

ARCH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-sixth day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Father Ben Rynearson from Immaculate Conception of the Blessed Virgin Mary Catholic Church in Rulo. Senator Bob Hallstrom's district. Please rise.

BEN RYNEARSON: Good morning. Let us pause in a spirit of reflection and prayer. Gracious and eternal God, source of wisdom, we come before you today with grateful hearts for the opportunity to serve. Bless the women and men of this Legislature as they deliberate on matters that shape the lives of the good people of the state of Nebraska. Grant them clarity of thought, integrity of purpose, and a steadfast commitment to the common good. In a world often divided, instill in them a spirit of cooperation, that they may listen before speaking, seek understanding before judgment, and place truth above convenience. Give strength to act with courage when decisions are difficult, and humility to admit when better paths are shown. May the work done in this Chamber today be marked by justice, guided by compassion, and ever be mindful of those whose voices are seldom heard. May we all be faithful stewards of the trust placed in us and instruments of peace and unity in our time. Amen.

ARCH: I recognize Senator Lippincott for the Pledge of Allegiance.

LIPPINCOTT: 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.

ARCH: Thank you. I call to order the eighty-sixth 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.

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

CLERK: I have no corrections this morning, sir.

ARCH: Thank you. Are there any messages, reports, or announcements?

CLERK: I have, I have no messages, reports, nor announcements, Mr. President.

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ARCH: Thank you, Mr Clerk. We will now proceed to the first item on the agenda.

CLERK: Mr. President, Select File, LB150. First of all, there are E&R amendments, Senator Guereca.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB150 be adopted.

ARCH: All those in favor say aye. Opposed, nay. They are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh, I have MO302 and MO303, both with notes that you withdraw.

ARCH: So ordered.

CLERK: Senator Bosn, I have FA188 with a note that you withdraw.

ARCH: So ordered.

CLERK: In that case, Mr. President, Senator Clements would move to amend with AM1422. Mr. President, my understanding is Senator Clements would withdraw that amendment.

ARCH: So ordered.

CLERK: In that case, Mr. President, Senator Hallstrom would move to amend with AM1569. Mr. President, it's my understanding Senator Hallstrom would withdraw that amendment.

ARCH: So ordered.

CLERK: In that case, Mr. President, Senator Bosn would move to amend with AM1617.

ARCH: Senator Bosn, you are recognized to open on your amendment.

BOSN: Thank you, Mr. President, and good morning, colleagues. AM1617 is a white copy amendment to the E&R amendments which are to LB150. This amendment strikes and replaces the original sections and includes the E&R amendments contained in ER90, but it also has additional cleanup amendments recommended by the Bill Drafters in AM1564, and that is in part due the fact that last week we passed bills that had

crossover reference changes that needed to be made that were somewhat beyond what an E&R amendment can include. So this is the route we decided to go. This amendment, AM1617, also includes Senator Hallstrom's AM1569. So that's why Senator Hallstrom withdrew his amendment. And it also includes Senator Clements' AM1422, which is why Senator Clements withdrew that. So we thought it might be simpler to do this all in one fell swoop for simplicity sake. The changes from AM1564 harmonized the provisions of LB80, which was a package of legislation regarding protection orders that we passed. And also LB474, which was a Banking bill relating to interest loans and debt and combining the Nebraska Installment Loan Act and the Nebraska Installment Sales Act that had some overlap with LB150. LB80 outright repealed or repeals Section 28-311.11, a section providing for sexual assault protection orders. And LB80 then incorporated the relevant provisions of that section into new section of the Protection Orders Act. One of those provisions is the definition of, quote, sexual assault offense, end quote, which is defined to include, among other things, sexual assault by a school employee under Chapter 28-316.01. Because LB150 changes the offense under Chapter 28-316.01 to sexual assault by a school worker, this was portions of Senator von Gillern's bill that was included in the committee package, harmonizing changes were then made to various sections referencing that offense by name, including Chapter 28-311.01. This amendment makes these 2 bills work together by removing Section 28-311.11 from LB150 and adding into LB150 the new section from LB80 that includes the definition of, quote, sexual assault offense to correct the reference to sexual assault by a school worker instead of school employee. LB474 outright repeals Chapter 45-1056 and then incorporates its provisions into a new section. That section prohibits discrimination by licensees under the Nebraska Installment Loan Act. This section in LB474 had an October 1, 2025 operative date. LB150 incorporates LB694, which was Senator Guereca's bill to prohibit discrimination against individuals based on military or veteran status. It amended Chapter 45-1056 by adding military and veteran status to the protected classes listed in that section as well. This amendment makes those 2 bills work together by removing Chapter 45-1056 from LB150 and adding into LB150 the new section from LB474 that incorporates antidiscrimination provisions of Chapter 45-1056 and amending it to include the, quote, military or veteran status. And I teased Senator Guereca that although this was an item we had initially intended to go on consent calendar, it was almost 60 pages just to add those portions of language because it's in so many different areas of statute. So while it seems like a small change, it is throughout our, our code with now adding, quote,

