: Oh, tot-- totally. Yeah.

RAYBOULD: Yeah. So that's, that's, that's what I'm thinking. And so, you know, I-- as someone who has been involved in the city of Lincoln politics in Lancaster County for a while, it's, it's just startling that we wouldn't put a pause button on it and say, hey, let's go out to the city of Lincoln and ask the stakeholders and other elected officials what their thought process is on that, and would you be supportive of doing something like that in the interim study?

J. CAVANAUGH: Well, I-- I mean, I-- however the folks in Lincoln want to address it at this point. Like I said originally, that my intention was to address the city of Omaha, and I'm essentially happy to allow the city of Lincoln to hitch a ride on my bill. But my goal is to, you know, represent my constituents, and I-- and that's what I felt like I was doing when I brought this bill-- and represent the interests of the voters in the city of Omaha. And you know, I'm, I'm happy to allow the city of Lincoln to get the same consideration the city of Omaha has. If, if the city Lincoln does not want to have that opportunity at this point, I am happy to adopt Senator Dungan's amendment, take them out, and, and then let somebody else-- because I'm just going to tell you, I'm not going to bring the bill next year--

RAYBOULD: OK.

J. CAVANAUGH: --to address this-- but allow someone else to bring a standalone bill that would allow Lincoln to move both its city, its airport, and its, and its school board elections as one standalone bill. That-- I'm, I'm fine with that outcome, but--

RAYBOULD: Well, and I--

J. CAVANAUGH: --that's, that's more or less up to everybody in the body at this point in time. If 25 people would like to give Lincoln a chance to address this holistically, they should vote for Senator Dungan's amendment. If, if more-- if 25 people do not want to choose that path, then, at this point, that's what's in the bill.

RAYBOULD: OK. Thank you. And I, and I might have to defer to Senator Dungan, but, you know, the city of Lincoln, we have our own charter. And sometimes, we say, well, what the state of Nebraska does doesn't apply to us. And so, I guess what I'm saying is OK, I do not-- I support Senator Dungan's floor amendment, but what I am going to say is even if the-- this body passes something, you know, we have a charter. And the, the state of Nebraska efforts and initiatives sometimes do not apply to the city of Lincoln, however

well-intentioned. And we also have a charter, and any change in our charter, especially concerning our election, has to go out to a vote of the people, as well, but it would be nice if, if the officials and the stakeholders that this impact would have a little more opportunity to weigh in on this, rather than us trying to debate it for them in this floor amendment. So for that reason, I, I ask you respectfully, please support Senator Dungan's floor amendment and let's let the local authorities weigh in on it before we think we know best. Thank you.

KELLY: Thank you, Senator Raybould. Seeing no one else in the queue, Senator Dungan, you're recognized to close on the motion to reconsider.

DUNGAN: Thank you, Mr. President. Thank you, colleagues, for the robust conversation. I want to thank Senator John Cavanaugh for being such a great sport and answering so many questions about this. I, too, am just kind of getting caught up on all of this, but I really do think from having the conversations that I've been having with representatives from the city that the differences with regards to municipal elections versus other elections and the language and the charter just make this a little bit more complicated. Frankly, I think it would have been-- I would have liked to bring an amendment that would have maybe had some language that would've allowed all things to move optionally, but I just didn't have time to get that language worked out. So ultimately, where we find ourselves is asking just for Lincoln to be left alone with this bill. I've been talking to a couple of my colleagues, because I think that there was maybe a little bit of confusion with the amendments and then the floor amendment and the reconsider. I'm asking for a green vote on the motion to reconsider. And then if you vote yes on my floor amendment, you're essentially saying we're taking Lincoln out of this conversation. And as somebody from Lincoln, I'm asking my colleagues who are not from Lincoln to vote green on my amendment, because we have our own considerations in cities of the primary class and I'm asking to be removed from this conversation, based on conversations I've had with city representatives. And so, a vote for my amendment is just acknowledging that you're fine with the-- Lincoln being removed from parts of this bill. I am supportive of Senator John Cavanaugh's amendment in this bill. I am very supported-- supportive of Senator Sanders' underlying bill. I want to thank Senator Sanders for her leadership on this bill. She's been fantastic, walking through a number of different facets of this. So a vote for the reconsider and a vote for my floor amendment is simply just saying that Lincoln will be left out of this

conversation. If you are not from Lincoln, I am asking you, please vote for my floor amendment so we can continue to do this the right way, not in a way that's going to cause more confusion and issues at a local level. Ultimately, this is a vote for local control. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Members, the question is the motion to reconsider. 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: 32 ayes, 4 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Armendariz and Lippincott, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. Members, the vote was under way. Senator Dungan, would you accept call-ins? Mr. Clerk.

CLERK: Senator Hunt voting yes. Senator Lippincott voting no. Senator McKeon voting no. Senator Wordekemper voting no. Senator Ibach voting no. Senator Clements voting no. Senator Armendariz voting no. Senator Bostar voting yes. Senator Conrad voting yes. Senator Storer voting no.

KELLY: Record, Mr. Clerk.

CLERK: 18 ayes, 26 nays on the motion to reconsider.

KELLY: The motion is not adopted. Mr. Clerk. I raise the call.

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

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB521 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. LB521 is advanced for E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB704. There are no E&R-- excuse me. I have nothing on the bill, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB704 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, nay. LB704 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, LB166, Select File. First of all, Senator, there are E&R amendments.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB166 be adopted.

KELLY: Members, you've heard the motion. All those in favor, say aye. All those opposed, say nay. The E&R amendments are adopted.

CLERK: I have nothing further on the bill, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB166 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. LB166 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB640. Senator, I have nothing on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB640 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. LB640 is advanced for E&R Engrossing.

CLERK: Mr. President, Select File, LB50. Senator, I have nothing on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that we advance LB50 to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. LB50 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB641. Senator, I have nothing on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB641 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, say nay. LB641 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB32. First of all, there are E&R amendments.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB32 be adopted.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Senator, Senator, I have nothing further on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB32 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, nay. LB32 is advanced for E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB608. First of all, there are E&R amendments, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate May 8, 2025

Rough Draft

GUERECA: M. President, I move that the E&R amendments to LB608 be adopted.

KELLY: Members, you've heard the motion. All those in favor, say aye. Those opposed, nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Bostar, I have AM1347.

KELLY: Senator Bostar, you're recognized for-- to open on the amendment.

BOSTAR: Thank you, Mr. President. And good afternoon, colleagues. AM1347 does a couple of things. It looks bigger than it is because the drafters had to sort of restructure the bill a little bit. First, I want to thank Senator von Gillern for pointing out that in the language before, there was-- there were provisions that would provide these benefits for folks who received-- who were disabled, and it was, it was left very broadly open. And so this language makes sure that the intent is clarified as it, it was intended to, which is if a first responder is disabled in the line of duty, not, not simply just disabled, that, that these provisions would apply. So it, it fixes that, cleans it up. Again, there are some recommendations for technical changes from the Reviser's Office. It makes those. It also aligns the enactment dates with a request from Senator Ibach. And so, it's, it's a pretty easy amendment. It, it narrows and structures the bill. I'd appreciate your green vote, and I thank everyone for working with me on this. Thank you.

KELLY: Thank you, Senator Bostar. Senator Meyer would like to recognize two guests under the north balcony, former Senator Dave Bloomfield and his wife, Dee. Please stand and be recognized by the Nebraska Legislature. Senator Ibach, you're recognized to speak.

IBACH: Thank you very much, Mr. President. I would ju-- I just rise in support of AM1347. As many of you know, I supported this on General File, but I did bring in a bill to the Appropriations Committee this year, because of the concern from the university that these waivers that the Legislature has mandated that they use in their student body. What this bill does is it pushes it out a couple years so that we can really focus on what these waivers do to the state and university colleges. I do support this because I think Senator Bostar has been very thoughtful in his structure of this bill, in that we're required to fund half of or 50% of these waivers. So thank you, Senator Bostar, for listening and for pushing this out a couple years, so that we can

really refine what these waivers do and how they affect the university's structure in raising tuition rates to accommodate these waivers. So thank you very much, Mr. President.

KELLY: Thank you, Senator Ibach. Seeing no one else in the queue, Senator Bostar, you're recognized to close on the amendment.

BOSTAR: Thank you, Mr. President. And, and thank you, Senator Ibach. And again, thank you to Senator von Gillern, for helping make the bill better. Please vote green on the amendment. Thank you.

KELLY: Thank you, Senator Bostar. Members, the question is the adoption of AM1347. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM1347 is adopted. Mr. Clerk.

CLERK: Mr President, Senator Wordekemper would move to amend with AM1129.

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

WORDEKEMPER: Thank you, Mr. President. Colleagues, today I rise to introduce AM1129 to LB608, legislation that would provide compensation under the Nebraska Workers' Compensation Act for firefighters who develop occupational cancer as a result of their service. As a former firefighter for 38 years of service, I've experienced firsthand the occupational hazards faced by these-- by those in this profession. The data clearly demonstrates the correlation between firefighting and increased cancer risk. According to the International Association of Firefighters, cancer causes 66% of firefighter career line-of-duty deaths from 2002-2019. Studies by the National Institute for Occupational Safety and Health found firefighters face a 9% increase in cancer diagnosis and a 14% increase in cancer-related deaths compared to the general population. This amendment extends workers' compensation coverage by creating a rebuttable presumption that certain cancers are occupational diseases for firefighters who have served at least 5 years and have been exposed to known carcinogens. The cancers must be scientifically linked to specific carcinogens that firefighters encounter in the line of duty. It is inconsistent and unjust to recognize cancer as an occupational hazard-- and a hazard when it results in death, but deny the same recognition while the

firefighter is still alive and fighting the disease. Beyond protecting current firefighters, this legislation addresses critical recruitment and retention challenges faced by fire departments across Nebraska. Many potential recruits are deterred from entering this profession, knowing the high cancer risks and inadequate support systems currently in place. For experienced firefighters, the prospect of developing cancer without proper coverage leads many to contemplate the statement known amongst firefighters: We are dying to save others. Think about that. We do our job, and we're dying to save others. By, by providing appropriate cancer coverage, we enable firefighters to remain on the job longer, recruit the future of our first responders, while at the same time, strengthening our emergency response capabilities. AM1129 is modeled after successful legislation from Nevada that has been in place since 1987 and includes several important provisions. First, it requires at least 5 years of service as a firefighter to be eligible for the presumption. Second, the cancer must be diagnosed within 5 years of separation of employment. Third, the presumption applies to both professional and volunteer firefighters, recognizing that cancer risk doesn't discriminate based on employment status. Fourth, the presumption of rebuttable if evidence shows the cancer resulted from non-occupational causes. Fifth, for firefighters retiring after January 1, 2026, the medical benefits would be covered, not disability payments. Modern firefighting presents unique challenges. Today's structures contain synthetic materials, plastics, and chemicals that release dangerous carcinogens when burned. Even firefighters' protective gear contains polyfluoroalkyl substances, known as PFAS, forever chemicals, that have been linked to cancer. I want to emphasize, emphasize this point. Our protective gear, which we wear every single day, contains chemicals known to cause cancer. Despite modern decontamination procedures, studies indicate only about 50% of the carcinogens can be removed from the gear. This amendment represents a balanced approach that acknowledges the scientific reality of occupational cancer risk while maintaining the integrity of our workers' compensation system. I ask for your support and welcome any questions. Thank you, Mr. President.

KELLY: Thank you, Senator Wordekemper. Senator Hallstrom, for what purpose do you rise?

HALLSTROM: To challenge the germaneness of AM1129 to LB608.

KELLY: Would Senators Bostar, Wordekemper, and Hallstrom please approach? It's the ruling of the Chair that AM1129 is not germane to

the underlying bill, LB608. Senator Wordekemper, for what purpose do you rise?

WORDEKEMPER: I'd like to overrule the Chair, please.

KELLY: You're recognized to open on your motion to overrule the Chair, Senator Wordekemper.

WORDEKEMPER: Mr. President, I, I respect your, your decision on that. I, I further want to speak that I believe this is germane, as being a firefighter, we talk about recruitment, retention. We have to bring people into the job. We have a shortage of getting people to come into the job. We have the education benefit, which is helping. It's hard to tell somebody to, hey, come be a firefighter. You know, we, we have this education benefit. You stay on the job, you-- your kids can, you know, get a tuition. They'll stay in the state. We help with our economy of our state. We keep our kids here. That, that-- that's a plus, that's a benefit. But it's really tough to stand there and say, oh, but by the way, we want you to do a job that's dangerous, you don't know when you go to work that morning if you're gonna go home the next morning. And so, you can realize that that's danger. But what you don't realize when you get on this job is that the protective clothing that you're issued to do this job, since the 1960s, they've been putting cancer-causing agents in that gear. So how do you tell somebody to come do the job, you're probably going to get cancer- you know, if you're lucky, you won't. It's a recruitment and retention issue. We, we, we can't get people to come do the job, and the just of this is to start the process to have healthy firefighters. We don't want to be off the job. We want to be at work. We want to be at the job, providing basic services for our citizens. So with that, Mr. President, I believe this all is a package deal. We, we do a lot of things to get people to come into the job, we try to keep them in the job. If we don't have firefighters doing the job, and we don't have cities, municipalities, standing behind these guys that want to put their lives on the line, what message are we saying and what are we going to do when we continually have less and less people to do the job? Thank you, Mr. President.

KELLY: Thank you, Senator Wordekemper. Senator Kauth, you're recognized to speak.

KAUTH: Thank you, Mr. President. And respectfully, I rise in support of the motion to overrule the chair. I do believe that this is germane to the argument. [MALFUNCTION]. Hello? Oh, there we go. I say I want

to override the chair and he turns me off. What's up? I'm just kidding. Just kidding. Technical issue. Senator Wordekemper has worked very, very hard on this bill. He listened to a lot of people's concerns with it. As, as he explained it to me, I was absolutely stunned to realize that the clothes that a firefighter wears can cause cancer. We have firefighters who will knowingly soak themselves in carcinogens so they don't catch on fire and run into burning buildings to save us. So for me, this is about-- it is a recruitment issue. This is a way to tell those people who are trying to become firefighters, you know, most 20-year-olds are probably not thinking too hard about cancer, but if they have parents advising them, they're like, yeah, this is a dangerous, dangerous job. This puts in protections to, to give a little bit more support so that we can get more people in the firefighting. And I know recruitment is something we struggle with in all of our public safety. I do believe that this will help recruiting firefighters, and I fully support LB400. I would like to note that-- oh, it's-- Senator Wordekemper worked through it and amended the bill. It came out of committee 7-0, after the, the amendments he made, and he has some good detailed discussions about what those amendments were for. And this is something that Senator Hallstrom had been interested in amending to his bills coming out of Business and Labor, and, and Senator Worde-- Wordekemper preferred to have it attached to LB608. And I would also like to note that Senator Wordekemper gave up his priority to Senator Bostar, to be used to help all of public safety get more exposure and more recruitment, so I think amending it is, is both valid and germane. Thank you very much

KELLY: Thank you, Senator Kauth. And as a reminder, as we go through the procedural queue, each senator is allowed to speak one time, and you may not yield time to another senator. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, like everybody always around here, just trying to get up to speed on where we're at. On the, the bills, I think-- I-- I'm listening to what Senator Kauth was saying and what Senator Wordekemper has said so far. I think I'm in favor of the motion to overrule the chair. So-- just so folks remember germaneness, I'm trying to find the rule here, but I can't remember what the rule number is off the top of my head. But the, the standard is that something has to be the natural, logical sequence of the bill that it's being attached to. And so, we have had a lot of conversations, and people will always say, you know, shorthand is it doesn't come out of the same committee so it's not in the natural, logical consequence. That is not the final question. It is not

dispositive. And so, bills can be germane, one bill can be germane to another, even if it comes out of another committee, because that is not the standard. But, of course, you can point to that as maybe a sign of why, you know, something maybe wouldn't be germane. But as I think both Senator Kauth and Senator Worde-- Wordekemper said, that this bill is logically in the same sequence. Senator-- the-- what is it, AM1129, I think, is the AM, is in the same logical sequence as the underlying bill, because it is specifically going to recruitment and retention of firefighters. That's the intention that it serves. It addresses the folks in that, that field, and it maybe-- I, I think my understanding is one bill came out of Revenue and one came out of Business and Labor, which, of course, you know, I have been-- many times, have stood up and said, they came out of different committees. But that's-- that, of course, is not the end analysis. Whether they came out at different committees and everybody who's argued against me when I've argued that has brought up that exact point, and said that is not the end that they came out of different committees. It is one point. But the ultimate question is whether it is in the natural and logical sequence of the underlying bill. And a bill that is about recruitment and retention of firefighters and another bill that is about recruitment and retention of firefighters, in terms of the both of them are to that end because they are about the benefits that firefighters are afforded-- and I know-- I think the underlying bill also has to do with pris-- prison or corrections guards, and-- but I think it includes scholarships for firefighters, if that's-- if i'm remembering correctly, and then Senator Wordekemper's bill has to do with benefits. So, they are both an, an economic benefit that's afforded as a port-- as, as a reason for recruitment and retention. So at, at this point, I, I think I'm in favor of the motion to overrule the chair. I'd love to listen to some other conversation. But I will-- I guess I don't have another time to speak, so I guess I'll just listen. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. And Senator Hughes has some guests under the north balcony she'd like to recognize. They are Pippa Eicher and Cheryl Ober. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk, for items.

CLERK: Mr. President, your Committee on General Affairs, chaired by Senator Holdcroft, reports LB677 to General File with committee amendments. Additionally, amendments to be printed from Senator John Cavanaugh to LB677. New LR, LR153, from Senator Storer. That will be referred to the Executive Board. Finally, a priority motion. Senator Fredrickson would move to recess the body until 2:00.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate May 8, 2025

Rough Draft

KELLY: Members, you've heard the motion in recess. All those in favor, say aye. Those opposed, nay. The Legislature is in recess.

[RECESS]

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

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

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

CLERK: I have no items at this time.

KELLY: Please proceed to the agenda.

CLERK: Mr. President, General File, LB608, excuse me, Select File, LB608. When the Legislature left, the committee amendments had been adopted as well as an amendment from Senator Bostar, AM1347. Senator Wordekemper had offered AM1129. Senator Hallstrom had raised a point of order to challenge the germaneness. The ruling in the chair is that the amendment was not germane. Senator Wordekemper has moved to overrule the chair.

KELLY: Thank you, Mr. Speaker [SIC]. Turning to the queue, Senator Bostar, you're recognized to speak.

BOSTAR: Thank you, Mr. President, and good afternoon, colleagues. I rise in support of the pending motion. I think that the subject matter of the underlying legislation and the proposed amendment are in line with one another. The underlying legislation deals with first responders and, specifically, certain benefits that become available or are triggered in certain situations relating to injury, disability, or death, particularly related to events that happen in the line of duty. And my view is that Senator Wordekemper's legislation is, is directly related to that as it relates to cancer diagnoses that stem from service as a first responder. So for those reasons, I am in support of the underlying motion. And with that, thank you, colleagues.

KELLY: Thank you, Senator Bostar. Senator Hallstrom, you're recognized to speak.

HALLSTROM: Thank you, Mr. President. Colleagues, before lunch, I filed a motion challenging the germaneness of the Wordekemper amendment to LB608. And the chair has ruled that the amendment is not germane. I think the chair's ruling is not only based on the rules that govern this body, but also on long-standing precedent. There are other mechanisms by which Senator Wordekemper can attempt to have his bill considered yet this year. I happen to have an individual priority bill that came out of the Business and Labor Committee that has two specific workers' compensation, Chapter 48, bills contained therein. His bill would clearly be germane to that bill, which is LB455. I think in terms of looking at the rules themselves, this does not flow logically when Senator Wordekemper and Senator Bostar have talked about the bill, all they've talked about is the substance of the underlying amendment and how valuable it is, and I do not dispute how valuable is to recruit and retain firefighters, but that is secondary to the issue of whether or not the amendment is germane. I've been around this process long enough to know that short-term gain by breaking the rules or skirting the rules or stretching the rules beyond recognition is not the best way to run the ship. I think more specifically, if you look at the two underlying mechanisms, the bill, which I believe Senator Wordekemper's LB400 related to Chapter 48, which is clearly workers' compensation, and this bill relates to Chapters 85 and so forth, and has to do with tuition waivers for dependents of individual firefighters and the like. The mere fact that firefighters are referenced in both bills does not make it germane and does not provide the necessary connection for this to be germane in any way, shape, form, or fashion. And with that, I would ask for your no vote on the motion to overrule the chair.

KELLY: Thank you, Senator Hallstrom. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. I rise in favor of the motion to overrule the chair. And I just want to, I guess, talk a little bit more about the actual definition as it pertains to germaneness. And Senator John Cavanaugh had brought this up. But if you look at your Rule Book, it's the Rule 7(C) 3(d), where it specifically talks about germaneness. And it says: Germane amendments relate only to the details of the subject specific of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject. So taken together there, that is-- the underpinning of that, the highlight is the natural and magical sequence to the subjects matter. The two bills before us today, obviously, both deal

with firefighters and first responders and recruitment and retention I believe is the subject matter of the underlying bill specifically talking about the recruitment and retention of firefighters and I have heard about that bill a number of times in the Revenue Committee. And then, specifically, a logical sequence, a natural and logical sequence to that, is ensuring that we continue to retain and recruit firefighters. I do believe the amendment that has to do with the, as explained by Senator Wordekemper I think very well, the, the health and the safety of firefighters is absolutely part of the natural sequence in determining whether or not these two bills are related. I would just point out that Senator Hallstrom's conversation about whether or not there is another avenue for it to be attached is a completely separate and different argument for whether or not it is germane. That is not relevant to whether or not these two bills on the board are actually germane to another just because there's another route for it to go. And in addition to that, we may or may not hear about different committees, but that is not the standard. There's nothing in the standard to do with, or in the definition to do with the different committees that hear the bill. Certainly, that has been, I think, talked about in the past, but the reality of the situation is, what committee a bill goes to is a decision made by the Executive Board that-- or the Referencing Committee that can ultimately be for all intents and purposes politicized in such a way that bills are referenced to a committee that is most beneficial for that bill from time to time. I think looking at the subject matter of the bill itself is more important and obviously we've seen bills that deal with exactly the same thing go to two different committees out of political advantageous decisions that have been made. So in the definition of whether or not these are germane, looking at whether or not it's a natural and logical sequence, I think it's very clear, the subject matter is directly related. And as explained by Senator Wordekemper, there is a, a natural and logical sequence between recruitment and retention and the safety and health of those firefighters. So, colleagues, I don't believe it's a stretch at all to find that these two are germane, and I do appreciate Senator Wordekemper bringing both of these bills on behalf of our first responders, and I would encourage my colleagues to vote green on the motion to overrule the chair. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senator Guereca, you're recognized to speak.

GUERECA: Thank you, Mr. President. Good afternoon, colleagues. We've heard a lot of reasons why the, the, the subject-- the, the amendment

and the underlying bill are germane to each other. It is about retention. If we're asking these men and women to put their life on the line and they get exposed to cancer and they only get the benefit when they die, why would they put their lives on the line? That's what we're asking them to do. Put your life at the line-- on, on the line, risk your health, risk your family's financial security. If I don't have the security to know that if I get cancer, I'll be taken care of while I'm fighting cancer, that's a bad deal. That's what this is about, colleagues. This is about making sure that we're able to recruit men and women who are going to put their lives on the line to protect us and our families so they're able, if they get cancer, which we know cancer rate amongst our firefighters is exponentially higher than the general population, making sure that they're covered, period. This is absolutely a retention bill because there's about a dozen other jobs that aren't going to expose you to higher rates of cancer. So, colleagues, I will be voting to overrule the chair and I hope you will too. Thank you.

KELLY: Thank you, Senator Guereca. No one else in the queue, Senator Wordekemper, you're recognized to close.

WORDEKEMPER: Thank you, Mr. President. I, I appreciate the, the people that got up and spoke for this and, you know, Senator Hallstrom with his germaneness, I, I, I under-- I understand that. But the heart of what we're talking about is getting people to do this job that isn't good for you. It, it-- I don't know how you go tell somebody, hey, you know, come by the fire station, we'll tell you about our job, you know, we can work with you and do some things, figure it out. You know, along with doing the job, you know, we have this great education benefit that you, you can go to school. We'll help pay for it. Your kids can work in the tuition and all that. If you're on the job long enough, if you stay on the job, if, if the tuition reimbursement you apply for, you get that money after all scholarships and everything. Your son or daughter is going to work in the state for 5 years. They have a stake in our state to stay here. We've, we've talked about economic growth, wanting people to stay in our state. That's a direct result of that. Well, before you can get them to have the opportunity to have the education benefit, you have to overcome the amount that the gear you're going to wear and the job you're going to do is going to kill you. Hopefully not, but the statistics say that it is. So, so I directly think that this is all part of the package that we offer people to come into this career. Whether it's pay, benefits, whatever it is, it's a total package of what we're offering our people to do this job that's not so glamorous. PTSD, fall through a roof, car

accident. But yet come and do this, and know that if something bad happens to you, not only are you suffering and on your own, but your family has to watch you do it, and there's no support for your family. Most of the guys still work the job while they're ill, while they are taking cancer treatments, because they have to. They're not looking for handouts. People that do this job, they're doing the job for others. And all we're asking for here is the opportunity to provide them some sort of, I guess, solace while they're suffering, that maybe one day they don't have to go to work, even though their kids got to eat and things like that, they, they need the benefit. To me, I, I don't understand that. And then we'll turn around that while they fight this cancer and they go through the suffering, and their family, that the day they die, they have their funeral, family's all there. You go up to them, you say, hey, congratulations, now you get the cancer presumption benefit because you died. But we're not going to give it to you while you're on the job. So I think that's the right way to look at this. That's what we owe it to the people that go out every day, work for us, keep us safe. You know, everybody knows what I did and their sacrifices. So I think this is directly related to getting people to come and do this job, to take care of our people in our communities. And I would appreciate your green vote on this. Thank you, Mr. President.

KELLY: Thank you, Senator Wordekemper. Members, the question is the motion to overrule, and it requires a majority of those voting. There's, there's been a request for a call of the house. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 36 ayes, 3 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator McKeon please return to the Chamber and record your presence. The house is under call. All unexcused members are present. The question is the motion to overrule the chair. There was a request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting no. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting yes. Senator Bosn not voting. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad

voting yes. Senator DeBoer voting yes. Senator DeKay not voting. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting yes. Senator Hardin voting no. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. to Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting no. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting yes. Senator Prokop voting yes. Senator Quick voting yes. Senator Raybould. Senator Riepe not voting. Senator Rountree voting yes. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm not voting. Senator Strommen not voting. Senator von Gillern voting no. Senator Wordekemper voting yes. Vote is 27 ayes, 15 nays, Mr. President.

KELLY: The motion is adopted. I raise the call. Returning to the queue for debate on AM1129, Senator Bostar, you're recognized to speak.

BOSTAR: Thank you, Mr. President. AM1129 is not my amendment, so I will yield my time to Senator Wordekemper.

KELLY: Senator Wordekemper, you're recognized to speak.

WORDEKEMPER: Thank you, Mr. President. This, this issue, when we brought it to committee, there was discussion about how, how we were going to work this bill and how it was going to work and so there was questions about the rebuttable presumption. We put some language in there that is basically like we have the presumption now when you die. So, so we reached out, we tried to get a response on that. The other issue was talk about unfunded mandate. If there's an unfunded mandate to the cities, and we didn't want to-- I did not want to write this bill to say you have to do this screening, this testing. We're leaving that up to the municipalities to decide if they want to screen for cancers when you come on the job. To maybe say you had cancer prior to getting on the job, and that's part of the rebuttable presumption. So we didn't want to hamstring them that they have to do that. If they want to so choose to do that, they can. They can do that. I would say that as firefighters, we are looking at ways to do that on our own, we pay for it, we're doing that. This is important to us. We're not looking to create a hardship. We want to be healthy. We want to do this job. We want to find the cancers early. And we want to continue to do our job. And, and early detection is key. So that's, that's the

basis of this. We want to continue to do the job. If we're having a hard time recruiting firefighters to do this job, well, how about we keep the ones healthy and on the job that we have? So, so it's all about a wellness. Let's figure this out. Let's keep the cost down. And I think everybody's a win. The sooner you find cancer, the lower your, your costs are, and you, you stay on the job. So I think that's really important. And so I worked with an amendment. We brought it. It should satisfy everybody's in there. It leaves it up to the cities, the League, however they want to move forward with it. When our death and disability presumption was passed in 2010, the sky didn't fall. Nobody tested to see if you had cancer before they passed this bill or after they passed this bill. Nobody, nobody rushed out and said, hey, we're going to screen all our firefighters because we don't want to pay this death perception-- or presumption because they might already have it. Nobody did it. They didn't care. And so now we're finding out that there's more things with our job. I cannot go to my job and do my job without putting on a piece of clothing that causes cancer. And, and for this, you think, oh, well, the cancer is in there because you went to a fire. No, the cancer is in there on a brand new set of gear. This gear comes from the factory and it has cancer-causing agents in it and those cancer-causing agents are water repellent. You say, well, OK, water repellent, well, why is that? Well, a firefighter's gear gets wet and you sweat in your gear and you go into a building that's 500 or 800 degrees, it's like throwing a lobster in a bucket of water, you get steam burned, you come out of there, it's not good. So that's why these are in there. They're actively trying to find ways to get it out of our gear. Our International Association of Fire Fighters, they're working diligently on this with the manufacturers to get this stuff out of our gear. But until then, we have to take care of the guys that are showing up to work, doing the job, and, you know, that's, that's the right thing to do. Not just pay the benefit when they die. Let's, let's help them while they're alive and let their families be able to at least have one less worry. Thank you, Mr. President.

KELLY: Thank you, Senator Wordekemper. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. Well, first, let me say I appreciate what firefighters do, both professional and volunteer. I am concerned about this smells a lot like something that should be done within collective bargaining, not on the floor of the Legislature. We seem to get these bills every now and then where we become the collective bargaining agent, and then we end up passing down unfunded mandates to municipalities. If you look at the fiscal note on this

bill, it's fairly small, because there are only a few firefighters that are hired by the state. But counties, or excuse me, cities, whole different ballgame, particularly on their paid forces. They negotiate salary packages, they negotiate benefits, but for some reason the Legislature is being asked to negotiate an unfunded mandate outside of collecting bargaining and I, and I really got a problem with that. Also, if Senator Wordekemper would stand for a couple questions. I do have a couple questions that I'm trying to understand through the amendment I'm trying to read here.

KELLY: Senator Wordekemper, would you yield to some questions?

WORDEKEMPER: Yes.

JACOBSON: So we're talking about a, a, a, a benefit. So what is the benefit where someone-- let's say, someone gets cancer, and I'm looking down through all the things you could be exposed to, which I'm guessing a firefighter would be exposed to most of that within the first year, exhaust fumes, all kinds of things that you're going to get exposed to. And, in fact, I'm guessing most of us are going to get exposed to. And so something happens to them on the job, and they, and they get cancer, and then they pass away. What's-- what-- where, where's the-- what are you asking for, for a benefit?

WORDEKEMPER: So with this, with this benefit, it's the cancer presumption while you're on the job, you're still working, or you're still alive, the benefit would be work comp benefits, which would be 66% of your wage, so that you're at least drawing a paycheck or your family and you can live off of it and you don't have to do your treatments, go to cancer stuff, and still return to the job. The goal of this is to find the cancers early enough, and there's data out there that says if we can screen, we can catch it early enough, the firefighters are healthy and they're returning to the job, which lowers the insurance costs.

JACOBSON: But I guess what you're saying is that at this point you're saying workmen's comp claim, and then, and then I'm guessing if there's a death, there's a death benefit without having to really buy life insurance. Would that be true?

WORDEKEMPER: The death benefit for the first class city firefighters, which would be North Platte, Fremont, roughly 350, 400 firefighters is their retirement benefit. So what they have in retirement goes back to the cities to pay out that benefit at 100%.

JACOBSON: Why isn't this being handled in collective bargaining? Why is it on the floor?

WORDEKEMPER: I don't believe we can do cancer presumption within a collective bargain.

JACOBSON: So-- because I think the cancer presumption really makes it very difficult to not be held liable because the city or whomever really has to prove that this didn't cause the cancer instead of the other way around.

WORDEKEMPER: Correct. When we--

JACOBSON: OK. Thank, thank you for that. I've, I've only got about a minute left here. I think my concern is the volunteer fires-- firefighters that are out there, the rural, rural firefighters, if they're covered under this too, the only way we can pay for this is property taxes folks. That's the only we pay for this. And it's also an unfunded mandate to the, the cities. So I'm, I'm going to be a no on the amendment. I'll be a no on the bill if the amendment gets included. I like the bill, underlying bill, LB608, but I do not like this amendment. I don't think it should be, be discussed on, on the legislative floor. It's an unfounded mandate, should be handled in collective bargaining. Thank you, Mr. President.

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

DORN: Thank you, Mr. President. Listening there to Senator Wordekemper's and, and Jacobson's, I call it, visiting back and forth, some of my questions got answered, but I still have some questions on the fiscal note, and that is on LB400, if Senator Wordekemper would yield to, Wordekemper would yield to some questions.

KELLY: Senator Wordekemper, would you yield to questions?

WORDEKEMPER: Yes.

DORN: Yeah, I-- Senator Jacobson mentioned that, I call it, the statewide, and that's kind of what this fiscal note is on. We have about 75 people that might be affected by this, or at least that's what the Fiscal Office put together for this. And they, they did some assumptions a little bit different than, what I call, the DAS did, because DAS, when you look at the bottom half of the fiscal note, DAS comes up with \$204,000 each year out of general funds. And I, I-- do

you know where that's coming from or can you explain that a little bit more each year? So it's \$400,000 that it would have to be for the state in this next budget.

WORDEKEMPER: So when I received the fiscal note, I questioned that. So if-- the, the State Fire Marshal's Office has roughly, I think, 160-some employees, they took half of that, and they assumed that those employees would get cancer at age 30, and they would cover them for work comp till-- for 52 years, I think, was the first thing. Well, in working with the Fire Marshal's Office, they have between 15 and 20 actual, I guess, employees that put on fire gear, do investigations, work with hazmat, and they don't wear that gear every day. They're not in it every day, they're not putting out fires, and so they're, they're not exposed as much, and in the 40 years that the Interim Fire Marshal is there now, he don't know of anybody that's got cancer.

DORN: Well, I could see whereby, you know, especially when they're out, I call it, investigating what caused a fire, they're out in the middle of some of that, whatever the, the chemicals are or whatever. I could see that. Yeah, I just-- I had some real questions, I guess, with this. Both of them were using, I call it, revolving funds or the workmen's comp fund, some of those things, both of were using that. And I just was having a harder time understanding why, why DAS, I call it, included that part in it and stuff, so. Thank you very much for taking my questions and I yield my time.

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

DUNGAN: Thank you, Mr. President. Good afternoon, colleagues. I do rise in favor of AM1129 and the underlying bill, LB608, for a couple of different reasons. I know it probably is echoing things that have already been said, but I do think it bears repeating that when we're talking about our first responders, it means that we have to do everything we can, not just to support them in their jobs, but to continue to focus on things like recruitment and retention. The underlying bill here, LB608, is a bill that we heard in the Revenue Committee. This is my third time hearing a bill about this subject, and it's one that every time we've come up on the Revenue Committee and heard, it seems more and more vital to me. You know, this originally-- this recruitment and retention tuition program I think began with law enforcement and ultimately was expanded to firefighters and then we've expanded it to a lot of these crucial areas where we know that if we invest in these parts of the community, we have safer

communities and we bring more people to Nebraska and we keep more people in Nebraska, too. So, you know, when Senator Bostar brought this bill back this year, I think it did two things primarily. One, it ensured that firefighters across the state, no matter where they work and what jurisdiction they're in, are included in this, which I think was the original intention. When I've spoken with our first responders, specifically the firefighters, I've highlighted just how vital it is to make sure they have this kind of program accessible to them. And it's something that I support wholeheartedly, just given the dangerous and incredibly niche work that they do and how difficult it is to, to get people to go into that job. So I appreciated that that was covering all of our firefighters. And then in addition to that, expanding that to some of our Corrections workers, I believe the underlying bill does as well, which to me is incredibly vital too. As many know, I work in the criminal justice system and I spend time going in and out of some of our detention facilities and our correctional facilities and I know how hard the work is for the Corrections officers that are in there as well. The hours are really demanding and the amount of sort of situations they often find themselves in are incredibly demanding as well, so this is an area where I think we absolutely have to make sure we bring more people in. And, you know, I drive by the, the State Pen on a regular basis when I'm going to and from places here in Lincoln and you see the sign or used to see the sign out front about the hiring bonus because they absolutely did not have enough people working there and so they were going through these pretty extreme measures to try to get their numbers up. And I, I think from conversations I've had, they have improved, which I think is positive, but LB608 by itself represents a step forward in ensuring that recruitment and that retention is happening for different facets of the community safety world. AM1129, I am also in favor of for, I guess, a number of similar reasons, but then some additional ones. I was not as familiar with this bill from Senator Wordekemper. It didn't go through my committee. So when I saw the amendment go up, I've been reading the amendment and the underlying bill that it comes from and trying to understand a little bit more of what it does. And I think that what Senator Wordekemper is doing here is truly providing support to our firefighters. The idea that you only get this presumption of cancer upon death is really insulting and I think it's really sad that people who meet some incredibly high bars here and some pretty intense criteria don't have that benefit when they're alive. And so I really appreciate Senator Wordekemper's commitment to this, and he's obviously new to the body, and so I'm, you know, getting to know him better, but in my time in

speaking with him, I've been very impressed with his commitment, not just to being a good senator and not just to being deliberative in the body here, but a true commitment to the world that he comes from, which is the firefighter community. And so I've spoken with a number of folks who work in that field, and I know that this is an area in particular here that will provide a real, tangible benefit. Not necessarily to every single person, but to those who need it. And to those who find themselves in these situations where they've put their lives on the line and they've had to deal with chemicals and they had to do with any number of, you know, carcinogens on a regular basis, that this puts them in a place where they really, I think, truly get the support from the Legislature in these claims that they ultimately have to deal with. So I want to applaud Senator Wordekemper and his hard work. I would encourage a green vote on AM1129. I think it's possible we're going to be talking about this for a little while, but we might hear a little bit more about that later. But for right now, I just want to stand in solidarity with our friends in the first responder community, specifically the firefighters with AM1129, and say thank you to Senator Wordekemper for his work. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Mr. Clerk.

CLERK: Mr. President, Senator John Cavanaugh would move to amend with FA192.

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

J. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. So I am in support of AM1129 and LB608. My FA192 is an amendment that strikes in 11-- in-- I'm sorry, yeah, FA192 in AM1129 strikes the, I think, is it an en dash is the right word, between the words full and time. Full time with that hyphen or en dash in there is what's called the phrasal adjective. So it means when you put those two words together, it creates an adjective. So, you know, it's-- they're not full, they're not full salary occupants, and they're not time salary occupants, but they are salary occupants full time. So that strikes that, but I just want an opportunity to speak on this bill. I, I echo Senator Dungan's comments about Senator Wordekemper's bill and the endeavors here. I did want to get a chance to read the committee statement for this bill. So this is a bill, was originally LB400, came out of committee 7-0, had a lot of testifiers in favor of this, including representatives of firefighters, representatives of public employees and both professional and volunteer firefighters. And so

LB400 amends the Workers' Compensation Act. Professional and volunteer firefighters face significant risk of exposure to carcinogens that cause a variety of cancers. Currently, getting benefit under the NWCA when those cancers occur can be difficult or impossible. This bill aims to change this. This bill lists a variety of known carcinogens that cause cancers in humans. If a firefighter is exposed to one of those carcinogenes during the course of their employment and the type of cancer that typically are associated with exposure to those carcinogens result, the firefighter is entitled to the benefits under the NWCA. The bill provides for a number of rebuttable presumptions, based upon the length of service and when the firefighter retires, that the cancer arose out and in the course of their employment. Those firefighters who discover their cancer after retirement and retired after January 1, 2026 shall have only medical benefits paid out by the NWCA. Section 1 amends the NWCA to allow firefighters exposed to known carcinogens in the course of their employment that caused cancer related to the carcinogen to have the cancer be treated as an occupational disease and be "compensatable" under the NWCA. A large number of carcinogens is then listed. The list is not to be treated as exhaustive and allows for other substances to be demonstrated as causing cancer on a case-by-case basis. There's a rebuttable presumption that the cancer arose out of the employment if the firefighter is diagnosed while employed. There's a rebuttable presumption that the cancer arose-- if the cancer was diagnosed within a time frame that is calculated based upon the time the profess-- the professional was so employed at a maximum of 5 years. This presumption applies to professional firefighters who retire before January 1, 2026, and to any volunteer firefighter, firefighters-- for professional firefight-- to any volunteer firefighters. For professional firefighters who retire after January 1, 2026, the presumption applies for a length equivalent to years worked and the firefighters retire before 20 years of service or forever if the firefighter retires with 20 or more years of service. The only compensation the fire-- professional firefighter who retires after January 2026 that is allowed under NWCA is medical benefits. And then there's an amendment to that. I'm-- I guess I'm going to assume that Senator Wordekemper's amendment LB1129 [SIC] includes the AM702, which amends the rebuttable presumption to now require that previous physical exams, either at the time of employment or subsequent, not show any evidence of cancer. The rebuttal presumption shall control the awarding of benefits unless evidence is presented to show the cancer was caused by factors not related to the firefighter's employment. So that's-- I thought I'd explain that because a lot of

this happened quickly on the amendment and then on the reconsider and then we broke for lunch and then we came back and now we're talking about this. And I know folks been asking a couple of questions, but to me this seems like a commonsense thing that firefighters are in-- exposed to dangerous hazards in the line of duty and they-- you know, obviously there's the, the known hazards that everybody anticipates, which is, you know, fire and dangerous roads and maybe individuals experiencing mental health problems and having crisis and things like that and all, all of those risks, but, but there's also the risks that are associated with being exposed to those burning chemicals or to the chemicals as that they apply for, I assume, for re-- retardant purposes, for flame retardant purposes and so I think just making sure that we are not making the folks who are sacrificing their health and safety and risking their futures for us, just making sure that they are getting the consideration that they deserve and the medical treatment and they're not being forced to jump through all these hoops. I, I think it was Senator Bostar had said that firefighters, you have to wait until they're dead essentially to, to get this benefit and somebody can correct me if I'm-- if that's my misinterpretation of what Senator Bostar or Senator Wordekemper said. But that, that just doesn't seem right. You know, somebody works for 20-- more than 20 years for the fire department, putting their life at risk day in, day out. And then we come to say, you know, you get cancer, you die from the cancer, and then you don't get any kind of consideration from it. And you know there's a lot of known relationships between these carcinogens as is stated in the, the-- that was reading the committee statement for LB400, by the way. So thanks to the committee for the work on that. I, I don't know the committee staff for Business and Labor, sorry. But thank you for your work, committee staff, for Business and Labor and Chair Kauth, obviously, the chair of Business and Labor Committee. But, yeah, so as the committee statement says, that there is-- there are known connections between these chemicals and the cancers that they cause. And if somebody works in the line of work where they're exposed to these chemicals by virtue of the work they are doing on our behalf, I think it makes great sense for us to ensure that if they do contract cancer that is related to that known exposure, that they should be entitled to that consideration and presumption that they are covered under this. So that's one of the reasons I, I support AM1129 and I hope other folks will support AM1129, there's also a bill attached or that to which it is attached which is LB608 which, of course, came out 8-0 out of the Revenue Committee. And we had the conversation on-- well, on the, the, the rule-- overruling the chair, and, you know, Mr.

Lieutenant Governor, of course, I appreciate you and respect your opinion and have only overruled you twice. I probably have attempted more than once. But so LB608, I can just read you the committee statement here on LB608 is changes the definition of professional firefighter for the purpose of certain insurance protections to include firefighters providing protection to federal military installations, so say Offutt Air Force Base. The bill also expands the First Responder Recruitment and Retention Act to include correctional officers and youth detention officers, so Douglas County Corrections or DCYC or something like that, and as well as children of first responders for 100% tuition waivers to state postsecondary institutions. The Coordinating Commission on Postsecondary Education will reimburse 50% of such tuition waivers. So then there's AM904, which I assume we already adopted on General File to LB608, is a white copy amendment which strikes and replaces the original sections of the bill. The amendment adds defined and redefined terms to the First Responder Recruitment and Retention Act, including changing the definition of professional firefighters to include firefighters providing protection to federal military installations. The amendment provides 100% tuition waiver for first responders, a first responder's qualifying child, an eligible disabled person, an eligible disabled person's qualified child, prescribe-- as prescribed to state postsecondary institutions, provides procedures for application for and approval of such tuition waivers, and provides for reimbursement of state university of 50% of the tuition waivers provided to correctional officers or youth detention officers, eligible disabled persons who were such officers, and the qualifying children of such officers or disabled persons. The amendment also outright repeals Section 85-2603, 85-2603.01.

KELLY: That's your time, Senator.

J. CAVANAUGH: Oh, thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Machaela Cavanaugh, you're recognized to speak. Senator John Cavanaugh, you're next in the queue.

J. CAVANAUGH: Do I not have a motion?

KELLY: You just opened and you were first in the queue. Mr. Clerk.

CLERK: Mr. President, Senator John Cavanaugh would move to bracket the bill.

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

J. CAVANAUGH: Thank you, Mr. President. I know everybody's so enthralled by my talking that I thought I'd take 10 more minutes. OK, so the amendment, where were we? So the section-by-section summary-- again, thank you to the committee staff of the Revenue Committee, amends Section 44-314 to add firefighters, provide fire protection for federal military installations to the definition of professional firefighters. Section 2 provides-- that Section 2 through 18 of this act should be known as the First Responder Recruitment and Retention Act. Section 3 amends Section 85-2602 to add definitions to the correctional officer, eligible disabled person, first responder qualifying child, qualifying degree, superior officer, youth detention officer, and redefines professional firefighter to include a firefighter providing fire protection to the federal military installation. So, in this instance, we're amending the definition-- well, we're including correction officers, and then we're amending definition of firefighter, which was, I think, an oversight when this original bill was passed that excluded the firefighters at the military installations. So we're, we're adding those folks, and then we're adding in-- we're correcting that mistake and then we're adding in Corrections officers. And so this is, and this system is, or this bill is meant to give college scholarship-- or college-- help pay for college for the firefighters, the correction officers, or their children, eligible children. And this is meant as a recruitment and retention tool. So, obviously, you think you can become a Corrections officer or a firefighter, and you're going to have some opportunity to better yourself through higher education or you're able to help, you know, you're making this sacrifice by working for us in the public sector and public service, and then you'll be able to afford, more easily afford, your child going to higher education. And so that's the recruitment and retention aspect of this. The recruitment and retention aspect of AM1129 is that if somebody goes into this risky business and they get exposed to-- they, they have at least some more confidence, that if they get hurt in this particular way, which is contracting cancer or I guess developing cancer, I don't know if you can track cancer, but they develop cancer as a result of exposure to these chemicals that they will be cared for, provided for, be able to get access or presumption that they'll be cared and provided for and get access to this treatment. So if we pass LB608, we pass AM1129, folks who are currently working as firefighters are going to be able to go out to folks who they're trying to recruit to be firefighters

and say, hey, you know, you have this protection going forward or the state of Nebraska and our local communities actually are going to provide for and take care of you. So I think that is a really important aspect of a service that these bills are serving. Let's see, outlier, Section 4-- going to go back to this, Section 4 outliers outlines criteria for a first responder to be eligible for a tuition waiver from any state postsecondary institution, limits such tuition waivers for correctional officers and youth detention officers to attend-- to attendance at state universities, outlines performance criteria for the first responders to qualify themselves for the qualifying child to be eligible for tuition waivers. Outlines-- Section 6 outlines criteria for eligible disabled persons to be eligible for tuition waivers from any state postsecondary institution, limits such tuition waivers to an eligible disabled person who was a correctional officer or youth detention officer to attendance at state universities. And then Section 7 outlines performance criteria for eligible disabled persons or their qualifying child to be eligible for tuition waivers, the person must have been first responder as prescribed at the time he or she became disabled. I guess that sounds like it makes sense. Section 8 places a 5-year limit on such tuition waivers so long as the first responder or eligible disabled person continues to be eligible. Section 9 outlines the application elements and requirements that the qualified children of the first responder or eligible disabled person to apply for tuition waivers, limits such tuition waivers for qualified children or Corrections officers and youth detention officers to the attendance at state university. Section 10 amends Section 85-2605 to replace legal dependent with qualifying child-- well, that sounds good-- to harmonize with changes made to Section 85-2601. Section 11 places a 5-year limit on tuition waivers for qualified children so long as they maintain eligibility. The 5 years begins when the child first receives tuition waiver and continues for the next 5 consecutive years. So basically you've got 5 years to, to finish college, which seems fair. Historically, people did it in 4 years, but I think 5 years is, is a good idea, give people a little leeway and work their way through college for housing expenses and things like that. Take maybe 12 credit hours a semester instead of 15. Section 12 requires state postsecondary institutions to make a determination and provide written notice of eligibility or ineligibility within 45 days after receipt of a completed application. If ineligible, such notice shall include reasons including-- reasoning used in the determination. Sorry. Section 13 requires that the state postsecondary institution that has granted a tuition waiver must waive 100% of the resident tuition charges after subtracting any federal

financial aid, scholarships, and grants for the tuition waiver, so long as the recipient remains eligible. I'm going to read that one again because that is interesting. Section 13 requires the state postsecondary institution that has granted a tuition waiver must waive 100% of the resident tuition charges after subtracting federal financial aid and scholarships and grants from the tuition waiver so long as the recipient remains eligible. So they can get the other financial things out of the way if you get a scholarship or something like that and that sounds like it doesn't count against this. Section 14, beginning July 1, 2026, requires the Coordinating Commission Postsecondary Education to reimburse each state university 50% of the tuition waivers awarded, outlines the process for state universities to request such reimbursement, outlines the pro-rata process in the event of appropriations are insufficient to fully fund the tuition waiver. Section 15 amends 85-2604 to harmonize with other changes. Section 16, 85-2606 to harmonize with other changes. Section 17 is-- again, replaces legal dependent with qualifying child to harmonize. Section 18, again, replaces legal dependent with qualifying child to harmonize. So I just punched out of the queue because I feel like people have probably heard me enough and I would have been up next anyway. So good bill, right? LB608, good bill. AM1124, which is LB400, also a good bill, so I'm in support of both of those bills and I am in support them because of the, the objective that they serve, which is both work as recruitment and retention, but also as to be a service to the people who serve us, so the people who are frontline guards in our correctional facilities, people who are frontline first responders as firefighters, both volunteer and professional across the state, folks who are-- obviously, who were left off before, which is firefighters at our military installations. So all very good things. How much time do I have left, Mr. President?

KELLY: 1 minute, 55 seconds.

J. CAVANAUGH: 1 minute, 55. All right. I wanted to make sure I didn't miss my chance to welcome and congratulate our new Pope, Pope Leo XIV is an American Pope born on the south side of Chicago. So he's from the great state of Illinois, which if you don't know, that's where my mother is from. So a Pope from the land of Lincoln. He attended the University of Villanova or is it Villanova University? I guess, I don't know. Which I believe Villanova is a Dominican institution in Philadelphia, great basketball school. And then he went on and served as a bishop in Peru and has been active in what you would maybe call the more pastoral aspects of ministering as a Catholic, bishop, cardinal, archbishop, and so, you know, obviously it's a sad day when

you lose a Pope, but it's a-- it is a happy day when you have a new Pope, and the possibilities are exciting. But he's the first American, North American pope, I guess, Pope Francis was South American, but American in the sense when we say American, meaning United States, so the first Pope who was born in the United States. So it's a new age, a new Pope, Pope Leo XIV, who was originally-- was born or was Cardinal Robert Prevost. So congratulations to Pope Leo XIV. I guess we can maybe look forward to an American visit from the new Pope. So I would encourage your green vote on LB608, on AM1129. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Well, I was intending to talk first on FA192. So I am going to speak to that because I don't want to get too far away from it. But motion 234, I probably ultimately will not be supportive of bracketing this. But for now, you know, we can talk on it. So Senator John Cavanaugh-- FA192 is an amendment that strikes the hyphen. The hyphen between full and time. It is not an em dash or an en dash, but a hyphen. So I thought I would take this opportunity to illuminate the differences. And I, I looked up for technical expertise on Merriam Webster Dictionary's explanations. So what is an em dash? E-m dash. An em dash can function like a comma, a colon, or parentheses. Like commas and parentheses, em dashes set off extra information, such as examples, explanatory or descriptive phrases, or supplemental facts. By the way, I just want to also note that the Merriam Webster Dictionary uses the serial comma, which I love. Like a colon, an em dash introduces a clause that explains or expands upon something that precedes it. Ooh, introduces a clause that explains something. Our pages are probably-- they don't do this anymore. Did you all learn how to diagram a sentence in grade school? No. Yes, you did? Yeah? Oh, they do still do it. Fantastic. I'm getting a thumbs up also from Senator Rountree. You know how to diagram a sentence? OK, so the em dash indicates a new direction. An em dash can mark an abrupt change or break in the structure of a sentence. Mabel the cat was delighted with the assortment of pastries the new bakery featured, but Harry the dog-- he felt otherwise, for the bakery did not offer cheese danishes at all. I agree with Harry the dog. I love a cheese danish. An em dash can indicate interrupted speech or speaker's confusion or hesitation. "Of course you have a point," Mabel murmured. "That is-- I suppose it is concerning." The em dash as comma or parentheses. Em dashes are used in place of commas or parentheses to emphasize or draw attention to parenthetical or

amplifying material. In this particular task, em dashes occupy a kind of middle ground among the three. When commas do the job, the material is most closely related to what's around it. And when parentheses do the job, the material is most distantly related to what's around it. When dashes do the job, the material is somewhere in the middle. The bakery's significantly broad hours of operation-- 6 a.m. to 6 p.m.-- certainly show concern for customers' manifold circumstances. Dashes are set off or introduced defining phrases and lists. A regular section of three kinds of croissants-- plain, almond, and chocolat-- it says chocolate but you know-- was heartening. Both Mabel and Harry agreed. Remember Mabel's the cat and Harry's the dog. I don't know why a cat and dog are getting in on the "convo" on the pastries but I'm here for it. An em dash is often used in place of a colon or a semicolon to link clauses, especially when the clause that follows the dash explains, summarizes, or expands upon the preceding clause in a somewhat dramatic way. Harry would never forget the Tuesday that Mabel called him from the bakery. Her voice was brimming with excitement-- the bakery had added cheese danishes to its selection. I'm almost out of time so I want to talk just for a moment to someone who I'm a big fan of, Mama Spivey. I hope she's watching and I just am very excited to dig into this new series called Beyond the Gates because I too love my stories and now that Days of Our Lives I don't think is on anymore I'm going to have to find new stories to follow. So, Mama Spivey, I'm going to catch up on these during the interim, and you and I are going to sit down and compare notes. With that, I will finish--

KELLY: That's your time, Senator.

M. CAVANAUGH: Oh, shoot. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. Colleagues, I want to speak out in favor of LB608 and AM1129-- I always have to squint, apparently, I need to go into the eye doctor again-- probably not the bracket motion 234 and the FA192. So I wanted to say thank you to the firefighters, both the volunteers and the professional firefighters. And I know that there are some folks who are worried about what the economic impact of a rebuttable presumption is. I will say I do love a rebuttable presumption because it does exactly that. It shifts the burden of proof from, in this case, the firefighter to prove that they got cancer from their job to the employer to say, no, there was already something going on there ahead of time. This makes sense to me as a

kind of a reasonable way to deal with folks who are in the kind of work that firefighters are, where they're around known carcinogens, we know that, where their work is pretty incredibly difficult in terms of their environment, obviously. And so in this kind of situation, I think we really ought to harmonize this with the other provisions where a rebuttable presumption is in place to determine that their cancer came, in fact, from their job. It's very likely that it did in many circumstances, and so that is why I think this makes a lot of sense to me. So on top of that, I want to support our firefighters and other first responders, and I think that's something that we as a society owe to those folks who keep us safe like this. It's why I have brought bills in the past to support firefighters, police officers, folks like that. And why I've consistently voted for those things. I would hope that everyone would find it within their heart to vote for Senator Wordekemper's amendment here and then the underlying bill. So those are my thoughts on this. Thank you, Mr. President.

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

STORER: Question.

KELLY: The question has been called. Do I see five hands? I do. 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: 20 ayes, 1 nay to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house under call. Senators Andersen, Strommen, Riepe, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. There's a request for a roll call vote. The question is, shall debate cease? Mr. Clerk.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting no. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn

voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson not voting. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting no. Senator Quick voting no. Senator Raybould. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting no. Vote is 31 ayes, 13 nays to cease debate.

KELLY: Debate does cease. Senator John Cavanaugh, you're recognized to close.

J. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. Wow, we're under call. I love it. I, I so rarely talk when we're under call because, you know, I know you guys all listen to me, whether you're sitting in the senator's lounge or in your office and, you know, are just wrapped in attention when I talk on the floor. So I don't feel like I need to have the call as the added benefit, but OK. So I put up a bracket motion, people may be asking what's going on here? So I support LB608. I support AM1129. And I put up a bracket motion because I don't think we need to add any more bills to this bill. I think this is a, a finished product with AM1129. And so that's why I have put up a bracket because it's more of a procedural bar that then we can't add any more amendments to this bill while there's a bracket pending or while there's other amendments pending. So at the moment I think we could all agree to just call this good, this package good and move on with our day to whatever the next bill on the agenda is, which I think was the intention until about, I don't know, 40 minutes ago. But if that's not the case, if people very much would like to add more things to this bill, then I'm going to keep talking on this. And I think others will probably do that same thing. So I would encourage your red vote on my bracket motion. I know people do that out of habit on my bracket motions, in particular, so I, I would just say go with your gut on this one, vote red on my bracket motion, and I would also encourage your red vote on FA192. I appreciate the other Senator Cavanaugh clarifying that it's a hyphen, not an en dash or an em dash. I knew it wasn't an em dash. I was pretty sure it

wasn't an em dash. I just wasn't sure whether it was an en dash or a, or a hyphen, which for those of you, you know, at home-- I wonder how the, the transcript [SIC] will look at this? Are they going to write it out or are they going to put in the dashes? Transcribers please do both. But, anyway, so that's just-- they are different lengths of dashes for different purposes. And-- but, anyway, so I encourage your green vote on AM1129, LB608. And so to recap where we're at on this, AM1129 is Senator Wordekemper's bill, that is originally LB400, that we overruled the chair to attach to this bill on a, a germaneness ruling. And what LB1129 [SIC] does is that it creates a rebuttable presumption that a, a person who works as a firefighter and contracts cancer that is known to be caused by certain carcinogens that firefighters are known to be exposed to in the line of work will have a rebuttable presumption that it was caused-- it was, it was service related. And so that seems like a good idea to me that we are considering or making sure that we are taking into account the harm that is-- happens to our first responders as a result of the service they provide to us. So I think AM1129 is a good bill, it is intended obviously to be respectful in that way but it's also intended to help recruit and retain firefighters because individuals who are thinking about becoming a firefighter and go into that field are more likely to go in that field if they know they're going to be protected and cared for if they are injured on the job. And that's what contracting cancer as a result of a carcinogen would be, is being injured on the jobs. So LB608, again, is a recruitment and retention bill by Senator Bostar. It does two things. It clarifies a mistake that was made previously in a previous-- I think it was Senator Bostar's bill, but he can correct me if I'm wrong on that-- where we create scholarships for-- or not scholarships, a, a waiver for firefighters for postsecondary educational institutions in the state of Nebraska and it clarifies the mistake that was firefighters who work at the base were omitted from the definition of professional firefighter. So fixes that mistake and then adds folks who work at our correctional institutions. So our guards at Douglas County Corrections or DCYC or places like that, that are in Douglas County. You all have, I'm sure, correctional institutions in your own districts. So, again, scholarship or fee-- tuition waivers for those folks and then it has 50% of that, that is picked up by the state so that the university is not bearing all of the cost of that which I think is a good thing. So I support LB608. I support AM1129. I would encourage you to vote red or present, not voting on my bracket motion.

KELLY: That's your time.

J. CAVANAUGH: Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Members, the question is the motion to bracket. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Bosn voting no. Senator Bostar voting no. Senator Brandt voting no. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements not voting. Senator Clouse voting no. Senator Conrad-- Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting no. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting no. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKeon voting no. Senator McKinney voting no. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop voting no. Senator Quick voting no. Senator Raybould. Senator Riepe voting no. Senator Rountree voting no. Senator Sander voting no. Senator Sorrentino voting no. Senator Spivey not voting. Senator Storer not voting. Senator Storm not voting. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Vote is 0 ayes, 41 nays on the motion to bracket.

KELLY: The motion to the bracket fails. I raise the call. Mr. Clerk.

CLERK: Mr. President, Senator John Cavanaugh would move to reconsider with MO236.

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

J. CAVANAUGH: Thank you, Mr. President. And he raised the call so you can go back to the senators' lounge if that-- if you're so inclined. So, again, just so folks aren't confused about what's going on, trying to keep the board locked up so that another amendment wouldn't be adopted, which is another bill that I, I don't like, I know other people don't like, and so at the moment, I think that this-- the current package is, is done, is complete, LB608 with AM1129, be happy to have us just move on from, you know, vote through everything and be done and move on to the next bill, I think would be OK with me. But if

other folks disagree with that, happy to talk some more about how important firefighters are to us, how important it is that we take care of people who take care of us, how important is that that we provide opportunity for educational advancement for both our first responders, firefighters, and our folks who work in our, our correctional institutions, and that we also provide a health safety net for folks. So I-- we can talk about that for hours, we'll say, 2 or 3 hours, I'm not sure how long. But, yeah, we can keep talking about that. And then I'm sure other people have things they would like to say about that as well. I would correct the record. I appreciate Senator Holdcroft correcting me on Villanova is a university in Pennsylvania that was founded by the order of St. Augustine. So Augustinian I think is how you would say that, and it's named after St. Thomas of Villanova. The university is the oldest Catholic university in Pennsylvania. I, I think the other Senator Cavanaugh went to St. Thomas in St. Paul, Minnesota. That might also be an Augustinian school. So that would be a question. But so I think the new Pope, Pope Leo XIV, was an Augustinian, which is a religious order for those of you who aren't Catholic. So Pope Francis was a, was a Jesuit, which is the order that I'm more familiar with because I am Jesuit educated. And so that's, you know, there's lots of other religious orders. There's, what we call, diocesan priests, who, you know, would be your regular priest. You'd see it like your parish. Some parish priests are, you know, from religious orders and, of course-- but many of them are diocesan. And then I actually went to the Catholic University of America, which is the only diocesan university in the country, run by the Conference of Catholic Bishops. I know people are surprised, right? So, anyway, the Order of St. Augustine, abbreviated OSA, is a religious order of the Catholic Church founded in 1244 and bringing together several groups in the Tuscany region who are following the rule of St. Augustine and written, written by St. Augustine of Hippo. That was the word. I was trying to think of Hippo the other day when I couldn't remember where, you know, where Hippo was. But, anyway, so that was-- clear that up, Villanova is where Pope Leo XIV attended college, which is a Augustinian school, and then he ultimately, I believe, took holy orders as a Augustinian priest and then did a number of other things. Still trying to catch up on his bio. But it's interesting, it's, you know, kind of fun to learn new things. But I, I don't think I'd ever heard of him. I did read a few articles in the kind of horse race analysis of folks we were doing about the potential Popes and read about the, the cardinal in the Philippines and the cardinal in Hungary and a couple of cardinals in Italy, and I don't recall seeing him on

the list I was reading, but maybe I'm misremembering that because he was Peruvian by probably those standards. But, anyway, I could talk about the Pope and those sorts of things a lot. I did see the movie Conclave finally. I know a lot of you are surprised. I don't consume a lot of pop culture, or current pop culture. I've consumed a lot of old pop culture. So to go back to the bill as we're talking here, we have AM1129 is the amendment to LB608, AM1129 provides for the presumption of that the cancer, if it is a cancer that is caused by a known carcinogen and a firefighter has been diagnosed within, I think it was within 5 years of their service and some of it depends on years of service. If you have more than 20 years of service, things like that, I think it's a lifetime. But if it's-- or while during service, it is presumed to be caused by the exposure to those known carcinogens. And so, of course, known carcinogens means items, materials, chemicals that are known to cause cancer. And so, you know, certain things cause certain types of cancer, you know, nitrogen in our water causes, I think, lymphoma, things like that, so there's known association between the amount of nitrogen that somebody applies or over applies and admits to over applying on their farms and getting into the water. So there's a known connection between that and certain types of cancer. And so there are other types and, again, not a doctor, but, you know, I have read a certain number of things about this, and so I know that there are connections, known relationships between certain chemicals and certain types of cancer. So-- and folks who are firefighters, obviously, Senator Wordekemper talked about, you know, they apply some sort of retardant to their outfits, their, I don't know what, their gear. And so that helps obviously not get burned when they go in-- into a fire, burning building to save people. And it sounds like some of those chemicals are known to potentially cause cancer. And so if somebody does develop that particular type of cancer that's caused by those chemicals, obviously, you would think it is service related. And so the bill just says that there's a presumption that it is a service related. And so I think that is logical and reasonable. And, of course, it is something we should be taking responsibility for. And the-- and, of course, it does serve that function as a recruitment and retention tool for our professional and volunteer firefighters to not only risk their lives by running into fires but risk their lives in those sort of invisible ways that they risk their lives by contracting cancer. So I think that it is clearly a-- logically related to recruitment and retention of LB608 which, again, LB608 creates a, a waiver of tuition expenses for folks who work in our Corrections, for their qualifying children, for disabled folks, people who were disabled as a result of their work as a

Corrections officer, and for firefighters. So it expands-- well, actually, LB608 specifically expands to firefighters who work at a military base. So Offutt, I don't know if there's related firefighters at the National Guard facility in Lincoln or at the-- oh, Senator Hardin knows the name of the missile field out there, is it the Cheyenne Missile Field? The missile field's out there. I don't know if there's firefighters associated with those installations. But we have military installations in the state. Very proud to have them, including Offutt. It's-- my wife works at Offutt, so proud to having military installations. But, of course, happy to have-- we need firefighters that work there, and for any number of reasons, airplanes that cause catastrophic incidents sometimes. So I do think, yes, LB608 is a good bill, working to ensure that folks will continue to go into these careers that we often describe as thankless but are tough. They don't pay as much as, as they-- as maybe some other jobs do. They often lead to injury, which is why it has a specific setting or, or carve out for folks who are disabled as a result of their service because when you work in a correctional institution there's violence in correctional institutions and when you work as a firefighter, obviously, there's the, the firefighting part where you maybe going into a building that's on fire or, you know, there's potential explosions, things-- I don't know, Senator Wordekemper can explain all of the different risks. But we all have, we all have some experience and understanding of what the risks are to being firefighters, but there are-- but what AM1129 does is it, it helps take responsibility and puts them in protections for the risks that we don't know about, the invisible risks, the ones contracting cancer as a result of exposure to known carcinogens. So, again, I would-- I guess I'd encourage your green vote on the reconsider, your red vote on FA192, your green on AM1129, your green vote on LB608. And, again, we could all choose to move on together if we wanted to do that, but until then, I'll-- we can keep talking about all these great things. So thank you, Mr. President.

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

JACOBSON: Well, thank you, Mr. President. I would just remind folks that this bill, LB608, Senator Bostar's bill, was a good bill, came to Revenue Committee, I did vote for the bill, it came out 8-0. This is a recruitment bill. OK? It's a recruitment bill to be able to afford firefighters the same thing that we're doing for others and, and it's also got a cleanup piece in it as well. LB608 is a good bill, bringing in the additional piece, AM1129, in my mind is a poison pill. It's a

big, huge, unfunded mandate to cities and, and others who are employing or hiring or have a volunteer workforce. And, and I can't say enough how many people in this room talk about unfunded mandates and how bad they are, but yet here's one right now and you're going to vote for it. It's an unfunded mandate, a classic unfunded mandate that will require property taxes to go up because there's no fiscal note on this, or very little fiscal note on this bill, because fiscal notes take into consideration how much the state has to take out of general funds or take out of funds to pay for it. But if it's the city or the county or someone else that pays it, it's not a fiscal note. So I don't know how many ways I can say this. If you like raising property taxes, if you like unfunded mandates, vote for this bill, vote for this amendment because that's what this is. I don't know how many ways I can say this, but then you go back home and you tell your constituents, yes, I voted for this unfunded mandate, I voted for this increase in your property taxes because I want to do something that should be negotiated in collective bargaining. Any farmer in this room has been exposed to chemicals, farm chemicals. I know I certainly was long before the productive gear was available. We make choices in our lives to do certain things. I also think about the volunteer fire forces. Volunteer firemen, as the name implies, volunteer their time. And, in fact, it's worse than that, they volunteer their time and they volunteer their own resources to drive to the fires and to and from. In many cases, they're paying for their own training. So it's a whole different ballgame than the paid firefighters. They get exposed to the same chemicals. There are a lot of ranchers and farmers who become involuntary and volunteer firemen because a grass fire takes off and they're out there fighting it or a fire starts in a corn-- on corn stalks and they're out there bringing their tractor and disc and trying to stop the fire from spreading. So, again, unfunded mandate, that's what this is. So anybody that votes for this, you're telling your constituents, I don't have a problem with an unfunded mandate, I don't have a problem with raising your property taxes because I think we should do this. I'm not saying that this isn't a noble cause. I'm not, I'm not opposing firefighters. My nephew is a paid firefighter in Lincoln. Firefighters are incredibly necessary, as are all other first responders who are also included in this. But I'm just saying it's not evenly across the board and this is not something the Legislature should decide. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Senator Spivey, you're recognized to speak.

SPIVEY: Thank you, Mr. President, and good afternoon, colleagues. I hope everyone enjoyed our extended break and I, I got to have some time in the sun, which was really nice. This building, while so beautiful and like a museum, does not have the conducive lighting, yes, Carol, I know I see you agreeing with me, does not have the conducive lighting to work all day in, and so I was able to get some good vitamin D. I played cornhole with the folks from Special Olympics, which was really beautiful and a nice time, and then spent some time working with the exec team for the African American Commission. And so I'm coming back a little bit more refreshed. I appreciate the conversation that we are having this afternoon around LB608 and AM1129. I did have some, I would say, more constructive feedback around LB608, in general, for the correction side. I think I've-- since I've been in this body, made it really clear of the type of lack of investment or, I guess, redistribution of investment we should be doing for our carceral system and that prison cannot be a, a recruitment tool for workforce, we shouldn't build a prison to employ people. I don't think that the offering should be given to the same way for correction officers, but nonetheless, where LB608 is, I haven't decided if I'm voting yes or not. I was PNV the first time around. And I do support AM1129 to LB608, which may be a reason why I would vote for it. But I wanted to take some time today to uplift some information around Ahmaud Arbery. And so for the folks that are unfamiliar about Ahmaud Arbery, and I hope I'm pronouncing his last name right, he was murdered by folks while he was running, actually. So today is his birthday. He would have been celebrating his birthday as a younger person in community doing their thing, was an upstanding citizen and son. But he was 25 when he was murdered. He was taking a jog through the Satilla Shores neighborhood, minutes away from his home in Brunswick, Georgia. And I apologize, I should have started out my talk with that there's maybe a content warning for some folks that are especially watching at home. I know there are a lot of folks that have shared experience within the story that I'm telling and I hope that it is not triggering and that you are able to not consume my talk if you so choose to or lean in because you don't, and it's important to understand. So I apologize for not giving a content warning before for the folks that are watching. So as I was saying, it was 2020, and Ahmaud, 25-year-old black man jogging through the Satilla Shores neighborhood, minutes away from his home in Brunswick, Georgia, when two local white men, Gregory, 64, and his son Travis, 34, shot and killed him. And this was one of the very viral cases that we saw of sanctioned violence against a black body in our U.S. I think technology has allowed us to consume this in a very different way, so

I don't know necessarily that there's more violence or less violence. But technology allows you to be more-- allows the information to be more accessible. You can see what's happening, you can see things in other places versus before access of technology, it's in your local newspaper or word of mouth. And so in their statements to police from Gregory and his son Travis who murdered Ahmaud, they claimed-- and I want to reiterate he was unarmed and he was running. He was, like, on an actual jog. So they claimed that they shot him in self-defense, and they were attempting to apprehend him. The father and son duo alleged that there were several break-ins in the area, and when they saw him jogging, they, they assumed him to be the alleged suspect. I think this conversation is very timely as we talk about LB530, which will be on Select File, which looks to create a super predator category for kids on juvenile probation or supervision that we know that there's a disproportionate representation of black boys specifically that are on supervision and in detention. And so the, the, the bigoted approach in decision-making that they use to take someone's actual life is the root of--

ARCH: Time, Senator.

SPIVEY: Thank you, Mr. President.

ARCH: Senator Wordekemper, you're recognized to speak.

WORDEKEMPER: Thank you, Mr. President. April of this year, Iowa just expanded their cancer coverage to include all cancers. And there's 33 other states that have this cancer presumption. So I think that's telling. There's other states that are recognizing this is an issue. It's out there. And I go out to Colorado Springs for the firefighter memorial, and last year, in 2024, we put 179-- 175 names on the wall out there, 115 of those names were cancer related. And, and to say that if we pass this, we're, we're creating an unfunded mandate for the cities and other people, how are you going to get away from that? Are you going to get rid of your firefighters? Are you going to get-- there's, there has to be a duty or a responsibility to understand that the job that we have these people do is hazardous and we're going to take ownership in that. And, and to say that it's going to raise taxes and, and everything else-- I guess if you want to get rid of your firefighters and you don't want them to, to be there and fund the illnesses that they might get because they're hired and required to be there, I guess that's an option that, you know, they'll have to do. But at some point, there has to be ownership and responsibility for this, and, you know, to put all the burden on the firefighter to do

the job, and then to absorb the costs and, and everything else, I don't get it. I, I guess we'll tell them to come do the job, you're probably going to get this, and, you know, you're on your own. I, I wish you your best. So I, I, I guess I don't understand that from being that, that side of it. And, you know, we talk about the volunteers, they're, they're out there. They're doing the job for free. God forbid if they would, if they would get cancer, but at what point do we do the right thing and we don't put a dollar amount on somebody's life or trying to survive or have their family have a little bit of peace when, when they're suffering. So I, I don't understand that and, you know, we talk about this, this body shouldn't do this. This body in 2010 passed cancer presumption if you die, I don't believe this, I don't believe work comp is a negotiated item with your employee and employer. So I, I got a little story that I can read here, an incident, and, and there's a couple things I'd like people to maybe search in your downtime. There's a couple YouTube videos. One is called Dying to Save You, and the other one is the Firefighter Cancer Fight. Just watch these short little 20-minute videos, and so this one I'm going to, I'm going to read from, I don't know if I'll get it done. I can punch into the queue, but this is the one that's: Arizona Fire Captain Shares Cancer Story. Every morning, retired Phoenix Fire Captain Bill Rini takes time to care for his colostomy and urostomy bags. After more than 30 years riding fire trucks, he now lives with daily reminders of the cancer that nearly took his life. When I first got into firefighting back in 1989, we never worried about smoke. We never worried the carcinogens that were soaking into our skin, Rini said in the documentary Dying to Save You. That is your base for every type of cancer that we are getting. Rini was first diagnosed with occupational cancer in 1999 and would go on to face 3 more diagnoses over the next 25 years. The cancer this last time about broke me. That's the first time I've ever said that out loud, he said on the film. His bladder, prostate, and urethra were removed, along with undergoing chemotherapy and multiple surgeries forced Rini--

ARCH: Time, Senator.

WORDEKEMPER: Thank you, Mr. President.

ARCH: Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. I would yield my time to Senator Wordekemper so he can finish.

ARCH: Senator Wordekemper, 4 minutes, 50.

WORDEKEMPER: Thank you, Mr. President. Thank you, Senator Dungan. He lived with repeated cancer diagnoses for 20 years, and his quality of life has been devastated, said Local 493 President Bryan Willingham. We don't want another firefighter, or anyone really, to go through that. Dying to Save You is a 27-minute documentary. The film follows the personal journeys of 3 Phoenix fire captains: Rini, Tommy Sagnella, and the late Anthony Mock, who are all diagnosed with occupational cancer. In the film, Rini talks about being told he can't ride the fire truck anymore. That comes-- that day comes for all of us, but many don't get to choose it. And maybe that fear is why some hesitate to screen for cancer. For Willingham, the film is more of a powerful tribute to a call to action. Not only do unions work for benefits, they're trying to find how they can help a firefighter with his quality of life after doing this job. Honestly, it's probably the most important thing we do. Today, they, they, they have support for PTSD screenings, and they've really moved forward with it. The mental and emotional toll on the firefighter, their family, their kids are enormous, Queale said. That's why we created Firefighters Against Cancer. Sagnella had no symptoms when he went in for a scan that later reviewed a tumor on his kidney that had been growing for 6 or 7 years. Thanks to early detection and treatment, Sagnella now is cancer free. Mock discovered he had Stage 4 cancer after going in for a routine screening. I knew occupational cancer was a risk associated with the fire service, Mock said in the film. Brian Beck died from it at a young age. They always knew what's in the back of their mind. Mock hoped sharing his story would encourage others to get screened early. Anthony Mock was a delegate in last year's convention in Boston. He had already been diagnosed, and during the opening ceremony, as he was-- they were reading the names of the fallen firefighters, he turned to us and said my name will be up there next year. Think about that. You see it coming. Nothing you can do about it. Nobody's out there to help you. They're worried about an unfunded mandate. Mock died just 5 months later in January of 2025. He was 39 years old. We knew it was coming, but that doesn't make it easier. You become deeply connected, not just to them, but to their families. I met Anthony's mother, his sisters, and extended family. It becomes incredibly personal. Even now, each time I watch the film, I get choked up. It's impossible to not to. Because of this they have started screening over 400 Arizona firefighters, hopes to not have another death. Cancer is an epidemic in the fire service, said IAFF 10th District Vice President Stephen Gilman in a statement. Kudos to Local 493 and the

documentary showing their-- showing the impact that it can have on our members. The documentary should be shown to every politician and firefighter to demonstrate the toll cancer has on our members and the importance of early cancer screening. Every fire department has someone who has battled cancer. Most have lost someone to occupational cancer. If anything, we can pass this, it would force people to be more cognizant of it and do the screenings so there's not the end result of the work comp claims. Thank you, Mr. President.

KELLY: Thank you, Senator Wordekemper. Senator Guereca, you're recognized to speak.

GUERECA: Thank you, Mr. President. Good afternoon, colleagues. I rise in opposition of the motion to reconsider. I rise in opposition of motion 234 to bracket. I'm not going to get involved in FA192. I don't know what the Cavanaugh's are up to with that and commas and whatnot, so we'll stay out of that. But I do rise in support of AM1129 and the underlying bill, LB608. I'll speak a little bit to why I support AM1129. Colleagues, I do, without a doubt, know that we live in the greatest country in the world. We live in an amazing society where we take certain things for granted. One of those being when we dial 911, and we have an emergency, we know that brave men and women will show up, both volunteer and professional firefighters, to make sure we're safe, to take care of us, to take care of our property. I have a cup on my desk from the International Association of Fire Fighters that says we still make house calls. Because every time we dial 911, we expect them to show up. Well, folks, AM1129 is a recruitment tool to make sure that when we dial 911 our brave volunteer professional firefighters will show up and make that house call. I have a booklet in front of me that details links between firefighting and 16 different types of cancers, a research put together by the department-- by the American Cancer Society and the International Agency for Research on Cancer. I'm going to read from the booklet: In June, 2022, the International Agency for Research on Cancer convened a meeting of scientists to reevaluate firefighting as an exposure related to cancer. They determined that the literature supported reclassifying firefighting as a Group 1 carcinogen based on sufficient evidence. This is the highest classification of exposure only assigned when there is scientific certainty. Firefighting is considered a carcinogen. These men and women sign up for a job that is classified as a carcinogen. And what we're asking is that if they do get cancer, they have the resources to fight it, make sure they keep a roof over their family's head, and then get back to work. Because all they want to do is to take care of their family, fight the cancer, and get back

to work. The first type of cancer we're going to talk about, colleagues, is bladder cancer. In the single largest study of U.S. career firefighters to date, Daniels [PHONETIC] and colleagues studied a pooled cohort of 29,993 firefighters from San Francisco, Philadelphia, and Chicago. They found that firefighters were 18% more likely to be diagnosed with bladder cancer as their first cancer than the general population. Meanwhile, Korean firefighters were 60% more likely to develop bladder cancer than the general population. Most convincing is the evidence from two recent meta-analysis that have reported increased risks of bladder cancer amongst firefighters. [INAUDIBLE] and colleagues found that firefighters were 12% more like to develop bladder cancer than the general population. A second 2019 meta-analysis published by [INAUDIBLE] and colleagues found a 28% increased risk of dying from bladder cancer amongst firefighters. When all studies combined, there was an 18% increased risk of mortality in instances combined among firefighters. Colleagues, that is one of 16 types of cancer that we could be talking about. Every single one of them shows a link between being a firefighter and increased mortality for cancer because the act of firefighting is a carcinogen. Thank you.

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

CONRAD: Thank you, Mr. President, and good afternoon, colleagues. I rise in support of Senator Bostar's measure and my friend Senator Wordekemper's amendment. I'm not going to go into my specific position on each of the procedural motions there, just for time purposes, but I think you get the gist of why I rise. So I want to, in addition to offering support for their good work, to ensure that working men and women have access to good benefits, have peace of mind in knowing that when they're hurt or injured on the job, they'll have an opportunity to fair compensation for those work-related injuries. And giving a nod to first responders and all of those who sacrificed to advance our shared public safety goals and community health, there are some special considerations that come into play with the challenges that they face on the job. So a couple of things here. While it might make for a nice talking point, I don't think it's legally accurate to say that a legal presumption is something that should happen at the collective bargaining table. That's, that's not really how collective bargaining works. When we talk about workers' compensation, for example, you know, it goes without saying and everybody's aware that this is all established as part of the grand bargain, this historic-- historical compromise where people who are injured on the job give up their right to sue in civil court for tort damages in exchange for

receiving benefits through a no-fault administrative system. So the whole purpose of workers' comp is to more quickly, more efficiently, more effectively ensure that we compensate people when they're injured on the job so that they can return to work, so that employer costs and employee costs can be lowered. So a rebuttable presumption within the law that those fighting fires and who develop cancer due to the dangerous nature of that work should be considered a rebuttable presumption for purposes of workers' comp law, not only builds upon our existing approach to this in Nebraska law, but is just-- it, it makes good sense when you think about the purpose of workers' comp. So it's to ensure an efficient administration of legitimate claims. So, in this instance, when it comes to a rebuttable presumption, it's, it's not, it's not a guarantee for anyone. It says if you meet these requisite requirements because of all the data and information and science that we know about this kind of work, then you have a rebuttable presumption that this is related to-- this injury is related to your work. Now, if say for example, a firefighter spent previous years removing asbestos or was a heavy smoker or any other sort of factors which may have been the causation or precipitating factor in their development of cancer, then very clearly the government comes forward and says, hey, this firefighter's development of cancer wasn't solely based upon the dangerous activities that they faced on the job, but these other contributing factors. So that's how a legal presumption works. That's how a legal rebuttable presumption works. That's how this fits into the context of our existing workers' compensation system. It's not an automatic guarantee. It helps to ensure, basically, legal recognition of a, of a fact. And if that fact is proved otherwise, which is, which is easy, easy to do, then, then the presumption doesn't apply. And let's not forget what we're talking about at the end of the day. What we're talking about at the end of the day, and look at the fiscal note on Senator Wordekemper's bill because that really details what we're talking about. It talks about the average cost of cancer treatment. It talks about who should bear that. It talks about what happens when firefighters are diagnosed with cancer and what that can mean for them and their families and then, of course, the--

KELLY: That's your time.

CONRAD: --communities they serve as well. Thank you, Mr. President.

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

BALLARD: I'd like to yield my time to Senator John Cavanaugh.

KELLY: Senator John Cavanaugh, you have 4 minutes and 43 seconds.

J. CAVANAUGH: Thank you, Mr. President. Senator Ballard just wants to hear me talk more. No. I-- Mr. President, I would like to withdraw my reconsider motion and my bracket motion, I guess.

KELLY: Without objection, so ordered. Back to-- returning to debate on FA192, Senator John Cavanaugh.

J. CAVANAUGH: I would like to yield my time to Senator Wordekemper.

KELLY: Senator Wordekemper, 4 minutes, 53 seconds.

WORDEKEMPER: Thank you, Mr. President. Thank you John-- Senator Cavanaugh. I, I appreciate that. As you've heard, I'm passionate about this bill. And, and you have to know that, you know, what, what firefighters go through and other people, and, and that's important. And, and I truly believe that this is a recruitment and a retention issue, that we need to do something. I'm going to continue to work on this bill, and this, this is important. And, and it's not just the firefighters' lives that matter here, it's the citizens in your community. It's the people they represent and that's important. But at this time, Mr. President, I will withdraw AM1129.

KELLY: Without objection. Thank you, Senator Wordekemper. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Just a little confusion of process here, but sorry I don't get to talk about the hyphen anymore on FA192. I was really looking forward to that. I'll yield my time to Senator John Cavanaugh.

KELLY: Senator John Cavanaugh, 4 minutes, 43 seconds.

J. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Machaela Cavanaugh. I would-- Mr. President, I would move to withdraw my FA192.

KELLY: So ordered. Returning to debate on AM1129, Senator Prokop.

PROKOP: I yield my time to Senator Wordekemper, Mr. President.

KELLY: Senator Wordekemper, you have 4 minutes, 50 seconds.

WORDEKEMPER: Thank you, Mr. President. Thank you, Senator Prokop. I won't need that much time. This is a bad day, not just for me, but for firefighters. We're going to work this process, and that's unfortunate. Mr. President, I will withdraw AM1129. Thank you.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Hallstrom, I have AM1156 [SIC-- AM1356].

KELLY: Senator Hallstrom, you're recognized to open.

HALLSTROM: Thank you, Mr. President, colleagues. I want to thank Senator Bostar and Senator Wordekemper for working together to find a temporary resolution to this. I have worked with Senator Wordekemper since the start of the session to try and find a pathway through a workers' compensation bill to get the provisions of his amendment adopted and enacted into law. And I will pledge on the mic to continue to do that. I have submitted amendments to him, which are fairly close to what he had proposed in AM1129. And we haven't quite reached consensus on that. I think we're going to find a, a way to do it and, hopefully, this session. And if we can find some time on the agenda with the time that we saved today, I hope that that can happen. The amendment that I had proposed, AM1356, is my priority bill, which is LB455 and includes LB313 from Senator Ibach relating to confidentiality of first injury reports and the issue of subrogation. I won't belabor or go into any detail with regard to that, but, again, I do appreciate everybody working on this issue and the patience that everyone, including the Speaker, has shown on this issue, and would withdraw AM1356. Thank you.

KELLY: So ordered. Mr. Clerk.

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

KELLY: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB608 be advanced to E&R for engrossing.

KELLY: That's a debatable motion. Senator Hallstrom, you're recognized to speak.

HALLSTROM: I forgot to punch out, and Senator Conrad was waving her hands frantically, so I'll waive my-- or yield my time to Senator Conrad.

KELLY: Senator Conrad, you have 4 minutes, 44 seconds.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. And thank you to my friend Senator Hallstrom. I was trying to get across the Chamber to punch in because I thought they had cleared the queue on the pending motions and amendments and wanted to say a word before the bill moved on to Final Reading. I forgot that we were on Select File here, which, which is good. And make no mistake, no one in this body is naive about what it means to be in the political arena and no doubt even in a proud nonpartisan body politics still come to bear and I just want to perhaps put a notation in the record and say a word to those involved in this challenging negotiation this afternoon, which will not be the last word on any one of these matters this session or moving forward that, you know, there was pretty much politics at its worst today on display, and it, it hurts real people's lives. It hurts real people's lives. Senator Wordekemper has not only dedicated his life to serving his community, and putting his health and safety on the line as a first responder, and he brings that experience into this body, which is unique, and I'm glad that he's here to share that experience. And if there's other members of the body who have spent an equal amount of their time putting their life on the line for their community, it would be interesting to hear them step forward and share those experiences. And I, I haven't heard a lot of that from folks who were working really hard against Senator Wordekemper's effort to make sure that first responders and working men and women have an efficient legal process in place if they develop cancer due to their hard work protecting our communities. And each member of the body can utilize any rule as they see fit. We agreed to the rules. They were adopted. They govern our proceedings. But I, I think that it's just important to note here, while there is some happy talk about the resolution of this measure, there's not a happy feeling in this body because everybody knows politics came to bear on basic peace of mind for working men and women's rights, health, and safety yet again. This Legislature stepped in again to benefit the powerful over working men and women. Just like we started off our morning giving significant raises to those who serve in public life who already make over \$200,000 a year. Just like we've seen this body move forward with removing basic earned sick leave for many workers as per the Successful Citizen Initiative. Just like we've seen this body rush forward to carve and cap meaningful but modest minimum wage increases

for low-income working families. Today is just another example of how those who have dedicated their life to advancing business interests are now using their position to stymie the interests of working men and women and first responders. And that's clear and noticed and on display. This won't be the last word on this measure. I thank Senator Wordekemper not only for his service, but also for his leadership in this regard. And I know myself and others in this body are committed to ensuring that we don't just say we support first responders, that we just don't say back the blue, but we back it up with our actions, including when and if there is a price tag involved, to ensure working men and women have a life of dignity and can work with appropriate health and safety. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Fredrickson, you're recognized to speak. Senator Strommen, you're recognized to speak. Senator Conrad, you're recognized to speak and waive. Senator Bostar, you're recognized to speak.

BOSTAR: Thank you, Mr. President, and thank you colleagues. Since we're on Select, I don't have an opportunity to close on the bill, but after the discussion I just wanted to take a second to thank Senator Wordekemper for prioritizing LB608, and, and trying to put his other piece of legislation on as an attachment to this. I think it was-- it's a, it's a good bill and, and I am hopeful that we have-- we are, are able to identify an opportunity to get it across the finish line. But LB608 will, will help a lot of first responders and will fix a lot of outstanding challenges that have existed through some of the drafting of previous legislation and bring, bring on board firefighters that have been overlooked in the, in the previous iterations of legislation that was creating the act that LB608 addresses. And so without Senator Wordekemper prioritizing it, we wouldn't, we wouldn't have the opportunity to do that. And so I really appreciate his dedication to all of this and to getting this done. And so I'm deeply appreciative. And with that, I'd encourage-- well, I suppose, unless someone calls for a record vote, it's going to be a voice vote. So thank you for your support. Mr. President.

KELLY: Thank you, Senator Bostar, and you do have the close. OK, excuse me. Senator Guereca for a motion. Motion's been made to advance LB608 for E&R Engrossing. All those in favor say aye. Those opposed, nay. Request for a machine vote. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 5 nays on advancement of the bill, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 8, 2025
Rough Draft

KELLY: LB608 advances for E&R Engrossing. Mr. Clerk, next item.

CLERK: Thank you, Mr. President. Select File, LB275. Senator, I have nothing on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move LB275 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed, nay. LB275 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB382. First of all, they are E&R amendments, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB382 be adopted.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. They are adopted. Mr. Clerk.

CLERK: Mr. President, Senator McKinney, I have MO169, MO168, MO167, and MO170, all with notes that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Meyer would move to amend with AM999.

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

MEYER: Thank you, Mr. President. AM999 restores LB382 to its original form. A green vote on AM999 would allow each bill to be decided on its own merit, which I think is beneficial to both of it. So with that, I would appreciate your, your green vote on AM999 and LB382.

KELLY: Thank you, Senator Meyer. Seeing no one else in the queue, you're recognized to close on the amendment and waive. Members, the question is the adoption of AM999. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays on adoption of the amendment, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 8, 2025
Rough Draft

KELLY: AM999 is adopted.

CLERK: I have nothing further on the bill, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB382 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed, nay. LB382 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, some items for the record quickly. Amendments to be printed from Senator Hansen to LB632, Senator Dover to LR19CA, Senator Machaela Cavanaugh to LB193, excuse me, to LB608. Committee report from the Natural Resources Committee concerning gubernatorial appointment to the Nebraska Environmental Trust Board. Additional amendments to be printed from Senator Ibach to LB646, Senator Spivey to LB632. As it concerns the agenda, Mr. President, General File, LB48, introduced by Senator McKinney. It's a bill for an act relating to public health and welfare; it establishes a family resource and juvenile assessment pilot program as prescribed; provides an operative date; and declares an emergency. The bill was read for the first time on January 9 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, when the Legislature left-- last had LB48 in front of it, the committee amendments had carried on April 3. The bill had failed to advance one time on General File.

KELLY: Because the bill was already heard on General, there is no opening. Proceeding to the queue, Senator Riepe, you're recognized to speak.

RIEPE: Thank you, Mr. President. LB4 [SIC] is a well-intended bill and Senator McKinney has been a champion for this particular bill and further efforts in his community, which I want to recognize. That said, the bill, being LB48, is in front of us today, is asking for millions and is simply not ready for prime time. LB48 is a candidate for an interim study, not a green light approval. We must be reminded, simply having hope is not a, a formal plan. Omaha is a community committed to its citizens. We have numerous programs committed to intervention and juvenile justice. Boys Town is one very prominent and successful program that has functioned for more than 100 years in the Omaha community. Boys Town professes, and I believe this to be true,

there is no such thing as a bad boy. Omaha has boys and girls clubs. We have YMCA. In fact, a new YMCA is being constructed in north Omaha at North High School along with a new football stadium. Omaha is also blessed with many generous individuals, both financially and in their works. LB48 is not ready for a multimillion dollar investment and an idea. We need a detailed plan and I will vote no on LB48 again. Thank you, Mr. President.

KELLY: Thank you, Senator Riepe. Senator Kauth, you're recognized to speak.

KAUTH: Thank you, Mr. President. I rise in opposition to LB48, as I've said before, and I talked to Senator McKinney about this. Doing a-- just a brief Google search in Omaha, I came up with 23 youth organizations that do this sort of work. My concern is that we're, we're looking at redundancy, we're look at duplication of effort, and until we've sat down and, and talked with these groups to figure out what is and is not actually being done, and figure out a way that all of these people can be used, all of these different groups can be used effectively, I think that this is creating a new bureaucracy, redundancy of effort, and it will eventually-- I mean, pilot programs start off and sometimes they never end, and then it will be something that continues to take money away. I, I applaud his, his desire to make things more effective for the people in north Omaha, and when I talked with him about it, he said that people in his area don't know about all of these organizations, to me that's a communication problem and a marketing problem that could be solved by working with these groups rather than creating an entire new group. So that's, that's where I'm standing on this issue and I yield my time.

KELLY: Thank you, Senator Kauth. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. Just to be clear, LB48 would establish a 5-year pilot program to create family resource and juvenile assessment centers in Omaha. The centers will be developed in collaboration with grassroot organizations such as churches, community-based nonprofits, as well as established juvenile service providers. These centers will operate 24/7 offering comprehensive support services to families and youth in the community. Each center will also establish these partnerships to offer apprenticeships, vocational training, and mentorship opportunities. The key components and safeguards include individualized assessment and intervention services addressing family dynamics, education, mental health, and

substance use, strong collaboration with grassroot and community stakeholders to ensure culturally responsive programming, ongoing follow-up and support is to sustain positive outcomes and long-term engagement. Advisory Councils. Each center must establish a youth advisory council and a parent advisory council composed of community members to provide ongoing feedback, ensuring services stay relevant, effective, and responsive. Community engagement. Centers will hold outreach events and workshops in collaboration with schools, churches, neighborhood organizations to engage with youth and families before a crisis occurs. Also, there will be data tracking and evaluation. Centers must implement robust data-collection systems to measure program impact, track youth and family outcomes, and incorporate direct feedback from participants. Data will inform service improvements and assess-- success in keeping youth out of the justice system. The Department of Health and Human Services will conduct annual evaluations and program impact on community trust, family well-being, and justice system involvement. And, you know, you guys say, why is this needed? Our juvenile justice system has a lot of gaps. And if you talk to families and youth, you will learn of a lot of gaps, particularly in prevention and early intervention. Too often, families lack access to supportive services that could prevent youth from becoming involved in the justice system. LB48 is designed to intervene before government and court involvement becomes necessary, address common underlying issues such as truancy, substance use, depression, and behavioral issues, and reduce reliance on referrals to police, to police and health and human services. By focusing on proactive community-based supports, LB48 aims to reduce unnecessary court involvement and avoid, and avoid costs associated to the state. This bill is based on what we already know and why youth become entangled in the system. LB48 offers a way to interrupt the cycle before it begins. Goals are to address the root causes to juvenile justice involvement, build community trust through culturally informed services, and expand equitable opportunities for youth and families. This is not a duplication of efforts. You know, this is not trying to reinvent the wheel. This is trying to make sure that we centralize resources for families and youth. Because as I stated, when you talk to them, it's not that clear. Yes, there are organizations that do good work in Omaha. But nobody is hyper focused on this and nobody is lending, lending focus to this, and that's the issue. If this was already being done, I wouldn't have as much support from the courts, the County Attorneys Association. You know, even in the Rotunda, even the police said this is needed. So when you talk to people on the ground, they all will tell you this is a needed thing. So when you say

this isn't needed, why are the county attorneys supporting this? Why are the courts supporting this? Why are advocacy groups supporting this? Because it's needed and it's not a duplication of, of what's going on currently. So I, I think that is a myth and that-- and I can easily debunk that. It's not happening. You know, we, we talk a lot about keeping youth out of the system and helping youth. This will do that. This will help those youth, and help those families and keep them out of the system so we don't have to discuss bills about locking them up at younger ages, about what do we do when they go into the system. We should be focusing on prevention and making sure we help families and youth in our communities.

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

SPIVEY: Thank you, Mr. President. I rise in support of LB48 and the original concept of this bill. So I am an Omaha senator. This does impact my district because the majority of kids that are system impacted and at risk of becoming system impacted come from the zip codes that my district covers. I am also the only senator, I believe, in Omaha that works in the health and human services space for a nonprofit that does this work daily. And so I want to bring some of that expertise into the body as, as I look around the room I don't think that that perspective is necessarily present and hopefully can provide some insight. So when you talk about the complexities around kids that are system impacted, there are evidence-based models that show preventative services, services that are coordinated and are rooted in addressing trauma and adverse childhood experiences not only for that juvenile but that family are how you save taxpayers money by not detaining kids and how you can actually create community betterment because that child and that family now have what they need to be self-sufficient and successful. So there's not only ripples into how this affects the juvenile system and kids, but how folks are utilizing SNAP benefits. There's a lot of conversation about able-bodied people working and doing what they need to do and getting off SNAP. And people cannot actualize self-sufficiency if they do not have the resources to get there. And so this bill really aligns that and creates a collective comprehensive one-stop shop, if you would, to coordinate with all of the various entities that absolutely work in silos to say this is what this needs to look like. I think it's an appropriate move to do this as a pilot because it can show over a period of time, what are those impacts, and then influence future legislation and program implementation. I think it's really important. And, again, I appreciate the differing perspectives. But want to make

sure that we are rooted in facts and what people say versus the, the decision-making that happens. And so I appreciate Senator Riepe. He always says, bring me the facts. I brought him some facts before and he changed his mind. And so when LB556, Senator Riepe, your bill was in committee and then now is amended into what is now LB684 and the implications, you are advocating for kids that are 10 and 11 to be detained. That is the change that you are advocating for. It was in your prior bill and now in this bill. And so I don't understand that logic of you are willing to detain kids younger without providing a space for services. So how can you say that kids need to be detained? You want them to have what they need. You got up and talked about hope, but then you don't want to provide a tangible, practical solution to making sure that kids that are 10 and 11 actually don't need to be detained. That they're making the best choices for themselves. So I'm not sure how that dissonance works and would hope that you would critically reflect on what you are saying you are wanting and supporting and how that is not showing up here. And I know and I appreciate Senator Kauth with her perspective around being from the Omaha area, kind of adjacent to Omaha, and in wanting to be able to support but they feel like the services are already there. So, as I said, I'm a senator that actually works in this space in my real job that actually pays the bills, and they don't exist in the same way. The services are siloed. And given the state that we are in around support, there's not even enough providers to actually provide the services that are needed. This body is choosing not to fund those through the court. They took a cut as well as not funding for their base adjustment. And so when you talk about available services, even if there are some organizations that touch on this, there's enough to provide support. And so I want to be clear that you voted for LB530, your bill, which has components of LB684, and I think that there's dissonance there that you are voting for that and moving that specific piece of that bill forward when you're not willing to invest in services that actually protect women and children, services that actually change the trajectory. So I see my light is on and I'm out of time, but I hope my colleagues really critically engage in this conversation because it's not only important, one, to me as a representative of the community that is most impacted, but as an expert that knows that we are in a crisis and we actually need effective, model-driven solutions to create transformative change for children, those that are most vulnerable among us. And this body has said that they care about children and not supporting this bill would be the opposite of that. So I encourage you to actively listen, to ask questions, to engage in this. Thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Senator Hardin is with some guests under the south balcony. They are Christy Warner and Annette Brower from Kimball, Nebraska. Please stand and be recognized by the Nebraska Legislature. Senator von Gillern, you're next in the queue.

von GILLERN: Thank you, Mr. President. I had a good conversation with Senator McKinney earlier, learned a little bit more about LB48. And I, I still have some concerns about the bill, but I'm-- I feel better informed about it. I do echo some of Senator Kauth's concerns about the fact that there are so many-- and Senator Spivey, actually some of the comments she made about some of the existing organizations that are serving north Omaha that are very siloed in their services. But, but I do have-- and, and I didn't work for to take a paycheck, but I have worked with three different organizations in north Omaha over the past 25 years or so. I served as a board member for the Hope Center for Kids, as a financial supporter, as a volunteer, and as a board member, and they provide from their website and what I know about them, academic support, youth development, learning opportunities, hot meals, and then I've been on the Salvation Army Board for many years and, and volunteered with them, and so I just-- I mean, I know what they do, but I thought, OK, I'll go to the website and see what their list is, and, and particularly in their north corps facility, which is under, under renovation and being added onto as we speak, and will open, I believe, this summer. The services that they provide are regards to trafficking, food, family counseling, donations, thrift store, poverty relief, spiritual wellness, gym and sports recreation, tutoring, job training center, computer center, youth services, correctional services, and health services. And then I served as a board member on the YMCA for a number of years. And the Butler-Gast Y in Omaha is very well known, has been there for, for decades, and is going to be actually torn down and replaced with a new YMCA in conjunction with North High School, which I know is Senator McKinney's alma mater. And, of course, they-- their expertise areas are youth sports, after school program, tutoring, and childcare. So had a good conversation with Senator McKinney. He, he enlightened me that two of the organizations that he would be interested in working with are BRIDGE and then the North Omaha Community Partnership. And so I've just had a little bit of time to look those up and learn more about them. And my biggest-- my greatest concern is from a financial standpoint, both from a fiscal standpoint from the state and also the financial viability of a program that is limited to \$500,000 per year and, and I ran through some of the staffing numbers with Senator McKinney and, and I believe that that number is going to get blown

through very, very quickly particularly if the admin costs are limited to \$100,000. And so I've got a few questions if Senator McKinney would yield to some questions, we'll go there.

KELLY: Senator McKinney, would you yield to questions?

McKINNEY: Yes.

von GILLERN: Thank you, Senator McKinney. Just looking through the bill, a couple of questions I had. In, in Section 1, it calls it a 5-year pilot, but I don't see a sunset date anywhere in the bill. And I'm not an expert on Bill Drafting, but that might be something that we need to, to look into. But it is your understanding this is a 5-year pilot, correct?

McKINNEY: Yes, and pilot programs since I've been here have never had a sunset because after 5 years somebody would have to come back and say let's continue it so you don't need a sunset because it would stop at that mark.

von GILLERN: I'd like further clarity on that as, as we talk, and maybe if the bill advances, then we can talk between, between there and Select, because it does call for the funding, the half a million dollar funding, but it doesn't call for it year over year, which I've seen in other budgets. So we can, we can talk about that later, but you call for HHS to do some things here. Would it-- is it your vision that they would put together, like, a request for proposal, and then these nonprofits and maybe even some of them that I mentioned could apply to be at these centers?

McKINNEY: Yeah, so they would put out a request for a proposal or a grant and say, hey, somebody could apply for the designation and then DHHS would just go through the process of evaluating those who are interested in the designation.

von GILLERN: OK. And then looking at the fiscal note, just for clarity, the fiscal note is reflecting the original bill, which is \$4 million times 5 years.

McKINNEY: Yeah.

von GILLERN: Your amendment is \$500,000 times 5 years for a total of 2.5, correct?

McKINNEY: Not 2-- yeah. Yeah.

VON GILLERN: OK. And then, lastly, the-- oh, somewhere here, I've got it in my notes, it calls for 10% of the bill-- or 10% of the expense to be for admin costs, but then it also says \$100,000. So I think that, I think that 10% was leftover from the bill. So I think maybe that needs to be some additional clarity there. So-- but, again, thank you, Senator McKinney, I appreciate your response on this.

McKINNEY: No problem. Thank you.

VON GILLERN: Again, I'm concerned mostly from a fiscal standpoint. We're looking at a half million dollars a year, which isn't, in this big scheme of things, a, a ton of money that gets talked about in this room, but we're actually-- we're down to, to small numbers. And I know the Appropriations Committee has been looking at numbers much smaller than half million dollars per year as they work to reconcile the budget and get us where we need to be there, so.

KELLY: That's time.

VON GILLERN: Thank you, Mr. President.

KELLY: Thank you, Senator von Gillern. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, I rise in support of LB48. And I supported it the first time around. I supported it as an amendment to, I think it was "328", "382". And so I've supported it all throughout because I think it is a good idea. And, and I don't know if folks are hitting on the fact that the, the funding mechanism for this is a, a cash fund, so it's not a General Fund obligation. I don't know if people have quite zeroed in on that. My recollection is, I'm just trying to look it up here, is that the funding mechanism is the Medicaid excess profit fund, if I remember right. So I'm trying to find-- somebody can correct me, I suppose, if that's incorrect. But, yeah, so not, not a cash or not a General Fund, so it's not even necessarily in competition with other things that we've been talking about here in the last couple of days. But I was just looking through, again, refreshing my recollection and listening to the conversation. And I'm looking at the committee statement, this bill came out 6-1, and this is-- creates the Family Resource and Juvenile Advancement [SIC] Centers. And it's a facility that's designed to support, assess-- to provide support and assessment and intervention services for youth and families involved or at risk of entering the juvenile justice system. The goal of the centers is to offer comprehensive

community-based solutions that address underlying issues contributing to juvenile delinquency. So I think that's really the crux of why this is important. I have said before, I brought a bill this year that would have started all juveniles, all kids charged under the age of 16. Would have started their case in juvenile court, which is a service-based court. And it did move the age down from the current age, which was the part that upset-- I mean, I successfully upset both sides by having original jurisdiction in juvenile court and lowering the age. So that, that's how I managed to upset everybody. But I was trying to find a solution, a path forward that was somewhere between what Senator Riepe was proposing and, and what Senator McDonnell had proposed in previous session and, and doing, you know, nothing because there is, if you read the news, younger kids getting in more trouble and things like that. And so I was proposing this solution, Senator McKinney's solution is really a solution to the same problem. This is an attempt to do a pilot program that doesn't cost General Fund money or cost a small amount of General Fund money. And with the intention of early intervention with these, you know, proven methods of avoidance. So, really, you know, if we intervene early with these services and we do it in a, in a successful way, then we can expand the program and the objective here is to intervene with these services so that kids don't end up in those-- in the system at those later dates. And there will be huge savings for that, because if a kid becomes involved by either, you know, being a juvenile delinquent, which I associate with things like, you know, truancy and, and other sort of things like that, or if they get involved because they have committed a crime, they-- and they end up being involved in the court system, they're much more likely to then be involved in court system again down the road. And so if we can have, you know, a decrease of 10% on that first, it's going to pay huge dividends down the road for those kids' lives, but also for the state in terms of costs of those services through juvenile court, through incarceration, and it's going to pay huge dividends in terms decreased crime, which is the goal. So this is a bill that a lot of folks, you know, don't-- have had a problem with. But, ultimately, this is the type of thing that decreases crime in the long run. This is an investment. We have all had a whole bunch of conversations recently about investments. This is an investment in decreasing crime in the future. And this is smart, this is forward-looking. And it will get us-- I, I guarantee you, if we do this, we'll be back, or whoever, will be back in 4 years, 5 years, and we'll be expanding this program. They'll be asking for it in Grand Island and Kearney and Lincoln. You know, they'll say we need to expand this program into other communities because it is

data-driven and it will be successful. So I encourage your green vote on LB48. Thank you, Mr. President.

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

ARCH: Thank you, Mr. President. I rise in support of LB48 this evening, and I just wanted to tell you why. First of all, after our first discussion of LB48, I, like many others, had a lot of questions. And I went to Senator McKinney and I said, you know, give us more detail. And if you have not had a chance to read the handout that he has passed around, it, it is filled with detail, a lot of detail in here and I've gone through it and I, I really appreciate that. It answered a lot of questions that I had. I think most of you know my background has been Boys Town for many years and my, my observation is that not, not every program works with every youth. While we have many good programs out there that are doing good work, to say, well, let's just, let's just, you know, support this one organization or that organization, not every program works with every youth. And the other, the other thing, certainly, that I concluded over the many years is that, honestly, there's no limit to the need that we have with these youth. They are, they are, they are youth that really need these kind of programs. So the other thing that, the other thing that I wanted to understand a little more clearly is the-- is this oversight of how these funds will be spent. And it's clear from the handout that he provided that DHHS is going to be the awarding agency that the department will, will provide a program as provided in the details here in the statute, but the DHHS department then will oversee this and award, award that. And that's, that's-- I, I think that's a good program, a good plan. The last thing I would say is this, this honestly is not a lot of money. To Senator-- what Senator von Gillern was saying there, you know, \$500,000 goes pretty quickly. So my, my assumption is that this is not enough money to stand up a new organization. This is, this is some money that can supplement. This is some money that can establish a program within an organization that already exists, that has the expertise, expertise of working with these, these youth, but have the vision to establish this kind of a program that is detailed here. For that reason, I do support LB48, and I will be, I will be voting yes on this.

KELLY: Thank you, Senator Arch. Senator Juarez, you're recognized to speak.

JUAREZ: Hi, good afternoon, everyone, and good afternoon to everyone online who's watching us today. Speaker Arch, I didn't know you were associated with Boys Town, so that was interesting trivia for me to find out. And I have-- I do appreciate this handout that Senator McKinney distributed to us, because I just felt that it really did an excellent job of trying to address the goals that we have for LB48 and I think that-- you know, previously I supported it and, of course, I still continue to support it. And what I really admire about this bill is that it's trying a new approach to try to help our children in the community and their families and to try to, you know, hope that there's going to be greater success for the outcomes and I think that the return for the community, you really wouldn't be able to put it into dollars per se because, I mean, it can go on for years the positive effects that might results from this. I think that since the approach is unique, I just like the fact that we're going to try something different because, you know, we have social services in place, but obviously it may not work for everyone. And, you know, everybody is unique, right, so I think it's good that we have a, a one-on-one approach and to try something different. And I think that it's good how the centers will be open 24 hours a day, 7 days a week. And if there's anyone online who would like to take a look at the handout that Senator McKinney provided to us, please call my office and I would be willing to have the information shared with you so that you can see the excellent presentation that he provided to us. One of the interesting things that stood out to me was the statistics on the cost comparison. Douglas County Youth Center per day costs for 5 years would total \$1,783, and annual cost per youth would be \$650,839, and annual total for 5 years, \$56,622,993. The annual cost for LB48, the total will be \$5 million. So I really appreciated having this cost comparison because, again, it was another attribute that stood out and why it makes sense for us to consider an alternative program. And I, I will yield the rest of my time to Senator McKinney. Senator McKinney, would you like the rest of my time? OK. I'll yield the rest of my time. Thank you.

KELLY: Thank you, Senator Juarez. Senator Bosn, you're recognized to speak.

BOSN: Thank you, Mr. President. I rise in support of LB48. Colleagues, I know this bill was not heard in the Judiciary Committee, but this bill had been heard in HHS, and it was just a couple of days after that that we were hearing a bill in the Judiciary and Senator McKinney's frustration was we talk about wanting to provide intervention services and help youth before they become

system-involved and we can say those great nice things, but when it comes time to actually putting our money where our mouth is, we don't show up. And that's his frustration and I'm not putting words in his mouth. We've had multiple conversations about that. I think this is a pilot program designed to try to do that, and here's why. I know there's conversation of we've already provided services like this in north Omaha so why are we continuing to do that? The problem that we see right now is that the services that are being provided, everybody wants to work with the most likely to be successful youth. Those who have the greatest chance of success, come onto my program because it boosts my stats. I look really good when all, all 12 of my participants graduate every month, right? But nobody's willing to try something different and work with the youth who are less likely to be successful perhaps on their first try. And his goal here is to try to fix that. And I, I support that goal and I think that this is narrowly tailored enough to address that goal using a pilot program, putting some guardrails up as to what the expectations are. And so while we probably disagree on some of the components in LB530 because of the approach that's taken there, my position is that we can do both. We can address the ongoing problems that we're seeing from two different angles and really try to work together to come towards the best solution. And so I, I provide that as a perspective for those who maybe are on the fence on LB48 and ask for your green vote. Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. Senator Clouse, you're recognized to speak.

CLOUSE: Thank you, Mr. President. Senator McKinney, I don't-- if, if he's available, if he'd yield to a question?

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

McKINNEY: Yes.

CLOUSE: OK, thank you, Senator McKinney. I was looking at this, I, I really appreciated the additional information that you handed out, as others have mentioned. And looking at the numbers, \$500,000 for each senator-- or each center with a minimal amount for administrative fees. But my question, as I looked at this is, do you think that that's enough?

McKINNEY: Yes, I think it's enough because the other thing to think about is these organizations that were applied for the designation

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 8, 2025
Rough Draft

would be able to tap into these funds, but they may also-- but they would also be able to seek out other grants and things like that as well.

CLOUSE: OK, so do you already have some locations picked that, you know--

McKINNEY: No, we don't, we don't have anyone picked, but I, I know of a couple, a few organizations that are interested in applying for the designation.

CLOUSE: OK, so-- and then staffing, they would already have some of that staffing in place?

McKINNEY: Yeah, they already have staff.

CLOUSE: So are any of these other funds-- or the organizations, are they already funded by the state through other funding mechanisms, do you know?

McKINNEY: Not that I'm aware of.

CLOUSE: OK.

McKINNEY: Yep.

CLOUSE: So basically as, as you put in here, you're going to be working with some of these other organizations and you'll find locations and, and then work with them closely on that.

McKINNEY: Yes, yes.

CLOUSE: OK, thank you. I have no other questions.

McKINNEY: No problem.

CLOUSE: Thank you.

KELLY: Thank you, Senators Clouse and McKinney. Senator Rountree, you're recognized to speak.

ROUNTREE: Good afternoon and thank you, Mr. President, and to all of our colleagues here in the Unicameral, those that are watching online today, and everyone in their respective place. I rise today in support of LB48, Senator McKinney's bill. Back on October 11 of 2019, I stopped in a little store up in York, and I just happened to look

behind the desk, and then I saw something that really garnered my attention, and it was a number of 212 degrees. And I said, why is that in the store? And it talked about the extra degree. It said at 211 degrees, water is hot. It's hot. But at 212 degrees, it boils. And with boiling water comes steam. And with steam, you can power a train. I thought about that great locomotive, the steam locomotive, and just the power of one degree, one degree that made the difference between standing still and being able to travel 50, 60 miles per hour in that day. I rise to state that I believe is that one degree makes all the difference that this pilot program in itself could be that same one degree. As we have stated in Judiciary, and we have dealt with other bills on the floor, and I appreciate Senator Bosn's input today, absolutely, that we can do many things. But we talk about the wraparound services, getting it done at the root. And that's taking care of the families. When we look at all of our other organizations that come together and we talk about how can we help? We go back and we look at that family structure. And I believe the power of this one degree, the power of this particular pilot program can bring all of that together and we can fill in those gaps that are missing and our strong families are the basis of our community. I believe that bringing them together, strengthening them so that their interactions are much better than what we have right now is going to help to alleviate a number of issues that we see. And as I get ready to go to my seat I think about the old saying that we learned a way long, long time ago. What did my mother always say, listen, when she gave me that castor oil, did I hate it? She used to say listen, son, I want to tell you that an ounce of prevention is worth a pound of cure. So this investment, we talked the other day about return on investment. I believe that this investment will give us a great return here in this Unicameral and we'll see these impacts and effects all across our state. And we can have this be the pilot program for other areas. I believe it will yield that much. So the power of one extra degree, don't, don't count it out. Don't discount it. Thank you so much, Mr. Speaker-- Mr. President, and I yield back my time.

KELLY: Thank you, Senator Rountree. Seeing no one else in the queue, Senator McKinney, you're recognized to close.

McKINNEY: Thank you, Mr. President. Colleagues, I decided to bring this bill because over the interim-- well, over a few interims, I've talked to many families and many youth in the community and the common theme was a lack of, like, resources and a lack of knowing where the resources were which has caused family problems. One thing that sticks out is, about a week or so ago, there was a family that was sleeping

in a van and the parents were arrested and taken to jail and the kids were put into the system. Because they didn't-- they were living in a van because they had nowhere to go, they didn't know where the resources were. That's, that's what I'm trying to address is making sure we don't have families sleeping in vans because of lack of resources or not knowing where the resources are and then they're ending up in the criminal justice system. I'm also trying to address it from the perspective of keeping these kids and these youth out of the juvenile justice system. You know, I hear all the concerns about youth are doing this or youth are doing that. Well, this is my attempt to try to prevent some of that as much as possible because it is needed. Everybody I've talked to since the first round, when, when I heard this, I've received many emails from people saying this is, this is the right decision. This is what we should be doing as a state. You know, I've had-- I've talked to county commissioners, I've talked to health professionals, all saying the same thing. This is needed. The courts support this. You know the county attorneys who I'm always at odds with wrote a, wrote a note in support of this. You know, even talking to people from the police association in the Rotunda, they're saying this is needed, this is what we should be doing, because we have to focus on prevention and making sure we're giving people access to services. Because when you do so, you decrease the likelihood of them ending up in the system, and that's what we should be trying to do. I'm not trying to duplicate what's going on because, quite frankly, it's not going on, and it's not-- what we have currently is not working. If not-- if, if so, we wouldn't have all these issues. That's why I brought this, because I, I do care. And, you know, most people would say, like, I'm really surprised Senator McKinney brought a bill to do this. I thought he disliked, you know, the nonprofit industrial complex. I, I dislike it a lot, but I do understand the need and I do understand the importance, but also that's why I've made sure there, there are reporting and data mechanisms in here to evaluate the effectiveness of this. I'm not just trying to pass something and just throw dollars at anything, I'm trying to do something effective and actually evaluate it to, to improve and make it better so our state can be a better place for families. You know, I, I disagree with locking kids up, but I do so because I don't see us doing things like this, to making sure we're doing all we can to prevent them from going into the system. I believe this is an intentional effort to help those kids and help those families that are struggling or might be in need or might not know where to go to navigate these type of services. So that's why I brought this bill and that's why I hope that I can get everybody's report of this because I

think this is not just a Senator McKinney issue or north Omaha or south Omaha issue, to me it's a statewide issue because we're having conversations on a statewide level about what to do when we feel like they're out of control. Well, let's make sure they never get out of control. Let's make their families have the support that they need. And that's why I think you should be voting for this because it is a public safety measure in my eyes if we're making sure people are getting adequate resources. If you care about public safety, I think you should, should be supporting this because this addresses public safety from a preventative perspective. Thank you.

KELLY: Thank you, Senator McKinney. Members, the question is the advancement of LB48 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 7 nays on advancement of the bill, Mr. President.

KELLY: LB48 advances to E&R Initial. Mr. Clerk.

CLERK: Mr. President, General File, LB644, introduced by Senator Bostar. Senator McKinney would move to indefinitely postpone the bill pursuant to Rule 6, Section 3(f) with MO200.

ARCH: Senator Bostar, you're recognized to open.

BOSTAR: Good evening, colleagues. LB644, introduced on behalf of Governor Pillen, crafted to combat-- it's crafted to combat foreign subnational influence and manipulation of Nebraska state government, local governments, and residents. This legislation addresses foreign adversary representation and registration, establishes requirements under the Nebraska Political Accountability and Disclosure Act relating to the representation of certain foreign entities, makes changes to the Foreign Adversary Contracting Prohibition Act, implements measures to combat transnational repression, and, finally, regulate storage and remote access of genetic sequencing data. The National Counterintelligence and Security Center released a report in July of 2022 titled: Safeguard Our Future, Protecting Government and Business Leaders at the U.S. State and local level from People's Republic of China Influence Operations. That report states that the PRC has stepped up its efforts to cultivate U.S. State and local leaders in a strategy some have described as using the local to surround the central. For the PRC and Chinese Communist Party, targeting state and local entities can be an effective way to pursue agendas that might be more challenging at the national level. Leaders

at the U.S. state, local, tribal, and territorial levels risk being manipulated to support hidden PRC agendas. PRC- influenced operations can be deceptive and coercive with seemingly benign business opportunities or people-to-people exchanges, sometimes masking PRC political agendas. The PRC may view the U.S. business community as an especially important vector to influence local, state, and national leaders, given the companies are key constituents of and often contributors to politicians at all levels. The PRC may use market access investments or economic dependency as leverage and overtly press U.S. business leaders, particularly those with commercial interests in China, to lobby for policies Beijing favors. The initial portion of this legislation was crafted to provide public transparency for the political and propaganda activities, influence operations of agents of foreign adversary nations and foreign terror organizations. LB644 establishes that it is unlawful for any person to act as an agent of a foreign principal from a foreign adversary nation or foreign terrorist organization unless that person has filed with the Attorney General within 10 days of becoming an agent. Legislation clarifies that these requirements do not apply to officially designated diplomats, consular officers, or specific officials of foreign governments recognized by the, by the United States or their staff. LB644 mandates that any informational materials distributed by an agent of a foreign principal on behalf of such foreign principal from a foreign adversary nation or foreign terrorist organization through digital means, U.S. mail delivery service or other methods that is intended to be viewed by multiple parties shall be submitted to the Attorney General within 48 hours and shall be unlawful for any communication on behalf a foreign principal to be issued without a conspicuous statement identifying the communication is on behalf of the foreign principal. Additionally, under this legislation, it is against the law for an agent of a foreign principal from an adversary nation or foreign terrorist organization to communicate in any way with local or state governments any political propaganda or request information on topics of politics, policy, public interest, or relations with foreign adversary nation or foreign terrorists organizations or pertaining to foreign or domestic policy of the United States or the state of Nebraska, unless the communication is accompanied by a statement that the agent is registered as an agent of such foreign principal under the Foreign Adversary and Terrorist Agent Registration Act. If an agent of a foreign principal from a foreign adversary nation or foreign terrorist organization is testifying before the Legislature or any local government, they must provide the committee or body with a copy of the most recent registration

statement filed with the Attorney General's Office. Anyone who willfully violates or willfully makes false statements regarding this information shall be subject to a civil penalty. Legislation goes on to stipulate that if a lobbyist is representing a principal identified as a Chinese military company by the Department of Defense, an affirmative acknowledgement by the lobbyist that they are working on behalf of and thereby acting as an agent of a foreign adversary of the United States is required when filing to represent the principal. The lobbyists must also disclose that they are lobbying on behalf of the Chinese military company and disclose that the Chinese military company is a foreign advisory of the United States in all lobbying activities including telephone calls, electronic mail, United States mail or other mail delivery service, in-person meetings or testimony at legislative hearings. Any person that violates these provisions shall be subject to a civil penalty. Foreign influence, infiltration, and coercion don't only threaten Nebraskans in the halls of government, it's happening in our communities right now. Transnational repression happens when a foreign government agent crosses national borders to intimidate, harass, or harm members of diaspora or exiled populations in order to prevent their free exercise of internationally recognized human rights. These malign practices can manifest physically or virtually from physical assault and unlawful renditions and detentions to targeted online surveillance, intimidation, public slander, and libel. Authoritarian governments commonly rely on transnational repression to strengthen their control over emigrant and diaspora communities, especially as domestic crackdowns on democracy and human rights drive dissidents seeking freedom to move abroad. These actions prevent democratic countries from serving as a physical haven for those fleeing repression. At the unveiling of bipartisan federal transnational repression initiatives initiated by the Senate Foreign Relations Committee in March of 2023, then-Senator and current Secretary of State Marco Rubio stated, while Uyghurs in Xinjiang continue to face the Chinese Communist Party's genocidal campaign, exiles from the Uyghur, Tibetan, Falun Gong, Christian and Hong Kong communities who have come to our nation for protection are now targets of transnational repression. LB644 defines covered offenses of transnational repression, which are specific crimes already existing in law that will receive an enhancing charge if the person committing the offense is an agent of a foreign principal who acts knowingly and committed the offense with the intent to coerce another person to act on behalf of a foreign principal. This legislation also establishes that a person commits a law violation if, while acting as an agent of a foreign principal, such person intentionally attempts to enforce a

law or rule of a government of a foreign country or a foreign terrorist organization at the direction of such foreign principal, government, or organization. We cannot allow foreign authoritarian governments to intimidate, harass, or coerce those seeking freedom within our state. This legislation goes on to modify regulations surrounding drones or unmanned aircraft in the Foreign Adversary Contracting Prohibition Act. This was done in coordination with our partners in law enforcement. LB644 also defines foreign adversary company as a company organized under the laws of a foreign adversary, has its principal place of business within a foreign adversary, is owned in whole or in part operated or controlled by the government of a foreign adversary or is a subsidiary or parent of any company that meets this definition. Under this legislation, no foreign adversary company will be entitled or able to access any benefit from any incentive program of the state of Nebraska. No entity loyal to an adversary of this nation should be the beneficiary of any economic incentive offered by our state government. The Chinese Communist Party is adept at creating corporations ultimately answerable to the Chinese military apparatus and maneuvering those entities into positions where they are receiving American dollars to underwrite espionage efforts within our borders. Finally, the legislation establishes that no medical facility or research facility shall use any genetic sequencer or software for genetic sequencing if such device or software is produced in or by a foreign adversary, a state-owned enterprise, or any foreign adversary, a business domiciled in a foreign advisory, or a subsidiary or affiliate of a business domiciled within any foreign-adversary nation. Beijing Genomics, a Chinese genomics company, and its affiliates, which are sanctioned by the Department of Defense for working with China's military and by the Department of Commerce for human rights abuses have built the world's largest gene bank. Any genetic data collected by Beijing Genomics is effectively property of the Chinese military and used for surveillance and military purposes under China's 2017 national intelligence law. These massive stockpiles of genetic information provide the People's Republic of China and the Chinese military a clear advantage for creating bio weapons. Senior Chinese military officials have, in fact, already argued in favor of creating genetically targeted bio weapons that can incapacitate individuals based upon ethnicity. And the Chinese Communist Party is suspected, is suspected to be leveraging Beijing Genomics for genetically targeted bioweapons. It's imperative that we take every measure possible to cut off foreign adversary military companies from any ability to access the genetic data of Nebraskans. Soon to follow, AM959 was written in partnership with

representatives from the Secretary of State's Office, the Nebraska State Patrol, the Nevada Accountability and Disclosure Commission, the University of Nebraska, the ACLU of Nebraska, and other stakeholders. It addresses concerns of each organization, makes a variety of changes that improve, clean up and harmonize legislation. AM1272, which will then follow that, goes on to further address concerns that have been brought by certain members of this body. According to a Heritage Foundation report titled: Why State Legislators Must Confront Chinese Infiltration. Quote, Chinese influence operations against United States target not only the federal government, but also political and social organizations at the state and local levels. States are currently unprepared for the magnitude and persistence of China's influence operations, which far surpass those of previous geopolitical rivals. LB644 offers a comprehensive approach to protect--

ARCH: Time, Senator.

BOSTAR: Thank you very much.

ARCH: Senator McKinney, you are recognized to open on your motion to indefinitely postpone.

McKINNEY: Thank you, Mr. Speaker. I introduced this motion to indefinitely postpone because this bill contains multiple independent components, all relating to going after China, foreign adversaries, and their influence in this state. I think this is largely kind of a formative bill, but the bill delegates so much to the Attorney General and to a lesser degree to other state officials that it will have consequences other than Chinese-owned companies. And that's the issue. One of the biggest problems I have with it is-- where is it-- you know, Sections 17 and 18 of the amendment bill, which enhances an arbitrary list of existing crimes, if the person committing the crimes is an agent of a foreign principal who acts knowingly at the direction of, or on behalf of, or under the influence of such foreign principal. You know I ask, you know, what is the purpose of this? Are spies assaulting Nebraskans? What is the lack-- what is lacking in the criminal code now that requires the creation of a new enhanced criminal offenses? Where has there been an arrest of an agent of a foreign principal? What case or cases were required to be dismissed because prosecutors were unable to bring a case? Why didn't the prosecutors, the Attorney General, or the County Attorneys Association speak on this portion of the bill? They will be the ones required to bring these cases, why aren't we asking for the law-- why are they asking for the law change? You know, you know, I, I think it's, you

know, everybody just I think on the surface don't want, you know, people doing a lot of wrong on the behalf of foreign nations that might negatively impact our nation and our, our, our people. But I think we have to consider the, the unintended consequences of this bill, you know? And I, and I think that's what I have an issue with and I think others do, is the unintended consequences of passing such legislation like this. And I, I, I need to think through it some more, but I'll yield the rest of my time to Senator Conrad. Thank you.

ARCH: Senator Conrad, 7:18.

CONRAD: Thank you, Mr. President, and thank you to my friend Senator McKinney. Also I'd like to thank my friend Senator Bostar, as we commence on debate on LB644. And I do just want to be 100% clear and candid for the record and for all colleagues and for all stakeholders. It has been very productive and very beneficial to remain in relationship and conversation with Senator Bostar as lead introducer of this measure, as we have had a lot of very rich and meaningful conversations about the goals he has pertaining to LB644. And then I think, actually, we share many of the same general goals in terms of what he's trying to accomplish here. I think at this juncture, we are still working through the appropriate way to execute or implement those policy goals to ensure that we're not creating expansive new powers or casting a net too widely that would ensnare legitimate business activity, that would chill free expression for Nebraska citizens or Nebraska businesses, and that we are cognizant of the historical context that these important issues come within. So, of course, we can think back to the Red Scare in the '40s and the '50s and how serious national security issues and interests really took on a life of their own in terms of American politics and in American life. And here in Nebraska, we were not immune. And as a part of that chapter in our history, we saw very expansive laws passed in regards to Americanism, attempting to actually mandating loyalty oaths for public employees. And those were challenged in the courts, including right here in Nebraska and were found to be violative of the First Amendment and free expression and free association. Many of those laws remain on the books as dead-letter law. But, nevertheless, I think that this is a historical chapter that most Americans are familiar with. We need to think deeply about the legal issues, policy issues, practical issues, and historical issues that are embedded in this conversation, and we need to also be cognizant of the present political realities about what the creation of new laws, new penalties, new enforcement mechanisms, expansive powers for state and local law enforcement, what those can mean or could mean to either

stymie or chill legitimate business activities or peaceful free expression. So Senator Bostar, myself, others that are working on this bill, you can see Senator Bostar, to his credit, has filed a series of amendments on this measure including the, the committee amendment which I'm eager to have come up, and I think each iteration of the measure and each substantive amendment is a huge step in the right direction to figuring out how to advance our shared policy goals, but to strike the right balance when it comes to how to implement that, to guard against the significant threats that we are concerned about without chilling legitimate business activity or peaceful free expression, which is important to our American values and, and to our economy as well. So that's primarily the crux of the disagreement, I think, at this point in time. And for many colleagues who've had an opportunity to work with me and those who haven't yet had an opportunity to work together more directly, if I want to kill the bill, I'll tell you I want to kill the bill. If I want to work with you to try and make the bill better, I will do my best to keep my word in that regard. At this juncture, I remain committed to trying to make the bill work, instead of just outright kill it or expend time on this debate. Nevertheless, I do think that there are so many important issues contained in this legislation that are worthy of organic debate and deliberation and record building and free exchange that I'm hopeful that we can have that happen. And whether it's through motions, whether it's through just regular Q&A, whether it's through the series of amendments that the committee has, that Senator Bostar has, the substantive amendment that I plan to try and get up to advance the goals by removing what I consider to be some of the more problematic aspects of implementation, this is all meant to be very constructive debate on serious and important issues. And I thank Senator Bostar for setting the right tone in really embracing the dialogue to figure out how to advance the goals without running afoul of, of things that I know he shares concerns about as well. So let me give you, in addition to a voice from the past in regards to the loyalty oaths and the Red Scare and those kinds of issues that we're working within, let me give you a very present day example. So there has been a lot of discussion about whether or not the, the Trump administration, for example, will shut down a progressive fundraising platform known as ActBlue under the guise of terrorist activities. So we-- that, that's the kind of caution that we need to inject into a debate like this. We need to make sure that we are not deputizing the Attorney General or local law enforcement to weaponize a measure that's brought forward an interest of national security. We should not weaponize law enforcement to police dissent, peaceful dissent. And

these are very real, very tangible issues that are popping up for political purposes that are kind of ensnared and ensnarled with some of these national security interests that are present in LB644 and other aspects of public discourse. So thank you, Mr. President, and thank you, Senator McKinney.

ARCH: Mr. Clerk, for items.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB260, LB262, and LB263 to Select File, LB260 having E&R amendments. That's all I have at this time.

ARCH: The Legislature will now stand at ease until 6:05. When we return, Senator John Cavanaugh, Senator Conrad, and Senator Dungan, you are next up.

[EASE]

SERGEANT AT ARMS: Attention, Senators, the Legislature is scheduled to resume in 5 minutes.

KELLY: Returning to the queue, Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues and people who are watching the evening. I have noticed that more people email me that they've seen what's going on in the evening time than when I talk during the daytime. So I appreciate the emails, folks. Keep them coming. I love the, the-- when people-- somebody emailed me about Darkwing Duck the other day, which I really appreciated. That was in reference to my Scrooge McDuck tie that I wore in honor of Senator John Lowe. So, OK, I-- at the moment, I guess I support the IPP, I'm opposed to LB644 as currently written. I know there's some amendments coming, and so I might change where I'm at in General as it goes forward. But I wanted to take my first time on the mic to talk about I serve on the committee, the Government Committee, where this came from, and I did not vote for it out of committee. I did hear the testimony at the hearing. And I, I-- there was a lot of folks who came in favor, some from national organizations that came in that are like state shield and, and something other named like that, and somebody from the Daily Caller, I think is what the newspaper is called that they came from. But like all this-- oh, here we go, Daily Caller News Foundation. So there's a lot of stuff people came-- that came to testify in favor of this bill. And I heard from a number of folks who

had opposition issues with this bill, but my fundamental opposition to this bill is that I know everybody talks about China. The bill doesn't only apply to China, it applies to Russia and North Korea and Nicolas Maduro, I think. And then there's also the terrorist watch list or something like that is the word, which has grown by leaps and bounds since this bill was introduced. Includes a lot of organizations like MS-13 and other MS numericals or something along those lines. But, anyway, so it's-- there's a lot of these groups, and, and I don't think anybody would argue that groups that are on this list are, you know, friends of the United States. But my concern is that the approach that the bill takes as it pertains to-- and the bill as written and, and then there's a little bit of a step down in this for the committee amendment. But the bill has a requirement that folks who are not associated with any of these organizations have an obligation to file or register with the state that they are not affiliated with these organizations. So the original bill basically had a very broad obligation for that, and the committee amendment has a slightly less broad obligation for that. And I think has a requirement that it'd be a check box or something like that. But my problem is not the inconvenience that the attestation requires. You know, that it's not that it's inconvenient for somebody to check a box and file a form. My problem is that we are opposed to these countries because of their authoritarian nature, because of their-- well, the way that they treat their, their citizens or the people who have left their diaspora, the way they reach out and try to get them in our country. And my problem with the bill as written is that I think that some of the things it calls for people to tread into the territory of, of what we have a problem with. So China is an authoritarian country that we don't like. The Chinese Communist Party wants to control people's lives and tell people what to do. And, and I think that requiring every company in the state of Nebraska to, to attest that they are loyal to the United States and are not an agent of another country is getting too far into that, that area. So I'm going to run out of time. I was going to talk about something entirely different and so I was just building up to it. So I'll push my line and keep talking about it. But, anyway, so I do think that it-- that you could require folks who are actually working for another country and, you know, companies like Smithfield and TikTok come to mind as being owned by China or the Chinese Communist Party. I think that, I think that there's not really a problem with saying you have to register that you are advocating on behalf of a foreign entity. I think that's OK. I think requiring every other LLC and corporation in the state of Nebraska to register saying that they are not an agent of China, that's the part I have a problem

with as it pertains to that part. I'll push my light and I'll get to talk again in a little bit about the other part. I have a problem with the Attorney General is in here 44 times. I have a problem with a number of the places the Attorney General appears, and I have specific things to say about that. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President, and good evening, colleagues. I share a lot of the questions and concerns that my friend Senator Cavanaugh brought forward and, you know, let me just start by saying we all bring a seriousness of purpose to our work and I know Senator Bostar always does. But I will tell you while I am an enthusiastic student, I do not pretend to be an expert in the intricacies and nuances that come along with national and international law in regards to foreign relations and espionage and some of those related concepts that are kind of wrapped up in, in, in, in this legislation, and so trying to get up to speed on exactly what, if any, role state governments have in our federalism-- in our, our system of federalism to complement existing federal laws in regards to advancing and protecting key national security interests is, is a complex endeavor. And I've been working really hard to, to try and get up to speed to figure out what the right balance here is. And it seems like there is indeed a role which is undeniable for state governments to play when it comes to providing support to federal authorities in advancing national security measures, focusing on counterintelligence and efforts against foreign spies or wrongdoers. And a lot of those efforts are happening, should happen, happen without necessarily a, a new suite or package of laws by local officials and law enforcement that share intelligence, that help to enforce existing laws, that provide local expertise. These are all clearly appropriate and important roles and activities that are happening that support our overall national security interests, but that also recognize that the federal government maintains primary authority and responsibility for intelligence gathering and operations. So that being said, there's a lot of federal laws out there which some of these issues touch upon, whether it is the Espionage Act or Sedition Act or the Federal Agent-- Federal Foreign Agents Registration Act, those are just a few examples of some of the more well-known or high-profile federal laws that exist to try and address these issues that, of course, in many instances may be antiquated, may need to be updated, but nevertheless also have been controversial since their inception and through present day as some of these same laws have been cited as a basis to, again, eject foreign

nationals that those in power believe have a different viewpoint that is adverse to the United States to launch investigations into private institutions, including institutions of higher education. If there's any sort of claim or whiff that they're fostering dissent or nefarious activities. And then, of course, we know the recent claims, which I mentioned before, wherein the Trump administration, seemingly without significant amount of evidence, has claimed terrorist-related activity by fundraising platforms that support progressive candidates. So we know from past history and we know from present day that when we're attempting to appropriately protect American interests and state interests against foreign actors who would do us harm, there is an important role there, an important interest there, but we can't and shouldn't cast the net too widely so that it ensnares--

KELLY: That's your time.

CONRAD: --legitimate business activity or free expression. Thank you, Mr. President.

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

DUNGAN: Thank you-- maybe, there we go. Thank you, Mr. President. Good evening, colleagues. I do rise, I think, wanting to have more of a conversation about this. I appreciate Senator McKinney putting up this motion to help structure a little bit of the debate here today so we can have these conversations. I, I was not a part of the General Affairs Committee, and I know this bill has gone through a couple of different iterations, so I'd like to, I guess, also echo my appreciation for Senator Bostar being willing to listen to some of the concerns that have been raised and, and, and make some edits along the way. Where the bill currently sits, I still have some concerns and so I'm hesitant to be supportive of LB644 in its current iteration, but I think that based on some of the comments we've already had here today, it sounds like there's at least a possibility to get to a place where LB644 maybe has some changes that make me feel a little bit more comfortable or less concerned about some of the different facets of the bill. I want to start the conversation that I have here, I guess, with some of the broader issues that I'm, I'm concerned about with LB644. And I imagine these are going to be sentiments that are touched on probably by some others who speak here today, who talk about these historical sort of concerns that I think continue to rise up whenever we talk about bills that seek to deal with foreign nationals and other individuals who may or may not have adverse interests to the United

States as it pertains to national issues of, of security, in particular. Obviously, you know, we can all agree, I think, in this body that we believe in a strong safety net and making sure that our, our, our nation is secure and making sure that we don't obviously allow foreign nationals to get into any of our pertinent information or security information. But I think the biggest concern that I have is that there's been a broad sort of, I guess, effort made in the last few months that has certainly, I think, raised my red flags about, you know, call it like it is, xenophobia, as it pertains to any number of folks coming from any number of different countries. And I am not saying that that's what this bill seeks to do, but I do think that there are parts of this legislation that sort of could add fuel to the flame of some of the concerns that I have nationwide when we see people being labeled or accused to be a part of certain potentially nefarious organizations when there's not been necessarily the due process to get to that point, and I think we'll probably have conversations at some point about folks that have been deported, obviously, because there's allegations made by the federal administration that they fall under certain categories of adversarial groups to the, to the United States. And, you know, the, the, the concern that I always have is that this sort of is the echoes or the ghosts of a red scare that has now become part of, sort of the cultural conversation of something we don't want to go back and be a part of. You know McCarthy for example, it sounds like I'm escalating this but it's true, McCarthy for example is seen as a figure in history who, frankly, overstepped and somebody that I think created a really unhealthy environment for our country in the accusations of those we simply didn't agree with politically. I'm not saying this bill does that, but what I am saying is that there are parts of this effort, both in this bill and nationwide, that start to, I think, go in that direction or at least, again, raise the specter of these past efforts that have been made. And I promise you, if you go back and read the history books, looking through what led to a lot of the Red Scare in the early '50s and on, it never happened at once, right? It was never just one piece of legislation or one decision that ultimately led to those concerns being raised. It's a slow but steady march over time that gets to those places. And so when you see a bill like this kind of get in front of you, again, there's a lot of meritorious concern, I think, that comes up with this bill. There's a lot of parts and facets of it that I think could be workable with different language. But from a big picture, I think it's important to take pause and to really analyze both the intent of the bill and how the bill operates. Because when we start to go down a certain path of

this kind of protectionist sort of thing, I, I want to make sure that it's being done in the right way. So I, I will probably get in and talk a little bit more about concerns I have as to the broadened authority of the Attorney General. I, I also have some concerns broadly about the influence that this has on academia and our college campuses here in the state of Nebraska. And then, certainly, the interplay with federal law and the Espionage Act and other things that are already illegal at the federal level. So I look forward to the conversation. I do appreciate that Senator Bostar has already talked to us about this and asked about certain ways--

KELLY: That's your time.

DUNGAN: --to move forward, and I look forward to that conversation. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. I'll, I'll pop up and chime in on this one. I'm going to decline to support this bill. I sit on the committee where it was heard. I listened to the hearing. I did not support it out of committee. And most of what Senator Dungan just said is exactly what I would say as well. What this bill does, as far as my understanding, and I know there's some amendments to come that I, I look forward to getting on the board. And I'm not going to take three times on this motion. I'm not-- you know, I don't have a need to take this 8 hours or anything, just to put my thoughts on the record for my constituents. But my concerns about this bill is that it kind of blurs the line between security, valid security concerns, and just outright paranoia. It takes a national issue, foreign policy, intelligence gathering, espionage, that type of thing, and it tries to graft it artificially or awkwardly onto the framework of state government. And all of that without a clear need or a precedent. And I think that sometimes we come from a place of fantasy, of fantasizing about being some kind of military operative or intelligence officer. And what it really is, is a type of play. I can't help but feel like we are indulging in a fantasy a little bit, that we're James Bond, that we're taking a brave stand against enemy forces, that there's a need for us to do something like this, but we're not. It's a little, it's a little playtime to me. And I think that that is an impulse that might be better satisfied by playing a video game or reading a book instead of passing a "McCarthyist" red scare law like this that clamps down on free expression in a way that we just don't have a need for in

Nebraska. And I also echo Senator Dungan's concerns just about the kind of political environment and the mood in society right now around the other, around immigrants, around anybody who doesn't seem sufficiently American. And I worry about the consequences of passing a bill like this fanning those flames and giving explicit permission for those kinds of attitudes to foment and to continue. I mean, I think on the one hand, I want to say-- you know, I don't want to sound too alarmist. I don't want to, you know-- I would like to talk about these prison camps in Libya and El Salvador and who knows what's next, that our current administration at the federal level is sending, you know, lawful residents of the United States to disappearing them to these places. That feels alarmist to talk about that. It feels extreme. But I feel like I'm gaslighting myself saying that because it's not extreme, because it is literally happening. And what's actually extreme is a bill like LB644 that continues to see Americans, people here legally, people here to learn, people here to work as suspicious, as suspects, as potential spies, and not only that, but in listing our academic institutions, our local businesses and companies and employers into that by making them register and hold up their right hand and say that they promise they're not a spy. I just-- that's what makes it seem unserious to me. I don't think that we can force state employees to sign loyalty oaths. I think it's wrong to punish students and faculty at our public universities based on whether they, quote unquote, violate the act or they make a false statement. And besides that, I think we have to remember that the University of Nebraska system is governed by the Board of Regents, not by this Legislature. And the Nebraska Supreme Court has affirmed that autonomy and this bill flies in the face of that. I cannot support this bill today. I think it invites overreach, it duplicates federal efforts, and it sets a really concerning precedent for political loyalty testing and nationalist loyalty testing that should make all of us, regardless of party, deeply uncomfortable. It's a deeply uncomfortable premise. And, you know, maybe a proponent will say what Pillen says, which is, well, we got to get comfortable being uncomfortable. But I'm being serious here. I'm talking about something real, which is, you know, the clamping down on free expression, the suspiciousness of the other and the immigrants, anyone who doesn't seem American enough. And we should not be in the business of making performative laws that restrict academic freedom, violate constitutional protections, meddling in foreign policy under the guise of protecting--

KELLY: That's your time, Senator.

HUNT: --Nebraskans. Thank you, Mr. President.

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

BOSTAR: Thank you, Mr. President, and thank you, colleagues, and good evening. I, I didn't get an opportunity to fully finish my remarks on the open, but, really, all I had left was just to thank members of the body who have been, I, I guess, generous enough to kind of work on some of these elements of the bill and find opportunities where we can come together to, to make some improvements to the language. And so, you know, there's no obligation for anyone to do that. So when they do take the time to work on it, it's, it's really appreciated. And so that was what I had left that I wanted to cover from the open. And so I wanted to make sure I was able to express that. With that, thank you.

KELLY: Thank you, Senator Bostar. Senator Holdcroft, you're recognized to speak.

HOLDCROFT: Question.

KELLY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed 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: 21 ayes, 0 nays on the question to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All senators outside of the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house under call. Senators McKeon, Hardin, Strommen, Riepe, and Dover, please return to the Chamber and record your presence. The house is under call. Senator Holdcroft, are you willing to proceed without Senator McKeon. The vote was underway, Senator, will you accept call-ins? Request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator

Fredrickson not voting. Senator Guereca not voting. Senator Hallstrom. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach. Senator Jacobson. Senator Juarez not voting. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting yes. Senator Quick not voting. Senator Raybould. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is 30 ayes, 6 nays to cease debate, Mr. President.

KELLY: Debate does cease. Senator McKinney, you're recognized to close.

McKINNEY: Thank you, Mr. President. I think it's important that we consider the unintended consequences. I don't think nobody is opposed to, you know, making sure that people aren't coming to our country and doing things nefarious or whatever. But there are unintended consequences of this bill. So over the break, I was just thinking, you know, what if somebody is running an organization and gets an intern and that intern is on a visa from one of these countries, are they subjected to this? Are they going to be deemed as a entity that is in violation of what this law is proposing? I think that's something to think about because although it might be well intended, the consequences, I don't think-- the unintended consequences are not fully baked or thought out, you know? And it's also-- I'm just curious, isn't this, like, the job of the federal government? Like, I know people say states rights and those type of things, but do you think we might or may be just overstepping in, in a sense of this? I would think that this should be more up to the federal government than the state of Nebraska. You know, what are some examples of foreign agents, you know, being in our state and doing things contrary to what this law is proposing them not to do? Like what are the examples? Can anybody stand up and give an example of a foreign agent from one of these listed countries, China, Cuba, Iran, North Korea, Russia, Venezuela? Are there any examples of people being agents for these countries in the state of Nebraska? Like, can we point to at least one, just one? I'm just curious if we can. You know, what deems somebody like a foreign principal is, is questionable at best. You know, for example, I have a, a new restaurant, like it's, it's on the border of my district, but it's a Cuban restaurant. And they fly the

Cuban flag because they're from Cuba, but they're in America, but they own a restaurant in the state. Are they going to be required to take down their, their Cuban flag if this passes? You know, they're, they're from Cuba but they're in America and they're living in Nebraska. I don't know if they, what do you call it, you know, left Cuba-- dang, it's slipping my mind. But you-- I think everybody gets what I'm saying. Like, did they-- are they exiles from Cuba? Did they-- are they--I don't think they're refugees. The word is slipping my mind, but I think you get what I am saying. Asylum seekers or something like that, and they're flying the flag of their country, and they own a business, is that going to be deemed as this business is working as a foreign agent? Are we just going to run into any entity where somebody is from one of these nations and say you can't put your flag up if you're in America? But they're here legally, those type of things. I think that's something to think about, you know? And the other thing is the increase in criminal penalties. We saw and we have seen and will see more legislation that is looking to increase felonies and enhance penalties in this Legislature than I've ever seen since my time in this place. And I think we should think long and hard about that because there will be consequences because of that. Like there's already examples of this Legislature in the past passing enhancements, and it directly impacting our prison population and boosting it. Like there is verified information on that. So I think when we keep having these enhanced penalties, we need to think about the impact, especially the impact on an already overcrowded system, what that, what that actually is going to mean as far as state dollars and taxpayer dollars that are going to have to be used to address this. You know, we talk about, you know, using taxpayer dollars right in-- in the right way, but when it comes to criminal penalties, we're just passing them freely.

KELLY: That's your time, Senator.

McKINNEY: Thank you.

KELLY: Thank you, Senator McKinney. Members, the question is the motion to indefinitely postpone. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting no. Senator Arch voting no. Senator Armendariz. Senator Ballard voting no. Senator Bosn voting no. Senator Bostar voting no. Senator Brandt voting no. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting

no. Senator Clouse voting no. Senator Conrad not voting. Senator DeBoer. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan not voting. Senator Fredrickson not voting. Senator Guereca not voting. Senator Hallstrom. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt. Senator Ibach. Senator Jacobson. Senator Juarez not voting. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKeon voting no. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop voting no. Senator Quick not voting. Senator Raybould. Senator Riepe voting no. Senator Rountree not voting. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey not voting. Senator Storer. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Vote is 1 aye, 30 nays on the motion, Mr. President.

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

CLERK: Thank you, Mr. President. Senator Machaela Cavanaugh would move to reconsider the vote on MO200 with MO237.

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

M. CAVANAUGH: Thank you, Mr. President. If I hadn't had the question called, I was three more down in the queue, so I wouldn't have done a motion to reconsider, since we only spent about 30 minutes between dinner and after dinner on this motion. I actually got out of the queue when I got back up from dinner because I wanted to ask Senator Bostar a question about the bill before I decided about how I wanted to proceed on the bill. And so I got out of the queue and I got back in because Senator Bostar, I didn't see him and I wanted to make sure that I had the opportunity to ask him the question. And so, you know, it used to be that the chair would rule in those kinds of situations and say, no, there hasn't been full and fair debate because we haven't really been debating this motion for very long. But now we've gotten into this habit of just throwing it to the floor and just like Pavlov's dog, we just vote for it, so. So you're welcome, I guess, for this motion that I wasn't planning on putting forward, but since I got called before-- the question got called when only like five people spoke, here we are. So some of my concerns, and I'm going to wait till my time in the queue, unless the question gets called again, to ask Senator Bostar my questions, but some of my concerns stem from-- I'm going to talk about my personal experience. So in the early 2000s, I

was in Washington, D.C. working, and one of my jobs, I worked for Bob Matsui, who was a congressman from California. And I want to tell you all about Congressman Matsui. He served in the House from 1979 to 2005, but his earliest memories were of an internment camp, where his family was separated, and where they lived like prisoners, denied their most basic constitutional rights. That experience was formative for Matsui. Quote, adversity made Matsui stronger, and along the way, he helped countless others to find strength as well, end quote, noted an observer who reflected on Matsui's long political career. So he was born in September 1941 in Sacramento, California, less than 3 months before Japan's surprise attack on Pearl Harbor. Notice that again, he was born in Sacramento California. And both his parents were also born in Sacramento California, United States of America. Following the U.S. Declaration of war against Japan, 6-month-old Robert Matsui and his family were evacuated from their hometown to an internment camp in April 1942 as part of the relocation of Japanese Americans from the Pacific Coast. Becoming family number 252061, the Matsui family initially was sent to Tule Lake Camp in Newell, California, a remote location in the extreme northeast corner of the state. Alice and Robert Matsui were moved to a camp in Caldwell, Idaho, while Yasuji was separated from his family and sent to Weiser, Idaho. Those are his parents. So he and his mother were separated from his father. U.S. Citizens. Born U.S. Citizens, not naturalized. A remote location in the extreme northeast. OK-- Alice-- oh, Idaho, a work camp, his father was sent to a work camp. Alice Matsui gave birth to Robert's sister Barbara at the Caldwell facility. So she'd been separated from her husband, she had a young child, all U.S. citizens, her husband had been sent to work camp as a U.S. citizen charged of no crime whatsoever, just that he was of Japanese nationality, and his wife was in another internment camp away from him, pregnant with their other child. Eventually, the Matsui family reunited and returned to Sacramento following their release 3 years later, 3 years later, legal, native-born U.S. citizens of Japanese descent. Like most internees whose livelihoods were shattered, the Matsuis lost their family produce business in Sacramento during internment. After the war, they had to rebuild their lives. So having known him personally, he was a really, really great man. He passed away about 2 years after I worked for him. And this is really a cornerstone of who he was. And this is a really, really important thing to remember. So how much time do I have?

KELLY: 5 minutes, 8 seconds.

M. CAVANAUGH: OK, so I'm going to start reading you a news story. Now, I want to couch this with, I am not fully versed in what this bill does. So maybe I'm totally off the mark, but this is where my concerns are stemming from. So here we go. This was a story that aired in October of 2024, and then was re-aired in 2025. It was aired on NPR, and this is the narrative of the story. As part of his efforts to crack down on immigration, President Trump has invoked the Alien Enemies Act of 1798, an obscure law that has been used sparingly throughout U.S. history to detain or deport nationals of an enemy nation during wartime or an invasion. Trump's directive targets members of the Tren de Aragua-- sorry, I'm going to say that wrong, a Venezuelan prison gang that has grown into a multinational crime organization over the last decade. And was designated a terrorist organization by the U.S. State Department in February. The proclamation authorizes expedited removal of all Venezuelan citizens ages 14 and older deemed members of the group and who are not U. S. citizens or lawful permanent residents calling them, quote, a danger to the public peace or safety of the United States, end quote. Quote, I find and declare that it is permitting, attempting, and threatening an invasion or predatory incursion against the territory of the United States, the proclamation reads, borrowing the language of the centuries-old act. The Alien Enemies Act is a wartime law. It has its roots in a conflict between the U.S. and France, and three times it has been used. Until now, were all during major wars. Legal experts have long been skeptical of the Trump campaign's promise and facet of the 24 Republican Party platform to utilize the act during peacetime since immigration hasn't historically constituted an invasion. Immigration advocates worry the act would lead to the targeting of other groups of immigrants regardless of their criminal history. Trump's proclamation was immediately blocked by a federal judge who ordered deportation flights to turn around. And through the administration still-- and though the administration still deported some 250 people to El Salvador, the Trump administration-- sorry, it's hard because it's jumping around-- to El Salvador, quote, the Trump administration is seeking to circumvent the process that we have in our country in order to just expand power and do something with no process at all, said somebody with Democracy Forward, which, along with the American Civil Liberties Union, sued over the administration's use of the law, they told NPR. It's highly concerning and should be concerning for all Americans. The last time the act was invoked was during World War II when it was put-- when it was used to put thousands of noncitizens of Japanese, German, and Italian descent in internment camps, for which the federal government formally

apologized decades later. History shows the risk, said someone from the Brennan Center-- Brennan Center's Liberty and National Security Program. Here's what else to know about the act and Trump's efforts to use it? Oh, sorry, that was just-- sorry. It's copy and pasted, so some things are links and some things aren't. OK. The Alien Enemies Act specifically allows the President to detain, relocate, or deport noncitizens from a country considered an enemy of the United States during wartime. Whenever there shall be a declared war between the United States and any foreign nation or government or any invasion or predatory incursion shall be perpetuated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President of the United States shall make public proclamation of the event. All native citizens, "densonians", or subjects of the hostile nation or government, being males of the age of 14 and upwards, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. Congress, with the support of President John Adams, passed the Alien Enemies Act as part of the four Alien and Sedation Acts of 1798 as the U.S. stood on the brink of war with France. I will continue reading this when I have my next opportunity to speak. And I will eventually, after I am done reading this, get to my questions for Senator Bostar. But I just hope that you all will heed this historical reflection as something that we should be using as a lens in determining whether or not we want to carry forward LB644. And I think I'm just about out of time. So thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President, and good evening, colleagues. I rise in opposition to LB644 and rise in support of the motion to reconsider and rise in support of the motion to indefinitely postpone this bill. I echo some of my colleagues' sentiments of I'm not sure this is even a problem in Nebraska and why this would be a bill that we would want to spend time on. I think we have heard critiques from lots of different folks on the floor around the major decisions that are in front of us and things that we should really be debating and fine tuning and, and putting through to create a, a more sustainable and more access and opportunity type of Nebraska. But we're spending time on LB644 and I'm not even sure what the real issue is and it really feels like alignment to some of the culture war propaganda and bills that we are seeing at the federal level and that has infiltrated our State Legislature, which I think is unfortunate. It doesn't serve our,

our constituents as well. And so there is a history at the federal level, so I do think the job of identifying folks that want to harm the U.S. or harm specific states or, you know, all of those things happens at the federal level. I don't think it's always done in a way that's appropriate or that doesn't have specific racist or bigoted undertones but, nonetheless, that's like their job. And so I wanted to bring into some context because history does repeat itself, the, the intelligence and the surveillance of specifically the Black Panther Party. And so the FBI, and this is in their purview, viewed the Black Panther Party as an enemy to the U.S. Government, and they sought to dismantle that party. So they created a surveillance program, and they used that program through sabotage. They sent out misinformation and even lethal force to be able to dismantle the Black Panther Party. The FBI's escalating campaign against the Black Panthers culminated in December of 1969. During that month, local police in actual Chicago, so the federal government used local and weaponized and militarized local police force in Chicago, and raided a home and they actually murdered Fred Hampton who was a leader of the Chicago Chapter and then a fellow Panther member Mark Clark. They actually murdered Fred Hampton in front of his wife and son. And then several days later, there was a 5-hour police shootout at the party's Southern California headquarters, so in the two places that they had major population of members. And the FBI, which kind of like ended where the Black Panther Party was because of the state sanctioned murders of their leaders, and then the measures employed by the FBI, they said were so extreme that they apologized for the wrongful uses of power. And so when we talk about the unintended consequences of a list like this and what we're doing at the state level, again, the federal government has purview and power. Clearly, we see that through historical surveillance and programs and lists to be able to monitor what they believe, whether we believe it or not, to be terrorism or, or enemies of the state. And so for me, this bill and this current political landscape and what we have seen is just a dog whistle policy. I don't think it is necessary. There's not an issue to solve here. And as we can see, it did not end well for people that we should be seeking out to protect and that are really using their constitutional rights to advocate for themselves and their community. And so that is my concern with the bill. I think we should really be spending our time on the budget. We should be talking about economic development and childcare and access and opportunity for our constituents. And how do we grow Nebraska? How do we envision for our state? But, instead, we are here in a space and creating a boogeyman and issues that are not apparent or have not been articulated. So if there is an issue, that is not

demonstrated around the information for this bill. And, again, there are federal agencies that manage this type of, of surveillance. And so I don't know why we are doing it or want to do it here in Nebraska. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. So I talked last time on the mic about my just general opposition to the idea of requiring everybody to register and every company to register, and I think there's problems with that. And I think that it is a-- an artful way to get to the goal, which is to make sure that we know when somebody is advocating on behalf of a foreign entity. You know, we have requirements that lobbyists register and announce who they're lobbying for and all those sorts of things. And, and so I think that there's an analogous there for somebody who's actually advocating, but we don't require every other Nebraskan to register as not a lobbyist. And so I have some issue with that. But the thing I did specifically want to talk about is, and I've talked to Senator Bostar about this before and I'm attempting to find a way to craft an amendment on but the Attorney General appears in this bill 44 times and there are probably some of those places is an appropriate duty to assign to the Attorney General, but there's basically 44 either duties or some, some smaller subset of 44 because it might appear multiple times in the same assignment of duty. But some of those, I do not think, are the appropriate grant of authority. And as you all recall, I'm sure, that on, I think it was Senator Bosn's, LB504, bill where we talked about having the Attorney General both make the regs and enforce the regs is a problematic thing. There's some similar problematic things in here where the Attorney General is being granted authority to create regs, and then enforce the regs. And I think that's a problem. I think that some of this is just is people needing to be file-- filing with an entity for purposes of identifying themselves. And the Nebraska Accountability and Disclosure Commission has already set up to do that. They take our C1 forms, which there is a grant of requiring people who have a C1 to attest that they are not an agent of a foreign power. And so if we're going to go that path, I do think that the NADC would be a more appropriate place to put some of these authorities. I have additional concerns as it pertains to the Attorney General where, and I'll just read you this one sentence. So the Attorney General having due regard for the national security and public interest may from time to time require. I don't know what that means. I don't know why that's in there. I, I don't understand why we are essentially

characterizing that the Attorney General has due regard for national security and the public interest. I mean, I hope he does. I, I don't know why that is in statute that we were saying that the Attorney General has due regard for national security public interest, it reads as though that's a justification for granting him this sort of carte blanche authority. And I, I, of course, have a problem with granting the Attorney General open-ended grants of authority to from time to time as he may deem or may from time to time require. So I have a problem with that. I don't know if that particular one is one of the ones where it would be more appropriate to be at the Accountability and Disclosure Commission, and that's the problem. With 44 specific grants to the Attorney General, I think that there are a number of them that need to be placed somewhere else. I do think aside from the Accountability and Disclosure Commission there may be places where the Secretary of State would be a more appropriate place to couch or place this authority because of the-- if, if we are going to go this route where we're acquiring every business to register that maybe the Secretary of State would be the one that would be more appropriate for some of these things and so I know we're going to get to some amendments and I might have specific comments about what changes those amendments make, but that's, that is one of the-- I think it-- I honestly do think this is a fixable issue in this bill. I think there are times where it does not-- granting this authority rather than to the Attorney General, but granting it to the Accountability and Disclosure Commission, I do not think under-- undermines the intention of the introducer of this bill, I certainly don't think it undermines the governor's intention as, as this bill is introduced at his request. I-- but I think it is a more appropriate place to grant the authority. I think that it is not messy, because if we start granting authority to the Attorney General willy-nilly, it's going to become very messy that he is both the writer of regs and enforcer and administrative oversight of people. The Attorney General should be-- have his duties more clearly delineated away from these type of actions. So I'm going to-- I did tell Senator Bostar I would continue to work on an actual suggestion on-- in that vein.

KELLY: That's your time.

J. CAVANAUGH: Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I did want to give one more reflection on former Congressman Bob Matsui and his life, because he did go on to serve in Congress and after spending the first, I think, 3 or 4 years of his life in an internment camp. So Matsui-- this is from his biography, Matsui felt inspired by Senator-- or President Kennedy's inaugural address to, quote, look beyond ourselves and look to our community, our state, and our nation to see how we can improve the lot of every American. So at the age of 29, he ran for city council, and then he went on to run for Congress. And, I mean, he's, he's a, he's an American story about how when we legislate from a position of fear, we will do terrible things. And it is really phenomenal that he went on to become an attorney, he went onto become a Congressman after living through an internment camp as an American citizen because our government legislated from a place of fear. So these are concerns that I have. I genuinely was not going to put this motion up, but I am extremely put off by the continual calling of the question when there hasn't been fair and substantive debate. It's just really disrespectful to the process. We don't need to be lazy about having deliberative conversation. And a motion to indefinitely postpone, especially on something like this, is a genuine motion. And, and I don't know enough about this bill to know where I stand on the motion. And so I'm really offended to not be given the opportunity to have that conversation and to ask those questions. And for some reason, we have a bill that's about national security at the state level, and I have a Chinese police station in my district, so I want to talk about this bill, and I want to know if it's worthy of being moved forward or if it should be indefinitely postponed. So I am offended that I wasn't given that opportunity on Senator McKinney's motion, and I'm tired of this lazy attitude towards our jobs and debate. This isn't how we should be doing things. It's not a joke. Nobody said they were filibustering this bill. We actually want to have a conversation about this bill, and before we move on to the committee amendment, some of us would like to know what the heck is going on with it, because I don't want to become 1940s America, where we put American citizens in internment camps, or even foreign nationals in internments camps. Is that what you all want, because you don't seem to be interested at all and having the conversation? If we're calling the question all the time, then we're not having a robust debate about a complex issue, and we're taking our jobs seriously, and that is offensive to me and should be offensive to everyone here. Mr. President, I withdraw my motion.

KELLY: So ordered. Mr. Clerk. Mr. Clerk.

CLERK: Mr. President, LB644, introduced by Senator Bostar at the request of the governor. It's a bill for an act relating to foreign entities; amends Sections 49-1480, 49-14,126, 49-41,140, Sections 73-901, 73-903, 73-905, 73-906; adopts the Foreign Adversary and Terrorist Agent Registration Act and the Crush Transnational Repression in Nebraska Act; provides requirements under the Nebraska Political and Accountability Disclosure Act for a lobbyist engaged in lobbying activity or a consultant engaged in influencing activity on behalf of a Chinese military company; provides for payments by the Nebraska Accountability and Disclosure Commission of persons reporting certain violations; provides civil penalties; defines terms; provides duties; changes provision to the Foreign Adversary Contracting Prohibition Act relating to certain allowed contracts; prohibits certain companies from receiving benefits from incentive programs; provides requirements and restrictions relating to genetic sequencing activities by medical and research facilities; provides storage requirements for genetic sequencing data and prohibits remote access to such data; harmonizes provisions; provides an operative date; provides severability; and repeals the original section. The bill was read for the first time on June 22 of this year and referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments.

KELLY: Thank you, Mr. Clerk. Senator Sanders, you're recognized to open on the committee amendment.

SANDERS: Thank you and good evening, Mr. President, colleagues and Nebraska. The Government Committee heard LB644 on February the 19th. After the opening from Senator Bostar, the committee heard from several supporters including the governor's office, the Nebraska Fraternal Order of Police, several other law enforcement associations, as well as the Global Taiwan Institute and individuals. The sole opposition testimony came from the Nebraska Criminal Defense Attorneys Association, and a neutral testimony was given by the Daily Caller News Foundation. The committee amendment, AM959, makes a handful of changes to LB644. In Section 4, the amendment removes the language requiring retroactive registration for activities since January 2020. Section 10 of AM959 includes a notice of possible deportation for aliens in violation of the act as well as the removal of explicit language that would override our statute of limitation. The amendment also removes the mandate report by the State Patrol described in Section 19, and instead makes the report optional. Similar to Section 19, in Section 20, the training requirement impacting the State Patrol is also optional. Finally, through AM959, the State Patrol is allowed,

but not required, to develop centralized website for reporting transnational repression. The committee advanced LB644 with AM959 on a 6-2 vote. And I ask for your green vote on AM959 and a green vote on LB644. And thank you, Senator Bostar, for introducing this bill. And thank you, Mr. President.

KELLY: Thank you, Senator Sanders. Mr. Clerk.

CLERK: Mr. President, Senator Conrad, I have FA141 with a note you'd withdraw and substitute AM1306.

KELLY: Without objection, so ordered. Senator Conrad, you're recognized to open on AM1306.

CONRAD: Thank you, Mr. President. Good evening, colleagues. Before you, I am pleased to present AM1306. So, essentially, this amendment would strike significant portions of the bill. And what it would do is retain the core purpose. If you look on the committee statement, for example, it has a very clear public policy purpose. So because we know that there are some relevant specific definitions contained in federal law, most notably the Foreign Agents Registration Act, and then it gives the citation thereto. What the amendments would do and what it says is that if a person is considered a foreign agent for purposes of the federal Foreign Agents Registration Act that they would need to register as a lobby-- lobbyist under our existing accountability and disclosure statute 49-1433, and that they shall not only register with the Nebraska Accountability and Disclosure Commission, but they'll have to disclose any compensation received and detail any lobbying activities conducted in a form or manner prescribed by the Commission. Then what it goes on to say is that if a foreign agent, as defined by the federal Foreign Agents Registration Act is not engaging in lobbying activities, they shall still register with the Attorney General's Office in a form and manner prescribed by the Attorney General's Office. And then there is a permissive delegation of authority to the Commission and to the Attorney General to promulgate rules and regs as necessary to implement that section. And there is a directive to both the Accountability and Disclosure Commission and the Attorney General's Office to refer violations of this section to the United States Department of Justice, which has primary authority in federal jurisdiction over these types of espionage activities and activities that foreign agents might be engaged with. So if-- you've heard already in some of the dialogue and discussion this evening that the bill, for example, also has directives to institutions of higher education. We know according to Nebraska jurisprudence to existing

case law that the Legislature cannot dictate policy to the University of Nebraska under the Exon case. So this amendment would also address some of the issues in relation to that legal issue and ensure better compliance. So the amendment is comprehensive, yet short, it strikes the objectionable portions of the bill that we've heard about in terms of perhaps a too expansive requirement in regards to registration, it relies upon existing penalties in both state and federal law to-- for enforcement rather than the creation of new ones. But it does advance, advance the general intent of the bill to require specific registration and oversight of foreign entities as defined under federal law in the manner identical to what Senator Bostar has put forward in his legislation and amendments if they are engaged in lobbying and/or influence. The amendment also deletes duplicative registration requirements for entities that would be engaged in lobbying for foreign entities by relying upon our existing well-known statutory framework in regards to registration and compliance and enforcement within the Nebraska Accountability and Disclosure Commission. It also has, I think, a better balance in terms of engagement and enforcement with the Attorney General's Office under existing law rather than creating expansive new powers. The amendment also deletes enhanced new felony offenses for foreign nationals. And it's important to note that these are probably not necessary, as is the case in many aspects of our criminal justice legal framework. We already have significant criminal penalties, almost all presently classified as felony offenses, that criminalizes the sort of conduct contemplated by LB644. We also additionally have a hate crime enhancement within existing statute. If you look at Section 28-111, for example, that provides for an enhanced penalty if a person commits certain crimes because of the victim's national origin, race, or other factors, which could conceivably and clearly apply any sort of criminal activity targeted by this bill. So the amendment also restricts the broad grant of authority for the Attorney General to promulgate rules and regulations and also enforce them against entities in violation of the act. This also includes a deletion of provisions that allow for the Attorney General to bring cases against violators in secret nonpublic proceedings, which is prohibited by the Nebraska Constitution. This amendment eliminates the directive that postsecondary educational institutions fire, expel, and ban from campus those that violate the act. Again, this is not only problematic from a First Amendment perspective and an academic freedom perspective, but it also violates Article VII, Section 10 of the Nebraska Constitution and the Board of Regents v. Exon Case Law, which provides clearly that the Board of Regents is solely responsible for

delineating policy within the University of Nebraska system. This amendment removes the requirement that all businesses and nonprofits in Nebraska must attest loyalty and adherence to the provisions of the act. This is an unnecessary burden on businesses and nonprofits that have nothing to do with representing foreign adversaries. The businesses in your district, the nonprofits across the state, they are not engaged in the representation of foreign adversaries, and they should not have to add to their compliance burden to have additional lawyers, additional accountants, additional training come in to ensure compliance with this act. This amendment does, however, keep the remainder of the bill, including the special lobbying reporting for lobbyists on behalf of Chinese military companies. It retains restrictions and prohibitions on drones utilized or developed by foreign adversaries. It also retains restrictions on genetic sequencers and operational and research software for genetic sequencing if those items are produced by a foreign adversary or their affiliate principals. This is a good faith amendment. I know it may not be acceptable to my friend Senator Bostar, but I think that it truly does attempt, in good faith, to reference the exact same aspects of federal law that Senator Bostar is relying upon and is generally concerned about. It utilizes our existing statutory framework in Nebraska under both the Accountability and Disclosure Act and gives an appropriate nod to our chief law enforcement agent at the Attorney General's Office to complement existing federal jurisdiction over nefarious or troublesome acts by federal adversaries. So I'd be happy to answer any questions and I urge your favorable consideration. Thank you, Mr. President.

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

CONRAD: So-- thank you, Mr. President, and thank you, colleagues. The other thing that I just kind of wanted to lift up here was in looking at the committee statement, it is a very interesting and [INAUDIBLE] of proponents who brought forward this measure. But in reading the legislation itself, it seems as if perhaps this is based upon maybe a model bill that is working its way through different state legislators. So I was hoping perhaps that my friend Senator Bostar might respond to some questions.

KELLY: Senator Bostar, would you respond to some questions?

BOSTAR: Yes.

CONRAD: Thank you, Senator. I know you were attending to some other business, but I was just hoping that you could provide perhaps some more context, looking at proponents of this measure at the committee level. Is this a model bill that is being brought in various sister states? Is this-- how did this bill really come to fruition? How was it drafted and who were you in consultation with about the component parts of the legislation?

BOSTAR: Yeah, I, I don't-- I would say this isn't like a model bill.

CONRAD: OK.

BOSTAR: There are-- I-- there are pieces of it that I would-- I, I believe exist in other places, but as far as particularly how this bill is constructed, it isn't as if-- it's just a copy from, from necessarily somewhere else. A lot of stakeholders were part of putting this together. You know, I-- a few years ago, I brought legislation related to critical infrastructure security,--

CONRAD: I remember. Yes.

BOSTAR: --particularly as it relates to telecommunications equipment. And that has sort of-- that, that started conversations that-- with interested parties, both, you know, here in the state and at the national and, and federal level, that has resulted in identifying gaps that exist within the framework of ensuring the protection of the state of Nebraska. So it's pretty broad.

CONRAD: No, very good. I understand that. Are you aware, Senator, and I can ask others as well through NCSL or some of the perhaps proponents of this measure, do other states have a law like this on the books?

BOSTAR: I think that there are other states that have--

CONRAD: I don't expect you to have a full catalog of all the laws in all 50 states, but just generally speaking, as we see emerging trends in state legislation, I didn't know if your research uncovered anything like that.

BOSTAR: I think that there are states that have parts of this on their books and I think it varies sort of which parts different states have taken on and, and that goes for, for this legislation as well as other legislation we've done in previous sessions. There, there is some of this that exists out there, certainly.

CONRAD: OK. So assuming your bill moves forward and is adopted as amended, I'd be delighted if my amendment was successful. But I guess I don't want to foreshadow defeat, but I think that might be in the future in regards to AM1306. But help me understand, Senator Bostar, so if a Nebraska business or a Nebraska nonprofit, you know, checks this box or attestation as part of their biennial reporting, what happens if they don't check the box? What, what, what happens to the business or the nonprofit?

BOSTAR: My understanding, and, and this, this answer is going to be similar to the C1, because that's also a box to checks, so there's, there's sort of two parallel questions here for, for elected officials that fill out the C-1, there's a box to check, and then a, a line within the biennial--

CONRAD: Right.

BOSTAR: --report. It isn't, it isn't necess-- there isn't some immediate consequence, it's not like there's a punishment, even on the C1 form, there isn't-- you know, if, if on your C1 you say, you know, no, I'm not in compliance with this act, there-- you're not getting punished for that. But it is-- you know, these are records that are accessible records, right, [INAUDIBLE].

KELLY: That's time, Senators.

CONRAD: Yeah. Oh, thank you, Senator Bostar. Thank you, Mr. President.

KELLY: Thank you, Senators Conrad and Bostar. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President, and good evening again, colleagues. I do rise today, I think, in favor of AM1306. I had a chance to look over this amendment and, honestly, I think it's a very elegant solution to a lot of the problems that we're having here. I think that when we're talking about something that's really complicated, but can ultimately be boiled down into a more simple approach, that's usually a good way to do it. Doesn't mean we can always do that on every bill, but I think that Senator Conrad's amendment addresses the concerns that have been raised by Senator Bostar and others, but in a way that doesn't have the same overreach and the same potentially negative consequences that I think AM959 or LB644 would ultimately have. And, you know, I just want to reiterate, yet again, that I think the, the majority of my concerns are not necessarily in ensuring that we remain

a safe country, but the majority of my concerns, I think, are encapsulated in the broad overreach that the language in AM959 has, giving this power to the Attorney General's Office, giving this power to have these broad sweeping rules that are promulgated and, frankly, to increasing what I would say is this, again, red scare style concern of these widespread problems that simply don't seem to be happening here in Nebraska. Now, I understand we always have to make sure that we are prepared for things that happen in the future. But we've already seen in the state of Nebraska the trickle-down ramifications of some of the sort of sentiments that we're seeing at the national level with regards to distrust of people that maybe just don't even look like us. Some of this body might remember there was a reporter by the name of Yanqi Xu, who was doing a story on the governor, who her, you know, dogged reporter attitude, which was fantastic digging into some issues there, was dismissed simply because I think ultimately of where she's from. And it became something of a story here in Nebraska, and it should be, where there's people who are working and living in our country who are doing an amazing job, who are working either just to make ends meet or are here for education, what have you, who are being questioned and challenged with regards to their intentions and are being called into question as though they have some sort of nefarious intent simply because of where they come from. And I, I guess my overarching issue with these kind of bills is if you don't narrowly tailor them enough, you end up with this sort of McCarthy-esque red scare attitude running rampant. And, you know, a lot of people were talking about McCarthyism and the red scare, and it got me thinking, you know, of some of those videos that we've seen in the past about the hearings that happened for the Un-American Activities House Committee back in 1954, 1955. And it reminded me of something I'd read at one point about the famous folk singer, Pete Seeger. And for those who aren't familiar, Pete Seeger was a banjo player, folk singer back from, I think, the 1940s and 1950s when he really came into prominence, but, you know, was one of those people that really believed in peace, really believed in making the world a better place. And he got called before the Un-American Activities Committee and he actually had some, I think, really insightful words to say when he was questioned over and over and by his congress about where his allegiances lie. One of the, one of the Congressman asking questions said to him, or asked him, I want to know whether or not you were engaged in a similar type of service to the Communist Party in entertaining at these features, talking about him playing music. And Pete Seeger consulted with counsel and he responded briefly, I have sung for Americans of every political persuasion and I'm proud that I

never refused to sing to an audience, no matter what religion or color of their skin or situation in life. I have sung in hobo jungles and I have sung for the Rockefellers, and I am proud that I have never refused to sing for anybody. That is the only answer that I can give at this time. I think that's really telling. And I think the fact that, you know, we continue, I think, to be more and more afraid of people that maybe don't agree with us or look like us is an issue. And so I think that AM1306 addresses some of the concerns about foreign agents and their activity with regards to lobbying or their activity with regards to influence that it may or may not have on politics. But it balances that with understanding the core essential value that really does make America great, which is freedom and allowing people to live their private lives outside of the vast interference that you may see from the government, such as making people take loyalty oaths or making companies or, or corporations that work here in Nebraska that serve vital purposes have to register year in and year out. So I appreciate Senator Conrad's approach to this. I appreciate senator Bostar's willingness to listen and I look--

KELLY: That's your time.

DUNGAN: --forward to the rest of the conversation. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senator Lonowski, you're recognized to speak.

LONOWSKI: Thank you, Mr. President. I stand in support of LB644 and AM959. And I want to start by saying LB644 is not about individual people, and it's not about musicians, and it's not about people that we look at walking down the university street, it's about governments. And I've been to about 20 different governments in this world and at least a third of them would like to see us be eradicated from the earth or at least our government. Let me start by saying the House Ethics Committee did investigate a representative who was having an affair with a Chinese spy. A simple Google search will tell you TikTok has been fined \$600 million for China data transfers. They were hit with a \$530 million fine due to an investigation of data breakdown. They sent personal data illegally to China, fined illegally in other places, so I decided to look elsewhere. All I had to do was type in evidence of foreign nations stealing American data, protecting American research from foreign theft, execution order 14-034. One moment, I lost my spot. Protecting our edge, trade secrets that have, that have been given up through AI arms race. China has stolen more

data from America than any other country. Loopholes in bankruptcy law pose risks to U.S. genomic data. Cyber attacks against what DOGE is doing. And, finally, videos of Chinese police stations, at least six in the nation, one of them being in Omaha, Nebraska. And it was closed down after being investigated that it was Chinese spies with no real evidence, but it did close down. I yield the rest of my time. Thank you.

KELLY: Thank you, Senator Lonowski. Senator Sorrentino, you're recognized to speak.

SORRENTINO: Thank you, Mr. President. I do rise in favor of LB644, which would prohibit any person from acting as an agent or a foreign principal from an adversary country without registering with the Nebraska Attorney General. The purpose of my testimony is to just give a little bit of a comparison to what the requirements might be from our natural enemies. This bill, which I support, made me a little bit curious. I happened to do some research on China, just a simple visit to China, just an American tourist or American on a visa for education or work. It states that all foreign nationals, including Americans, must register their temporary stay in China with the local police within 24 hours of arrival. This registration is a mandatory process and failure to do so can result in fines and potential deportation. Registration can be done at the hotel where you're staying, or Airbnb, or other residence, or you can go to the nearest local police station. I'm not suggesting for a minute that Nebraska adopt the Chinese-style government. That's not what I'm talking about at all. But I am saying that this type of legislation is being considered in other states, is worthy of being considered, and I think it's valuable. The very fact that the country who represents, perhaps, their greatest-- the greatest threat to the United States of America has adopted a similar policy and one would certainly have to question, you know, why in their case. So I think it's good food for thought. I think Senator Bostar has a good bill and I will support it. Thank you, Mr. President.

KELLY: Thank you, Senator Sorrentino. Senator Kauth, you're recognized to speak.

KAUTH: Thank you, Mr. President. I rise in support of LB644 and in support of AM959 and in opposition to AM1306 and, quite frankly, in opposition to much of the progressive statements that have been made here. We have Senator Machaela Cavanaugh, who is supporting a criminal who has been deported. He had multiple deportation orders. He's a gang

member who is human trafficking and beating his wife, but she thinks we should protect him. We have senator John Cavanaugh, who's running for Congress, who thinks that it's a good idea to make sure China is OK. Senator Spivey's not sure what the bill does, but he's sure it's a waste of time. I do get tired of being told that the things that are important to some of us are a waste of time. You know, why on earth do the progressives on this floor want to make it easier for foreign adversaries to take advantage of us, to take advantage of our systems, to take advantage of our goodwill? We're talking about the People's Republic of China, the Republic of Cuba, Islamic Republic of Iran, the Democratic People's Republic of Korea, which is North Korea, the Russian Federation, and Venezuela. Those are listed foreign adversaries. And all we're saying is, hey, when we have these groups coming to Nebraska, which we do, we want to make sure that we are protecting ourselves, that they're not getting tax money. That's what part of this bill does, is make sure that those foreign adversities are not able to qualify for tax credits or any kind of programs that we, the taxpayers of Nebraska, are paying. But yet we have progressives who want to save-- to spend money on all sorts of things, saying, no, no, no, we shouldn't protect our tax money from them. We should spend it on other things. You can't have it both ways. And I do-- you know, when, when Senator Machaela Cavanaugh gets angry about calling the question, calling the question is a responsible thing to do when we have the progressive left on this body deliberately setting up filibuster and motions and blocking the ability to get amendments on a bill, amendments that have been worked with other people on the floor, maybe not you, maybe you've been busy doing something else, but if there's an amendment it's because people have been working together on it and to block that seems to be the absolute height of hypocrisy with being a collegial actor on this floor. So I would, again, like to say thank you to Senator Bostar for bringing this bill. He takes a lot of flack for trying to keep our state safe from foreign adversaries. And I know a lot of people are like, oh, is it really that big of a problem? Yes, yes it is. It's something we have to be aware of. Our complacency makes us easy targets. The fact that we are decent and we have rules makes it easy to manipulate. So we have put these kinds of rules in place. So I yield the rest of my time.

KELLY: Thank you, Senator Kauth. Senator Bostar, you're recognized to speak.

BOSTAR: Thank you, Mr. President, and good evening again, colleagues. I rise in opposition of AM1306. But I do appreciate the amendments being drafted and so that we can look at them together. Because the

truth is we have found so far a number of opportunities of, of pieces of this legislation that can be changed that I think folks broadly support and, and that's been really good. And I look forward to more of that. So, you know, this isn't a closed door on continuing to, to work on those and find more provisions and find ways of improving the bill in a way that I think everyone would agree with. This, this particular amendment, it just-- it goes too far, and I think, and I think Senator Conrad, the, the sponsor of the amendment, it, it seemed wouldn't be surprised by my position that by removing 22 sections of the bill that, that probably is just a little much. But, again, I do genuinely appreciate the conversation. I do genuinely appreciate working on these and I, I appreciate folks bringing things to the table. And, you know, there are folks in here that I've been coming to probably daily and, you know, I'll be honest, bothering repeatedly about seeing if there's more that we can work on, seeing-- you know, looking at language, checking on things. And, and they have been generous in their time of doing that. And so I appreciate it. But I would ask that we not adopt AM1306. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, good afternoon, good evening, colleagues. I, I know you'll be shocked to know that I, I do prefer Senator Conrad's amendment. And I heard Senator Dungan say it was elegant. And I thought that's what I was going to say, that I think it is an elegant solution. I, I respect where Senator Bostar is coming from, saying that it maybe is a, a overreach or overcorrection from his bill. And so, you know, I think maybe there's space to meet in the middle. Like I said the last time I was on the mic, talking about finding some specific changes about the grant of authority to the Attorney General to be, you know, maybe what is the more appropriate place to, to place the, the authority. And as I've been thinking about this bill, and there's a lot of, a lot of different thoughts that people have on this. And I've asked a few people why they're supporting the bill. And they say, I, I really hate the Chinese Communist Party. And I said, well, no kidding, nobody likes the Chinese Communist Party. So, I mean, that's, that's not the argument in favor of the bill, and the question is, why do you not like the Chinese Communist Party, right? It's because of their conduct and behavior towards their citizenry, and their conduct and behavior towards other people. And so there's a quote that I think is probably a number of places, but I remember it from Faust, which is, what is it, profit a man to gain the whole world and to lose his soul. And so

I've been thinking on that as we're talking about this bill and as I've heard this bill in conversation, what is it, what is it, profit a man to gain the whole world and lose his soul. And what that means is, what is it-- you give up who you are, your soul, your very essence, to get this thing that you want. And even if it is the whole world, if you get everything, but you lose your soul, what, what is the balance there? And I fear that bills like this fall into that category, where people will stand up and say, it's really important that we crack down on the North Koreans and the Chinese Communist Party and the Venezuelans and the Russians. And I don't think you'll hear a disagreement from anybody that those are bad actors and we should do things to stop them. But the concern that is raised here by people is that we are acting like those entities when we give shadowy courts power, when we give blind grants of authority to single entities, when we require people who have done nothing wrong to take some action asserting their innocence. We specifically have the Fifth Amendment in the United States that says that you can't be ordered to testify against yourself, right? That's, that is a fundamental characteristic of the United States. And this is we're asking people to, to give testimony against themselves with no basis of saying that they have done anything wrong. That is one of my-- that is my biggest problem with this bill. I don't really have a problem with saying entities that are wholly owned or mostly owned by the Chinese Communist Party, like Smithfield, like TikTok, like other companies that I don't know of, but I have no problem with that. I have no problem saying if you are advocating on behalf of a foreign entity that you should have to register as a lobbyist or some sort of thing. I think there's nothing wrong with creating that structure. The problem I have with that is that you require every farm in the state of Nebraska that's organized as an LLC to sign a statement saying they are not an agent of the Chinese Communist Party. That doesn't make sense. That is giving up the very soul of what makes America great, the presumption of innocence, the ability to not have to answer to your government for your beliefs unless you are causing some kind of-- committing some kind of offense or crime, unless you're actually acting on behalf of another foreign entity. So I do think that the bill as written, AM959, LB644 goes too far. I think Senator Conrad's AM1306 is a more elegant presentation of that and does accomplish some of the, the rightful parts of this bill. So I think there may be some place between the two that accomplishes the goal but doesn't forfeit our soul. So at the moment, I'm going to support AM1306, and if that doesn't get adopted, then I'll have other thoughts about things that we can do to

effectuate the intent of protecting the people of the state of Nebraska without actively harming the people of the state of Nebraska.

KELLY: That's your time.

J. CAVANAUGH: Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good evening, colleagues. So, again, I just want to reaffirm that even though some members don't think that this amendment quite captures the goal of the underlying legislation, it, it is indeed modeled after the exact goal of the legislation. So if you look at the introducer's statement of intent on LB644, my friend Senator Bostar says that LB644 is meant to establish requirements for a foreign adversary representation and registration, check, right there in section (A) in the first part of this amendment. LB644 establishes requirements under the Nebraska Political Accountability and Disclosure regulations relating to the representation of certain foreign entities, check, right there in regards to sections (B) and, and sub (2). It makes changes to foreign adversary contracting prohibition regulations. That part is not included therein. But it implements measures to combat transnational repression. That part it's not in, but it does leave untouched the regulation of storage and remote access of genetic sequencing data. So, literally, with the exception of two clauses, this amendment touches upon the exact stated policy goals of the introducer based upon the statement of intent. It is a serious amendment, I worked on it in good faith, and I'm going to continue to lift up why I think that this is a better approach to achieve the same goals. Everyone's very familiar with the famous Benjamin Franklin quote about how those who would give up essential liberty to purchase a little bit of temporary safety deserve neither liberty nor safety. Now there's actually a fascinating backstory to that quote and it's usually applied out of context in regards to technology and surveillance and some of those things, it's actually based in a tax debate back in the day, but is a familiar quote, and it does have resonance in regards to measures like this, that we, we can't forgo or be callous or careless about our liberty. It's important to protect Americans' individual liberty interests from government overreach, even if it is under the guise of national security. We still have to safeguard Americans' liberty interests, including the right to association, including the right to petition their government, including the right to peaceful

free expression that also includes the right to dissent, to discuss unpopular viewpoints, to associate with your fellow citizens if you disagree about what your government is doing and you want to organize to change course. These are fundamental American values that are hallmarks of the liberties and freedoms that we hold dear. And we have to be careful, particularly in times of heightened political rancor or challenging security situations on a global scale to make sure in those moments, particularly in those moments, that we safeguard American liberty interests and we don't allow the heavy hand of government to otherwise frustrate or stymie legitimate business activities or legitimate activities that are protected under the First Amendment. So we have to figure out how to balance security and safety with liberty. And we have to make sure to figure out the appropriate role of government in that equation. And we have to recognize that this equation isn't solely solved on the state level but is part of a much bigger calculation in terms of our national interests and federal laws and the FBI and the CIA and the National Security Council and the list goes on and on and on and on. So we need to recognize that much, much of the activity--

KELLY: That's your time, Senator.

CONRAD: Thank you, Mr. President.

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

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

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

BOSTAR: Yes.

M. CAVANAUGH: Thank you, Senator Bostar. So we talked about this. It's well known that there is a secret Chinese police station in my district.

BOSTAR: Once a secret.

M. CAVANAUGH: Once a secret. Well, yeah. I mean, it's still a secret to some people because--

BOSTAR: That's true.

M. CAVANAUGH: --there's people today that I've mentioned it and they're like, what? And I'm like, well, see, now you're right. Once a secret, OK. Anyways, I digress. My question to you was how do I have to file on, like, the C1 form as a elected representative that represents that territory that they operate out of?

BOSTAR: Yeah, representing their sort of base of operation.

M. CAVANAUGH: Yes.

BOSTAR: You know, I think it's a very interesting question and, and I appreciate you giving me sort of time to, to consider it.

M. CAVANAUGH: If you don't know the answer yet, we can come back to it.

BOSTAR: So it comes down to whether or not you would be working to advance their objectives for the foreign adversary nation. And so if not, then there's no need to register. But if so, then, then there would be.

M. CAVANAUGH: OK, so what if I don't know if I'm advancing their objectives? What if I'm unintentionally--

BOSTAR: So you'd have to be doing it knowingly.

M. CAVANAUGH: OK.

BOSTAR: So there would have to be a level of coordination directly or indirectly with the, the foreign adversary nation in effectuating their plans. So you couldn't, you couldn't do it accidentally.

M. CAVANAUGH: OK. All right, that makes sense. What does forwarding their plans look like?

BOSTAR: Well, it depends, I suppose. So depending on what a foreign adversary nation wants to accomplish here, if you were a party to the execution of those knowingly and in coordination with them, then that would make you an agent sort of regardless of, of what that looked like specifically, it kind of could be anything. But if you're acting in a way where you're advancing the interests with the foreign adversarial entity and of their interests, then that would qualify for registration. Which actually wouldn't prohibit you from doing that, you would just have to register under this bill.

M. CAVANAUGH: But I have to register that I'm not doing it also? If I'm doing it, I have to register that I'm doing it. And if I'm not doing it, I have to register I'm not doing it.

BOSTAR: So, no, on your C-- so the difference between what you have to do if you're, if you're doing it versus not-- versus the checkbox on your C1 form are sort of very different. So on the C1, it will-- there would be a question. And that's a change from the green copy of the bill where it was a far more formalized and involved process. And we worked with folks to narrow it down to what it is now, which is--

M. CAVANAUGH: And what is the question that I'd have to--

BOSTAR: It's a, it's a level of effectively are you work-- I can, I can look exactly, but are you, you know, are you working to represent it or advance the interests of foreign entities and are, you know, with compliance and to the Foreign Adversary Registration [SIC] and Terrorist (Agent) Organization, sorry, Registration Act, whereas if you are truly there to represent them that would be a different NADC registration as well as other things that you'd have to do, so.

M. CAVANAUGH: OK. I'm just thinking through, like, where they're located in my district. I think that-- I don't think that they're on a state-- I have state highways in my district and so then I wonder if there's a state highway in my district and I am on the Appropriations Committee and I appropriate money to the Department of Transportation and they do road work there and it benefits them, like, and I know that they're there, am I knowingly advancing--

BOSTAR: I suppose if they had come to you and said we really want you to fix up the road in front of our headquarters, and then you, you know, advance legislation to specifically ensure that those roads were repaired, maybe.

M. CAVANAUGH: OK. Well, I wouldn't-- I mean, I wouldn't advance legislation [INAUDIBLE]--

KELLY: That's time, Senators.

M. CAVANAUGH: Oh, OK. Thanks for the conversation.

KELLY: Thank you, Senator Cavanaugh. Senator Bostar would like to recognize a guest in the north balcony. That's Reggie Bosn, husband of Senator Bosn, here to celebrate his 15th wedding anniversary with the

senator. Please stand and be recognized. Senator Juarez, you are recognized to speak.

JUAREZ: Thank you very much and good evening, colleagues, and good evening to whoever is still watching us online. I wanted to speak for a couple minutes in regards to the comments made by Senator Kauth, you know, taking a hit on the progressives in the Unicameral. And I find it amazing that she doesn't see the issues that have legitimately been brought up and incidences that have happened in our country that was without due process. And, of course, I'm talking about Kilmar Abrego Garcia. It is absolutely irritating to me to listen to that. And I want her to know, everybody in this body to know, and everybody online to know that in the Cinco de Mayo parade this weekend, I'm going to be carrying a banner that says bring home Kilmar Abrego Garcia, OK? It's a banner that I had printed, I paid for myself. And I'm not going to be ashamed to walk with this banner this weekend in the parade. I feel that this administrative error is a tremendous injustice, and I can't believe that it has happened in our country. And he's not the only person who has been sent out of this country that shouldn't have. And to bring up, like I've heard from other sources about his behavior towards his wife-- I mean, is that-- do you not think that he and his wife didn't get this resolved? They were still together. They had a child. But, yet, you want to bring up that point. I guess everybody in this room is perfect. Everyone in this room is perfect. I just-- it's just unbelievable to me, honestly. Do I, do I think that there are some people in this Unicameral who are racist? I do. I do believe there are some here. That's how the environment has made me feel. And I'll admit to that, how I feel. We already had a bill brought up where the transgender families tried to get a bill passed on their behalf. Do you think that that community felt welcomed at our house in this building? I don't think that they did. I don't think that they did. Again, how are we making people feel welcomed? I think that we're absolutely failing at that. And I'm sick of it. And I am not afraid to address the issue at all. Thank you, and I yield the rest of my time.

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

J. CAVANAUGH: Thank you, Mr. President. Just logging back into my computer here. So I did want to talk specifically about Senator Conrad's amendment that's up here because I do think I understand why Senator Bostar would not like Senator Conrad's amendment. But, as I said earlier, I do think it's an elegant solution to his proposal and-- or the, the issue presented. So if you grant the premise that

there is a need to do something, which, you know, I think there is a bit of a disagreement about that to begin with. But I think if you say that, yes, we need to do something about this, Senator Conrad's amendment does that. And if it was, if it was the starting off point, if you just said let's do something about foreign adversaries in the state, Senator Conrad's bill would have been lauded as-- or if Senator Conrad's amendment would have been lauded as a great solution because it requires folks to register with NADC as a foreign agent if they are a foreign agent under that definition, and then requires or allows for the Attorney General to, sorry, my computer is just not wanting to restart right now. I think everybody's had some technical problems. But it allows the Attorney General to, I think, investigate and then refer to the feds, who I think we would all agree, federal government maybe has a better grasp on international intrigue and international crime and, and our relationships to these international agencies or international, whatever you call it, bad actors. I don't know what the right word is. Spies is maybe another word. But-- so it would be-- if this was the original bill of Senator Conrad's bill [SIC], people might say, well, we need to put a little bit more teeth into these things. But it would be, you know, a very good starting point. And it does have the virtue of not offending the, you know, individual's right to not, as an innocent person, to not have to register. And I would, again, point out that everybody here, I mean, as C1 filers, we all have to register anyway under the bill, current bill, or at least AM959. But when you leave this place and you're a longer C1 filer and you own any kind of corporation, LLC, if you own a farm that you've incorporated, which I'm sure several people here have LLCs for, maybe multiple LLCs, for different farms, that you would have to continually, affirmatively register as not a foreign agent. And so, as I said, I think Senator Conrad's bill [SIC] gets to what the actual intention is, because there's no intention-- nobody-- I know Senator Bostar is not trying to just make busy work for everybody to sign up and, and prove their loyalty to this country. And I think he's certainly not trying to say that he thinks every person in Nebraska, every corporation in Nebraska, every C1 filer, every person that works for the university is an agent of a foreign power or one of these enemies of the United States, specifically. That's not what he's saying and that's not what his intention is. And so I think if there was a way to just ensure that these other bad actors were actually being required to register, required to disclose, required to do all these other actions, I think that that would serve the intention of that. And so I think-- that's why I think Senator Conrad's bill or amendment is a good starting point because it does have that

requirement that those agents of foreign adversaries have to register. And that if they are in some way in violation, then that is taken up with law enforcement. But it does not have that other part where it requires innocent people to continually register. And that is really the crux of the problem here is that if the government starts putting requirements on innocent people and throwing them in the same bucket as people who have done something wrong, that is erosion of our fundamental liberties that makes this country great and sets this country apart from all of these other countries and, in particular, these foreign adversaries like China and the Chinese Communist Party and North Korea and Russia and the government of Nicolas Maduro in Venezuela. And I, I know there's other ones on there that are missing, but thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I rise again, I think, in favor of AM1306, as I do believe it's a slightly more, as I said earlier, elegant solution to some of the problems that are legitimate concerns that I think we all want to address. And what I appreciate specifically about AM1306 is that it does, I think, really address one of my major concerns insofar as the original bill and the AM both, in my opinion, encroach on our academic and academia field in a way that I find really problematic. So anybody who pays attention to history or has even studied any American or international history knows that oftentimes it is academic institutions that are targeted during times of potential oppression or repression or when there's a desire to curb contradicting thoughts. Because obviously the goal of higher education, in particular, but education across the board, I think, generally is to encourage people not just to think a certain way, but to think for themselves. And so when you talk about our postsecondary educations and universities, colleges, community colleges, what have you, a lot of times the goal of those institutions is to ensure that people critically think. And it ensures that they're able to push back on narratives that are maybe put in front of them in a way that doesn't just assume the premise, but rather tries to understand what the questions before them are. And when somebody is trying to curb dissent, or when somebody is trying to prevent people in the populace from maybe pushing back, oftentimes it's these educational institutions that are targeted. And that is something that we see time and time again throughout history. And what, I guess, troubles me is that we are seeing it right now in America. And whether you are on the left, on the right, on center, care about politics, don't care about

politics, it's very clear that there is a, I think, concerted effort from a top-down approach of federal government to challenge a lot of our higher education institutions on the things they do or don't allow and certainly we are seeing from the top down at a federal level, in particular, a desire to control what our colleges and universities allow people to say or do. And when we start to do that I think we run afoul of what it is that makes education great which truly is freedom of thought and freedom of expression. So, I mean, you can look no further than the, the article that was handed out by Senator Bostar here from the Stanford Review. This was handed earlier today in a conversation about this, which is the uncovering Chinese academic espionage at Stanford. And it's a conversation. I know there's been some talk about it on the mic already today. But I looked up what the Stanford Review is. And the Stanford Review is a publication from Stanford University that was started in response to a march, I believe, led by Jesse Jackson and the Rainbow Coalition back, I think, in the 1980s in Stanford, and it was intended to be a conservative voice. It was intended to be a voice of those who on Stanford's campus did not feel as though they were maybe being represented. But what's beautiful about that is that's allowed. And that's what we should be doing, is we should have differing opinions on these campuses and on these universities, and I think that when we start to crack down and create an environment of fear at the university level or the college level, it stifles the ability for professors or researchers or students to truly, I think, benefit from what the universities and colleges are intended to do, which is to create that, that freedom to think. And when we see language in AM959 and LB644 that directs, I think, potentially unconstitutionally from the Nebraska Constitution, when it directs these universities and these colleges to do certain things, and when you put on notice that employees of the colleges and universities and teachers and researchers have to register with their employer or with the government saying who they are or not loyal to, it seems to overstep. And so AM1306, I think, addresses the concerns without creating those constitutional problems and certainly without creating the fear and the environment of fear that we are hearing about so much at educational institutions across the entire country right now. So I do plan on talking just one more time about that. I have an amendment later that addresses this, but I think it's important to get into some of the constitutional issues from the Nebraska Constitution as it pertains to this. So I do have some real concerns about that. We'll talk about that--

KELLY: That's your time.

DUNGAN: --the next time on the mic. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I am going to speak off this topic for a moment. I just wanted to follow up on the recognition of Senator Bosn's wedding anniversary and her lovely husband, Reggie, Reginald Bosn. And I heard it was your 15th anniversary. So I just want to let you know, Reginald, that the 15th Anniversary is the crystal anniversary, not the banana anniversary. So just, you know, tuck that away, maybe think about that in our-- I mean, just consider it, Reginald. Just consider it. And I will yield the remainder of my time to the chair.

KELLY: Thank you, Senator Cavanaugh. Senator Conrad, you just have your close remaining, so we'll go to Senator Dungan in the queue. You're recognized.

DUNGAN: Thank you, Mr. President. For those who are watching at home, I would just point out that Reginald is wearing a banana shirt. And that's, that's what those comments are about. I wanted to follow up briefly, and I appreciate the opportunity to do this, about some of the issues constitutionally that we see here, because I want to make sure the record is clear about some of those concerns. If we have a chance to get to it later tonight, I do have an amendment that I think addresses some of these concerns with-- in regards to the educational institutions, but I do just want to take a moment, grabbing my pen here, to talk about what this actually encompasses. So there's a Nebraska Supreme Court case called the Board of Regents of University of Nebraska v. Exon, and this is a case that oftentimes gets quoted or talked about in the Legislature and in legal fields when we're discussing the push and the pull of who can and can't tell the university what to do. From back in the 1970s, and there's been a couple of cases or progeny that comes after this, but to put it very simply, it says that the general government of the university, and I'm quoting the case here, quote, the general government of the university must remain vested in the Board of Regents. In prescribing the powers and duties of the Regents, a legislative act must not be so detailed and specific in nature as to eliminate all discretion and authority on the part of the Regents as to how a duty shall be performed. And so the part that I think potentially is problematic here is if you go to page 18 of the amendment and at Section 10 there is a paragraph that says: A person shall not willfully violate any provision of the

Foreign Adversary and Terrorist Act with the whole name of the act. It then says, a person who violates this subsection shall be subject to a civil penalty of up to a \$50,000 fine. OK, so you can't violate the act, and if you do, here's the consequence. Then it says: If a person found to be in violation of subsection (1), so a person violates the act, is a student, a faculty member, a researcher, or an adjunct, or is otherwise employed by or associated with a postsecondary educational institution, such person shall be expelled or dismissed from any role with any postsecondary educational institution in Nebraska and shall be prohibited from entering any campus of such an institution in this state. So it's that particular paragraph that I think really gets to the heart of what the issue is here. So there's other parts of this bill that I object to as they pertain to the university or colleges, postsecondary education in Nebraska, right? There's other parts of this that require teachers and researchers and employees of the university, it sounds like, to register with the government, which is problematic in its own nature. But this particular provision is directing the dismissal of somebody who violates a provision of this otherwise separate law. So there's this separate law that has to do with whether or not you register and follow all these other rules, and if you willfully violate that, there is a consequence, and then as sort of a collateral consequence, we as the Legislature are directing the university to dismiss or fire that person and ban them from the premises, it sounds like, of the university. Both the employment decisions and the due process that an individual may or may not be afforded in the hiring or firing through that entire university system, to me, is absolutely within the power and the purview of the Board of Regents. And then certainly on top of that, the idea that we could dismiss somebody and then ban them, seemingly permanently it sounds like, sounds like something that's within the purview of the Board of Regents with regards to their sort of day-to-day authority of how to govern. And so rather than provide a new vested power in the Board of Regents and how to handle these things or say, you know, that particular provision really seems to be directing the day-to-day operations. And so not only do I think it's problematic, we can leave that aside, whether you agree or not with the content or the intent of AM959, certainly that provision and some of the surrounding provisions around that seem to blatantly run afoul of the Board of Regents v. Exon. And that is a piece of Supreme Court precedent that has been relied on and talked about for decades. And it's certainly one that I think is pretty clear in what we as a Legislature are or are not allowed to, to tell a university and what they can and can't do. So, as I said, I have an amendment to address

that. AM1306 also addresses that problem by simply removing that entire portion. So, colleagues, I would encourage your green vote on AM1306.

KELLY: That's your time.

DUNGAN: Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Seeing no one else in the queue, Senator Conrad, you're recognized to close on your amendment.

CONRAD: Thank you, Mr. President, and again, good evening, colleagues. You know, two pieces. I had a chance to read the article that Senator Bostar passed out tonight in support of his legislation. I also had an opportunity to do research on the source of the article, which was illuminating as to their origins and context and perspective. But without adding my editorial comment on that, I do think that the article he passed out does have an important point in conclusion about these very matters. And it is as follows: The authors of this article note that ethnicity should never be used as a basis for investigation, and nor should fears of racism enable the flourishing of a CCP-sponsored effort to harvest critical technology, etcetera, etcetera. But I had a chance to visit with Senator Bostar about that proposition in our ongoing discussion about this measure, and I know he shares those same values and would want to ensure that we never weaponize a government for any purpose to target somebody based on their race or their ethnicity or their gender or their national origin or their family status, each of those well-established protected classes. We also share a commitment to robust free expression and all of the rights and liberties guaranteed to Americans under the First Amendment and other aspects of the Bill of Rights. So I know Senator Bostar doesn't quite think that this amendment covers some of the specifics that he's interested in, in terms of implementation of his policy goals. I know that we do have other amendments coming forward where we have been able to find a meeting of the minds, at least, on some component parts therein, which has been helpful and I look forward to debate and deliberation on that. But I do want to just be clear for the record if Senator Bostar would yield to a question, please.

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

BOSTAR: Yes.

CONRAD: Thank you, Senator Bostar. And just-- I don't want to put words in your mouth, but I, I do just want to acknowledge and kind of reaffirm for the record that the reason you're in opposition to my amendment, AM1306, is because you believe that the measure as amended by the committee amendment or your forthcoming amendments really those component parts really cannot and should not be severed, they're so interrelated that they, they really need to move forward together to effectuate the intent of the bill. Is that a fair assessment?

BOSTAR: Yeah, so that's, that's one reason.

CONRAD: OK.

BOSTAR: I mean, another-- and, you know, and I understand what the objective is of, of your amendment. But for example, citing it back to the federal Foreign Agents Registration Act, FARA, in, in federal law-- I mean there's-- on the federal level, FARA is, is candidly sort of an open joke. It has-- when it was created, it was created with so many loopholes that you could, you could be on the payroll for North Korea to lobby Congress and not be subject to having to register. I mean, it's, it's just-- it's sort of that absurd with how it's structured. So there are, there are, there are sort of other things that I think would, would compromise some of the intent behind the, the original bill. But, yeah, what you asked, short answer is, yes, that's a reason.

CONRAD: OK, very good. And then I know when your amendments come up, we'll have an opportunity just to talk about kind of how those provisions would be implemented. We started some of that discussion on this amendment, but debate's naturally concluding here. I just want to make sure we have a clear record and understanding for individuals and entities that will be impacted how you envision compliance, what the penalties are for noncompliance, what that means for state actors, what that means for private business, what it means for private individuals. So we'll have time in subsequent amendments just to kind of walk through that. But I appreciate your dialogue and, colleagues, I would ask for your favorable consideration of the amendment. But if unsuccessful, I pledge to continue to work in good faith with my friend Senator Bostar to figure out--

KELLY: That's your time, Senator.

CONRAD: --how we strike the right balance in effectuating the policy goals without chilling protected liberty.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 8, 2025
Rough Draft

KELLY: Thank you, Senator Conrad.

CONRAD: Thank you, Mr. President.

KELLY: Members, the question is the adoption of AM1306. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 10 ayes, 27 nays on adoption of the amendment, Mr President.

KELLY: The amendment is not adopted. Mr. Clerk.

CLERK: Mr. President, Senator Bostar, I have AM1199 with a note that you'd withdraw and substitute AM1272.

KELLY: Without objection, so ordered. Senator Bostar, you're recognized to open on AM1272.

BOSTAR: Thank you, Mr. President, and we'll still call it evening. Good evening, colleagues. AM1272 is a series of provisions that was worked out with feedback from, from members of this body. And I referenced before and I really appreciate their engagement and involvement in this process. So just briefly in Section 10 regarding pretrial proceedings relating to an ongoing investigation, the Attorney General would be required to provide evidence of the suspected identity of the principal. So that's an, that's an addition. Additionally, in Section 10, would-- it removed the clause that stipulated that such evidence and suspected identity shall not be publicly disclosed, so that was removed. Section 11, essentially all of Section 11 was struck and replaced with language that aligns with the biennial reporting structure for organizations and corporations in the state of Nebraska, thereby reducing both a level of administrative burden on the state as well as filing burdens on behalf of organizations. So it would be simply integrated into the currently existing biennial reporting requirements that all organizations that are subject to them have to, have to comply with. Additionally, it, it created more alignment at the request of our banking and insurance industry for their organizations and reporting. And we included a provision that made clear that the provisions relate to the, the filing of the C1. It would be just a box to check, so it would remove any affidavit requirements, and it would simply be a attestation on the C1 form with a checkbox. And, finally, we included Section 23, affirming that in conducting investigations of potential violations of the Foreign Adversary and Terrorist Agent Registration Act, and in enforcing the act, the Attorney General shall not infringe upon the

protections set forth in the Personal Privacy Protection Act. I know that the Personal Privacy Protection Act is something that Senator Conrad worked extensively on and, and to, to help create. And, and so it was no objection of mine to ensure that we are adding those explicit protections of privacy for individuals and ensuring that the state doesn't overstep its authority. So those are all the things in this amendment. I would encourage your green vote on, on AM1272. These are all provisions that have been brought to me or I've proposed to try to improve the language of the bill. I think it makes the bill better, and I appreciate everyone that's worked on it. Thank you, Mr. President.

KELLY: Thank you, Senator Bostar. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. I'm rising because I've, I've heard a comment that people are putting motions up to not allow Senator Bostar's motions to get up. Actually, I could have prevented this from getting up on the, on the board if I wanted to, but I've elected to allow Senator Bostar's amendments and other amendments to get on the board so we can have a substantive debate. But I just wanted to make it clear, if this was to impede or stop things, I could have did it if I wanted to. And my whole opposition to this is the unattended consequences. Yes, we are worried about people doing things that may be wrong, but it's how you go about doing things is the issue. And that's why people are opposed to it. So I just wanted to make it clear that if I didn't want this amendment on the board, it wouldn't be on the board and other amendments wouldn't be on the board if I didn't let them. So nobody's trying to impede substantive amendments to try to fix things or anything like that, we're just trying to just have a good conversation on this bill, contrary to popular belief. Thank you.

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

CONRAD: Thank you, Mr. President. I think I'll probably have maybe just two times at the mic here. One, I want to continue my dialogue with my friend Senator Bostar just about enforcement and compliance so that Nebraskans of goodwill who will be subject to this measure have an understanding about how it will work. But I also first want to thank him and acknowledge his inclusion of reference to an important piece legislation that I worked on with my friend Senator Sanders and that was widely supported by then the membership of the Government

Committee and championed by then Chair Brewer and that enjoyed broad support in this Legislature over the last biennium. And it was a measure that provided specific privacy protections to nonprofit members and to nonprofit donors from political targeting by attorney generals. And this measure came up based upon some concerning aspects historically and presently, and it applies equally to protect the rights to associate, to petition, to express yourself as you see fit as covered by those legal liberty interests and activities and endeavors, and it prevents a political actor from meddling in those lawful activities for political purposes. So the example typically given is whether it's a progressive attorney general who wants to delve deeper into the membership list of the local NRA, or it's a conservative attorney general who wants to find out more about who's giving money to Planned Parenthood. Having a clear protection in state law for those lawful activities, those protected activities of expression and association and petition, which of course are grounded in the First Amendment are, are important to establish for all. So one thing that I visited about with Senator Bostar when we were talking about this bill is I'm concerned by a grant of expansive powers to the Attorney General that dissent could be weaponized. And those entities that speak out in support of unpopular opinions, now there might be an avenue or an opportunity for an attorney general to start to dig into their books and start to question their staff and start to dig through their membership list. And I, I was just very concerned about the slippery slope that noncompliance with the registration or enforcement mechanism may have for, again, those in Nebraska who are involved in legitimate business interests, or even nonprofit entities which do serve underserved communities, which do in some instances, you know, work with people from fleeing some of these, some of these countries that are on the list. And in some instances may be involved in unpopular speech as well. And so I just-- I was afraid that the net was cast too widely in the original legislation and even as amended that it would perhaps provide an opening for expansive investigation into those lawful activities. So there's existing case law that in Nebraska, the Legislature is constructively aware of other legislation is out there and unless we're specific in terms of kind of noting that or calling that out, it can be conspicuous as part of legislation or legislative record or an absence thereof. So I appreciate Senator Bostar specifically referencing existing law in that regard. I do think it strengthens individual liberty and privacy interests for individuals and business entities and nonprofits and should provide hopefully a check in the law itself and in the legislative history against overreach by perhaps a zealous attorney general with expansive

new privileges to investigate dissent which is protected under our, our laws--

KELLY: That's your time, Senator.

CONRAD: --and should be valued as [INAUDIBLE].

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, Senator Bo-- Senator Conrad, you're recognized to speak.

CONRAD: Mr. President, I was hoping that my friend Senator Bostar would yield to a few questions in terms of enforcement.

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

BOSTAR: Yes.

CONRAD: Thank you, Senator Bostar. So just to continue our dialogue, so this measure as amended would envision that as part of the biennial reporting period that many business entities are already subject to, that essentially there would be like a, a checkbox or attestation that those entities are not involved in foreign espionage or other activities as defined by the legislation or federal law. How, how do you envision this shift really being communicated to the public? Is it a public education campaign about what's permissible or not permissible? Maybe we'll start there.

BOSTAR: Well, I mean, I think I've-- part of, I think, the benefit of aligning it and including it in the current biennial reporting process is that there isn't-- there aren't additional steps for these organizations to take, right? This is something they're already doing, so having one line already exist on there referencing the compliance with the act should-- it should prompt, if there are questions that they have about what that is, I mean, it, it should be discoverable pretty simply on their end. And so that-- you know, that's one of the motivations for doing it this way versus creating a wholly separate process that, you know, would require an extensive education campaign in order for folks to, to know what was being asked of them.

CONRAD: OK. And then what if the individual business entity or nonprofit doesn't comply with that attestation? Does it create some sort of a list for follow up by the SOS or the AG or how does that component work?

BOSTAR: So we're not creating a requirement that-- you know, this isn't a requirement of good standing. And we kind of talked about this, I think, a little bit, maybe it was through some of the other questions and back and forth. But it isn't-- this isn't about punishing folks for not checking a box.

CONRAD: OK.

BOSTAR: Partially, this is educational in and of itself. So by, by prompting the question, there is-- someone may not be aware of the existence of some of these provisions. And so it may prompt some folks to understand those and, and maybe lead to, to further understanding about other things that are going on. Maybe not. But it isn't a-- this isn't-- that piece is not designed to be a, a, a tool for punitive action.

CONRAD: OK, that is helpful to know. And, of course, I'm sure there would be some sort of maybe curing period or something if there was an administrative error or just an omission perhaps in filling out the paperwork, but then for the entities that, that you are concerned about who are engaging in nefarious activities or activities that are adverse to our national security interests. So then what happens? So they don't check the box or they say I'm not subject to this or I am subject to this and then what, what does that trigger?

BOSTAR: Yeah, so not checking the box doesn't necessarily trigger anything. However, if you're-- you know, if you're involved in influence operations on behalf of a foreign adversary or terrorist organization, then there are filing and registration requirements, as well as transparency requirements whenever you engage in that type of business, so that you're being very clear about who you're representing. As well as if you're doing sort of mass communication work, that, that type of communication would also have to be filed. Again, none of this prevents someone from pursuing any of those things. But it is about requiring levels of transparency for those activities. And if someone did not comply with those requirements, then there are potential civil penalties.

CONRAD: OK, that, that is helpful to know. And then the remaining criminal component is in relation to a, a, a different sort of concern--

BOSTAR: Correct. Yes.

CONRAD: --in, in regards to what you're looking at.

BOSTAR: Yeah, within this, this registration [INAUDIBLE]--

KELLY: That's time, Senators. And, Senator Conrad, you're next in the queue, and that's your final time.

CONRAD: Very good. Thank you, Mr. President. If Senator Bostar would be kind enough to continue the dialogue, I'd appreciate it.

KELLY: Senator Bostar, will you yield?

BOSTAR: Absolutely. So just finishing that thought.

CONRAD: Please.

BOSTAR: Within the, the conversation that we're having about these-- the foreign adversary and terrorist organization registration provisions, there are no criminal penalties or provisions in any of that act as it appears in the bill. So they're all civil.

CONRAD: OK, that's helpful. And then I don't mean this to be a facetious question, even though it may come off as that-- as this, but just in kind of kicking the tires on this, you know, I've been thinking about it and I'm thinking about like, OK, if I'm a spy for the Chinese government, am I going to register? That, that wouldn't make me a very good spy, right? Like, do, do the bad actors that you're most concerned about comply with federal or state law or is this meant to be a separate kind of instance for enforcement of bad activities? Like, we think about, you know, they got the mob on mail fraud, right, or something like that. Is it, is it meant to provide kind of a separate basis for those bad actors because we, we don't think they'll register?

BOSTAR: So I think on the registration front, it really is about transparency. And, and it's probably less effective at identifying true clandestine, you know, espionage or intelligence operations run by a foreign adversary. But I, but I think it's important. I mean, you know, even if you imagine and you examine the work we do here, and if someone comes and wants to ask you to introduce legislation or ask you to vote a certain way or introduce an amendment or, you know, anything related to our policy creation work, I do believe that the folks who would be hired by a foreign adversary or an entity that's controlled by a foreigner adversary would be open and comply with that act. And that's, that's verified by conversations with the people who currently

hold those contracts. And I think that level of transparency is really valuable and gives people a perspective about, OK, you're asking me to do this thing and you are doing it on behalf of an adversary to the United States, I should probably take a second to really think this through.

CONRAD: Yes, yes, absolutely, no doubt about that. So my other question is how this works in regards to interplay with federal law and federal law enforcement and federal military and national security interests. So if-- since they have primary jurisdiction over these activities and endeavors, if they're involved in an ongoing investigation of concerning activity in Nebraska, how do-- does our local law enforcement and our Attorney General interface with that?

BOSTAR: Well, I mean, I think probably pretty easily. I mean, one, this legislation is, you know, our federal partners who work on this subject at that national level are, are certainly aware of the legislation and are motivated to, to see its passage. I think that if there is a, a, a target of a federal investigation-- and now-- and I'm imagining here, right?

CONRAD: Sure, of course.

BOSTAR: But if there's a target for a federal investigation and the state AG wants to bring them up on criminal provisions related to the transnational repression elements of this legislation, my guess is that the, the federal government can, can make that clear to the Attorney General and, and it probably works itself out fine. I mean, there are currently a lot of opportunities where federal and state law enforcement--

CONRAD: Coordinate, operate.

BOSTAR: --jurisdiction overlaps.

CONRAD: Yep.

BOSTAR: And, and we find out-- we find ways of coordinating ahead of time if necessary or, you know, sometimes the case is just taken by the feds.

CONRAD: Right. And I know we're going to run out of time here, but there's-- is it your intention or is it even possible, under state law, I don't, I, I don't think so, but to somehow suggest that we would allow the Nebraska Attorney General or a local law enforcement

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 8, 2025
Rough Draft

sheriff or police chief to, I don't know, have jurisdiction in, in foreign capital.

KELLY: That's time, Senators. Thank you, Senator Conrad and Senator Bostar. Seeing no one else in the queue, Senator Bostar, you're recognized to close on the amendment.

BOSTAR: Well, thank you, Mr. President. I'm sure we'll have an opportunity to continue the dialogue back and forth. I appreciate it. And I appreciate the work that went into the crafting of this amendment. It represents several requests for the improvement of the bill that I think are agreeable to-- they should be agreeable to everyone, at least that's my view. You know-- and, and one thing we talked about was just there are different components of the bill. And so there are components that are driven by civil penalties. There are components that contain criminal penalties. And it isn't so much that, you know, these elements of the bill can't exist on their own, but they are complimentary for addressing foreign adversarial influence operations on our state government, local governments, and population of the state of Nebraska. So with that, I would encourage your green vote on AM1272, and thank you, Mr. President.

KELLY: Thank you, Senator Bostar. Members, the question is the adoption of AM1272. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: AM1272 is adopted. Mr. Clerk.

CLERK: Senator Andersen, I have AM1205 with a note that you would withdraw.

KELLY: So ordered.

CLERK: Senator Conrad, I have FA138.

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

CONRAD: Thank you, Mr. President. At this time, I'd like to withdraw that amendment.

KELLY: It is withdrawn. Mr. Clerk.

CLERK: Senator Conrad, I have FA140.

KELLY: Senator Conrad, you're recognized to open.

CONRAD: Thank you, Mr. President. At this time, I'd like to withdraw that amendment.

KELLY: It is withdrawn.

CONRAD: Thank you.

KELLY: Mr. Clerk.

CLERK: Senator Conrad, I have FA139.

KELLY: Senator Conrad.

CONRAD: Thank you, Mr. President. At this time, I'd like to withdraw that amendment.

KELLY: It is withdrawn.

CONRAD: Thank you.

CLERK: In that case, Mr. President, Senator Dungan would move to amend with FA199.

KELLY: Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, this is a real amendment. I am not going to be just withdrawing and moving on. This is what I spoke about earlier with regards to the educational institutions. So for those who might not have been in the room, this is a simple amendment on Section 10, which is page 18 of the amendment. It strikes two paragraphs. The first of those paragraphs says: If a person is found to be in violation of this subsection-- the Foreign Adversary Terrorist Act, so on and so forth-- and they are a student, a faculty member, a researcher, or an adjunct, or is otherwise employed by or associated with a postsecondary educational institution, such person shall be expelled or dismissed from any role with any postsecondary educational institution in Nebraska and shall be prohibited from entering any campus of such an institution in this state. So a violation of this subsection, as was just discussed, I think, with Senator Conrad and Senator Bostar earlier in their back and forth, maybe doesn't carry with it seemingly some consequences in certain circumstances, but under this section, any violation that you've been found to have done under that subsection you can be

dismissed or expelled unilaterally, you will be expelled or dismissed unilaterally from a postsecondary institution and banned from the premises. In addition to that, the next paragraph directs that each postsecondary educational institution in Nebraska shall adopt a policy for permanent expulsion and dismissal of individuals, permanent expulsion and dismissal of individuals found to be in violation of subsection (1). The reason, colleagues, that I find those both problematic that I would encourage your green vote on this floor amendment is not even that I think it's wrong necessarily that that happens, although I do object to that policy. The issue is there is a Supreme Court case in the state of Nebraska, Board of Regents v. Exon, which I talked about earlier and quoted from that, specifically, tells us that we the Legislature are not allowed to tell postsecondary education institutions how to operate essentially in their day-to-day governance. We are allowed to do appropriations, certainly that is something that we are involved in and that's what that case is actually about, but once we the Legislature step over that line and we start to direct the Board of Regents, which is its own governing authority, how to conduct the day-to-day sort of practice or even the implementation of policies on the university or postsecondary level, it runs afoul of, I think it's Article X, Section 7, I can't remember exactly what it is, I can pull it up here in a minute, but it runs afoul of the Nebraska Constitution. So the first part that I'm striking, which is that subparagraph (2), specifically says anybody, student, faculty member, researcher, adjunct, or otherwise associated with, which I will say as a caveat, I don't know what that means, associated with the university, I don't think has a definition, has to be dismissed. So it doesn't allow for any due process. It doesn't allow the postsecondary education to, I guess, essentially determine how that's going to happen and it directs them to ban them from the institution. So both of those are, I think, problematic insofar as their specificity. And they're problematic with what they're actually directing them to do. And then the second part of that, directing the postsecondary educational institutions to have a policy. The problem with that one is not that we're just saying they have to have a policy, but it's that it has to be for permanent expulsion and dismissal. So we are not giving the Board of Regents or another governing authority the ability to have any wiggle room in there, we are specifically saying they have to implement a policy for permanent expulsion. So yet again, it is the specificity with which we are stepping in to instruct postsecondary educations how to handle themselves in a way that I think is problematic. I spoke earlier on the mic, colleagues, about the issues that I have big picture with the

targeting of postsecondary education when it comes to these kind of national issues. But I want to be very clear, my objection to these two subparagraphs is not a, a political issue insofar as, you know, the concerns one might have about xenophobia or the national level, it has nothing to do with objections I've said before. It is that I, I legitimately think, based on conversations of people who look at this kind of law specifically, that it runs afoul of our Nebraska Constitution and ultimately makes that part of the legislation unconstitutional. So if we strike these two provisions, which is what this amendment does, it just strikes line 17 through 25 on page 18, the rest of the bill still is there. The rest of the AM is still there. I have objections to it. This would not necessarily, I think, take away the concerns that have been expressed by others, but certainly I think it fixes some of the potential constitutional problems at play here. Senator Bostar, I know, has spoken with a number of people in the body about ways to make this better. I did talk to him ahead of time before I introduced this amendment just to let him know what it was about. I really do think, colleagues, this is an amendment that makes this bill slightly better and at least addresses the constitutionality aspect. So I'm happy to listen to more of the conversation, but I do think it's a simple amendment. It keeps the bulk of what Senator Bostar was trying to do in AM959. It's not a white copy. It doesn't replace anything. But I do think that it keeps us within the confines of what we as a Legislature are allowed to do with regards to telling postsecondary education how to conduct their business. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I rise in support of FA199, but I did want to ask Senator Bostar a question, if he would yield.

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

BOSTAR: Yes.

J. CAVANAUGH: Thanks, Senator Bostar. You and I had a conversation off the mic, and, and I just-- I use as the example of Smithfield, and I just pulled it up, Smithfield is owned by-- it's referred to as Chinese pork producer Smithfield. And I know they have a footprint in Nebraska, and I assume they have hired a lobbyist to lobby us, the Legislature, on any number of issues. And so my question is, does the

lobbyist, by virtue of taking money from Smithfield, would they have to register as an agent of, of-- under this act?

BOSTAR: Yes.

J. CAVANAUGH: OK, and so-- and that's if they take money for lobbying, but if, if you take money for any conduct would they have to?

BOSTAR: So there's provisions for lobbying, consulting-- essentially, if you're working to, you know, influence policy, yeah, you'd be subject to the registration provisions of this act.

J. CAVANAUGH: So like sometimes I know lobbyists are hired in a, what do they call it, monitor only capacity. If somebody was hired as a monitor only lobbyist, they wouldn't have to register?

BOSTAR: If, if they find themselves having to file as a lobbyist they would, they would have to register.

J. CAVANAUGH: OK, they would have to register. And that goes for any company like that and I know there are many others but I-- the only ones that come to my mind are Smithfield and TikTok.

BOSTAR: So there are, there are two tiers. There's generally any, you know, any entity-- if you're, if you're lobbying on behalf of a, you know, an entity that is directly a foreign adversary or terrorist organization or controlled by or owned by or domiciled in, you would have to-- you would be subject to registration requirements. But there are some additional specific requirements if you are then, let's say, taking on a client that is designated by Congress and the Department of Defense as a Chinese military company, which is a defined list. There are additional requirements for, for any client like that.

J. CAVANAUGH: And, and we, of course, we keep talking only about China, but this applies to if you are-- it's a company that's owned by Russia or other folks that are on that list.

BOSTAR: Or Iran, North Korea. Yep.

J. CAVANAUGH: Iran, North Korea, Nicolas Maduro or, I guess, if MS-13 owned a company.

BOSTAR: Correct.

J. CAVANAUGH: OK. Thank you, Senator Bostar. Well, colleagues, that was just I was curious, I've been thinking about it and I, you know, so I don't know what that says specifically about where we're at, but I do think that there our folks who clearly would know that they are acting on behalf of foreign entities. I mean, I just Googled Smithfield and it comes up Chinese-owned, so that's how I came upon that. But I, I, again, go back to my initial concern about this bill is that I think we could require those folks to register. I don't really have a problem with that. I have a problem with the fact that we would require every other entity to, to register as not an agent. So that's my ultimate problem. But I, I do agree with Senator Dungan's amendment. I think that, that we are overstepping by giving this sort of specific direction to the universities or the postsecondary institutions as he's articulated under the Exon Opinion. And I also think that there are other sort of considerations there. Again, I don't think there's a problem with requiring, you know, somebody who is going to be specifically advocating for the positions to register. I think that in university settings there's often what you'd call a devil's advocate, you know, you're having a conversation in a global economics or tariff class or something like that and someone is given the counterfactual to argue on behalf of China and maybe they get a little too into it for a semester or something like that, and I think that there's a difference there than somebody who is being paid, was placed there on behalf of-- and, and, you know, specifically to advance those objectives. So I think there's a line between those two things. And I think that trying to find a way to draw the line on the right side of who these actors are is really what, what the objective of the amendments to this bill should be. I think Senator Dungan's FA199 draws the line closer to the right side, you know, on the side of making sure we're not catching up students who are engaged in honest intellectual pursuit as opposed to shielding for a, you know, foreign adversary. So I encourage your green vote for FA199. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. I was hoping that perhaps Senator Bostar would yield to a question.

KELLY: Senator Bostar, would you yield to questions?

CONRAD: Is he here? Maybe he stepped out. That's OK. That's OK. I can, I can catch him the next time on the mic. I know he's been on the mic

a lot working his bill and stuff, and so it's, it's, it's not a problem. But it is a technical question that I did want to ask of this. OK, I rise in support of FA199 and am pledged to continue to work in good faith with my friend Senator Bostar on LB644 as it continues to move through the process. But, friends, I, I do want to note that what Senator Duggan has put up here is a very specific carve out to ensure compliance with existing jurisprudence in Nebraska. This long-standing case law really breathes life into the existing structure of the Nebraska Constitution, wherein it says that we have independent entities of government and they, they all need to stay in their lane to a, to a certain degree. So the Legislature, of course, can appropriate funds to the University of Nebraska and state colleges and institutions of higher education, but we don't get to micromanage policy at the university. We don't get to set curriculum. We don't get to tell them how to go about the governance of that institution because it is established as an independent authority under the Nebraska Constitution. And I know that this legal structure and this case law has frustrated Nebraska legislators of goodwill all across the political spectrum at different times for different reasons. But having a clear uniform law grounded in our constitution actually helps to ensure that the governance of the university system remains with the university system. We have separately independently elected Board of Regents. They're not a-- they don't serve at the pleasure of the Legislature. They're-- they answer to their own constituents, they have processes in place. And, of course, we can ask our partners in institutions of higher education to focus on an issue or an area. We can petition that government to change policy, but we can't pass state laws that dictate the terms of engagement nor the minutiae of operation at these institutions of higher education. So this, this is a serious amendment. And I, I see Senator Bostar is back now and, Senator Bostar, I was wondering if you would be kind enough to yield to maybe just one or two questions on this point and talk about kind of your reception or thinking in regards to this floor amendment. If Senator Bostar would please yield.

KELLY: Senator Bostar, would you yield?

BOSTAR: Yes.

CONRAD: Thank you, Senator Bostar. I know it's a floor amendment so perhaps you haven't had a chance to review it or digest it, but are you inclined to support this floor amendment or to continue to work on ensuring compliance with state constitutional structure and Nebraska

case law in regards to the clear relationship between this Legislature and governance at the University of Nebraska?

BOSTAR: Yeah, thank you for that. So, at this time, I am opposed to FA199, although I want to just say that Senator Dungan did come and talk to me about it ahead of time, so I appreciate that. So I was aware of what it was that he was filing. And, and I am-- you know, I'm, I'm opposed-- the principle being that, you know, we know and it's well established that our higher educational institutions are a favored vector of espionage activities. I understand the concerns with constitutional provisions and I am absolutely welcome to, to keep looking at that and exploring that issue as, as we move forward.

CONRAD: OK, thank, thank you, Senator, and I hope-- and I take you at your word and I know we will continue that conversation, but at this time you're not supporting the amendment even though you recognize that there are perhaps constitutional or legal considerations that come with that component of the bill because you think it undermines kind of the, the intent of the legislation overall.

BOSTAR: Well, I, I think that--

CONRAD: Or maybe not.

BOSTAR: I, I don't know about overall,--

CONRAD: OK.

BOSTAR: --but I, I think it's a valuable provision. And what I would like is, is to have more--

KELLY: That's time, Senators. Thank you, Senator Conrad and Senator Bostar. Senator Conrad, you're next in the queue.

CONRAD: Thank you, Mr. President. And we just got cut off there, but it is, it's an important point for the record. If Senator Bostar would be kind enough to just wrap up that conversation, I, I think it would be helpful.

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

BOSTAR: Absolutely. And, and so I-- you know, I look forward to the conversations that I, I know you and I will have as well as with others related to this point and others for the bill. I, I think, you know, we-- there are often concerns about when we pass legislation

that may run afoul of constitutional provisions. And often it's, it's up to, obviously, interpretation. And whether we do, whether we don't, whether it's a gray area can vary, and so this is a subject area that I think at this point I'm saying that I would like to look at further.

CONRAD: Sure.

BOSTAR: But I do think it's an important provision for the bill.

CONRAD: OK, that, that is helpful, and I think that you did touch upon how activities at institutions of higher education are of particular concern in regards to your overall policy goals in LB644, but I'm just trying to kind of suss out at this point and perhaps we'll, we'll continue-- I know we'll continue the dialogue, but if we were to strike that provision, really what that means for the overall measure or if that measure which does provoke legal and constitutional questions remains what does that mean for the remaining aspects of the bill if challenged moving forward? So I'm just trying to, to kind of get clarity in regards to severability, in regards to what the overall intent is, how whether or not removal of suspect or concerning parts may be protective from a litigation perspective or may undermine your policy goals from a, a litigation perspective. So I'm just, I'm just trying to get a better sense of that, but maybe we'll have a, a crisper, clearer picture and dialogue on Select File.

BOSTAR: Sure. Thank you.

CONRAD: Thank you. Oh, one more. I did see that there was in the additional expansive powers and enforcement provisions that there wasn't clarity that fines and settlements assessed under these provisions would be directed to the common schools fund. So that's just one additional area that I-- and I know we've taken it up in regards to Senator Bosn's measures, some other measures this, this year that we just perhaps can also put a, a reminder to ourselves to perhaps work on together from General to Select File. Thank you, Mr. President. Thank you, Senator Bostar.

KELLY: Thank you, Senators Conrad and Bostar. Seeing no one else in the queue, Senator Dungan, you're recognized to close on FA199.

DUNGAN: Thank you, Mr. President, and thank you, colleagues. I appreciate the dialogue between Senator Conrad and Senator Bostar. I think-- I was just speaking off the mic over here briefly with the Speaker and some others. This has been a really good debate. I think

this has been a really great conversation back and forth, and I appreciate that the amendments we've been debating, people have been paying attention, I hope, because they are substantive. And LB644 and AM959 are expansive, and are a, a step in a certain direction, and whether you agree with the direction we're going in or not with these bills and this amendment, I think it's important to make sure we're doing so in a way that is proper and certainly in a way that is constitutional. I think that this amendment is, again, very simple. I think it's easy to understand and it does, I think, address concerns that I've certainly seen with regards to the potential constitutionality when it, when it comes to us telling postsecondary education what they can and can't do and running afoul of our constitutional obligation to allow them to self-govern within the confines of what they're allowed to do with the Board of Regents and whatnot. One last point I want to make because I think it needs to be clear on the record. The folks that this applies to, the students, the faculty members, the research, all of that, it's if they're in violation of subsection (1) of Section 10, and the violation pertains to-- I want to make sure I read this correctly: willfully violates any provision of the Foreign Adversary and Terrorist Agent Registration Act, or any rule or regulation under this act. So a person could ultimately fall under this ban from the university or getting expelled from the university or getting fired, not just if they violate the explicit provisions of the act, but also if they violate or are found to have violated any rule or regulation as well that has been promulgated. What makes that problematic, colleagues, is we have to make sure that when we pass legislation like this, it is not unconstitutionally vague. Laws can be found unconstitutional for vagueness. And one of the, the things that you look at to determine if it's too vague or not is whether or not a, a normal person in the world or a judge ultimately trying to dictate if somebody's run afoul from the law can, within the confines of the law that we've passed or within the statute, determine whether or not it has been followed or not. And so to say that a, a person could ultimately be found to have violated not just the rules that are in the actual statute, but any of the other rules or regulations that have been subsequently promulgated by the Attorney General's Office or rules that have been promulgated by the Secretary of State, both of which are given the authority to promulgate their own rules under this act, they too could then suffer the consequences of being ultimately banned and dismissed or, or expelled from a university. And so I think that not only do we run into the problems with Exon, where we're telling the university what to do, but I also believe that at this point it's unconstitutionally

vague by virtue of it falling into these rules or regulations as well. And then, finally, one of the things that I said somewhat flippantly as I was introducing my, my amendment, but I would actually go back and I think is important for us to clarify, is this applies as well to anybody associated with a postsecondary educational institution. So could you be dismissed, discharged, and then subsequently banned from a postsecondary education because you are a donor? I, I just-- I don't know what the associated means. And so by virtue of the, the phrase associated being vague, by the fact that it's the rules and the regulations that you could also violate and then be consequently dismissed under this, I think that it has problems, both from a vagueness perspective and an Exon perspective. So I wanted to make sure that's clear on the record. But, colleagues, we could avoid any of those problems if you vote for the amendment, because it would in fact remove just those provisions. As I've said before, If you are a fan of Senator Bostar's bill as a whole, or you're a fan of AM959, this does not white copy it, it doesn't replace it, it's not a strike the enacting clause, it's simply on page 18 removing lines 17 through 25 as it pertains to our overreach into universities and postsecondary education. So, colleagues, I would encourage your green vote on FA199. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Members, the question is the adoption of FA199. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 9 ayes, 30 nays on adoption of the amendment, Mr. President.

KELLY: The amendment is not adopted. Mr. Clerk.

CLERK: I have nothing further at this time, Mr. President.

KELLY: Senator Sanders, you're recognized to close on the committee amendment and waive. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I didn't speak on that amendment, but since it failed, I just thought I would for the historical record comment on that I once brought a bill to require the university, state colleges, and community colleges to issue an annual report to the Legislature about sexual violence on campus. And I had to work with them for a very long time, over more than one year, to get the language to a point where it wasn't considered unconstitutional because of Exon v. the university. So there you have

it, and nobody in the Legislature would have let me adopt it and move it forward or pass it if I hadn't done that. So just food for thought, you know, when this goes to the courts. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Sanders waives closing on AM959. Members, the question is the adoption of AM959. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 1 nay on adoption of the committee amendment.

KELLY: AM959 is adopted. Mr. Clerk.

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

KELLY: Senator Bostar, you're recognized to close on the bill.

BOSTAR: Thank you, Mr. President. Thank you, colleagues. I have appreciated the conversation. And I have appreciated all of the work leading up to this point with many of you on working to try to find opportunities to improve legislation. I, I also want to specifically thank Senator McKinney for making it easy to get to the amendments, that wasn't necessary, Senator Conrad for-- and Senator John Cavanaugh for working on some specific language. Again, it's not required of them to do so, yet they are involved and engaged in the process, and that's appreciated. And, and Senator Dungan for, for also joining that effort today. Don't want to leave him out and Senator Cavanaugh. All right, everybody. Everybody's doing a real great job. And, and, and thank you all and I would appreciate your green vote on LB644.

KELLY: Thank you, Senator Bostar. Members, the question is the advancement of LB644 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 2 nays on advancement of the bill, Mr. President.

KELLY: LB644 is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, some items for the record. Amendment to be printed from Senator Bostar to LB77. Name adds: Senator Strommen, Senator Sorrentino, Senator Raybould, Senator Storer, and Senator Prokop, all names added to LB693. Finally, Mr. President, a priority motion. Senator Sanders would move to adjourn the body until Friday, May 9 at 9:00 a.m.

KELLY: Members, you've heard the motion to adjourn. All those in favor say aye. Those opposed, nay. The Legislature is adjourned.