military or veteran status as a protected class. This amendment also adds an October 1, 2025 operative date to LB150 that only applies to this particular section in order to sync up with LB474 so that it doesn't kick in before the rest of that bill. AM15-- excuse me-- AM1569 introduced by Senator Hallstrom also included and would add an emergency clause to the provisions of LB412, which was Senator Hallstrom's paternity proceeding bill in LB150. That is to say, for those cases that were pending paternity where they had already been filed, it would apply to those cases that were currently pending, not just future paternity filings. AM1422, introduced by Senator Clements, changes the effective date of the veteran justice program to July 1, 2027. The committee did hold a hearing on that change or that amendment last Thursday morning, and so that was voted out of committee and heard by the committee members. I will let Senator Hallstrom and Senator Clements add anything that they'd like to to their respective amendments that are included, and I would ask for your support to AM1670 [SIC]. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I just rise today with a couple of questions with regards to AM1617. My, my brief review of it this morning looks like it's a fairly comprehensive, I guess, amendment that encompasses all the different portions that have been added, but whenever I see a 189-page amendment, I get a little bit nervous just to make sure I fully understand it. I was wondering if Senator Bosn would be willing to yield to just a couple quick questions?

ARCH: Senator Bosn, will you yield?

BOSN: Yes.

DUNGAN: Thank you, Senator Bosn. So I just want to make sure I'm clear. So in terms of new bills that are included in this that had not previously been adopted on General File as amendments, is Senator Clements' amendment the only part in there that's an addition to what we already had?

BOSN: So it's the only additional thing that's not a clean up, yes, that would be fair to say.

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DUNGAN: And is it fair to, I guess, say that Senator Clements' portion of this is delaying the implementation of that veteran justice treatment program for 2 years, is that what it was?

BOSN: Correct. Yes, that's correct.

DUNGAN: Is that-- I guess, big picture, we know that the Supreme Court's budget was not, ultimately, vetoed as it was approved by this Legislature, so the money stands moving forward. Is this delay in implementation necessary from a funding perspective because of what the court previously had budgeted or was this anticipatory of the veto that we knew at that point was coming with regards to the Supreme Court budget?

BOSN: The latter, or excuse me, the former.

DUNGAN: OK.

BOSN: So this was-- it's my understanding and, certainly, Senator Clements can clear up if my understanding is incorrect, that the cost to implement that program was substantial and there are still workings on how to actually put that into place, including ongoing communications about how we can best do that, certainly out in western Nebraska where there may not be the enrollment that there are in communities that have a higher population. And so, at this point, due to that cost and sort of still the need to flush out the details, the request was to pump that out for 2 years that had-- that was irrespective of any potential veto.

DUNGAN: And that request did come from the courts themselves?

BOSN: Let me make sure I understand which-- which request?

DUNGAN: Sorry. The request to delay implementation. Was that the courts coming to us and saying we don't have the money to do this, please pause or was this coming from a different source with regards to the, the request for the-- I genuinely don't know the answer. I'm just trying--

BOSN: Yeah.

DUNGAN: --to figure out if the courts were saying we need more time to get this worked out or if this is coming from the Legislature or the executive with regards to the delay?

BOSN: I would say it's a combination of things. So, one, we did not appropriate the money necessary to implement the new added program and, therefore, the courts were saying, please don't set us up to fail, thereby setting up individuals who are participating in these programs up to fail because we don't have the money to implement this properly.

DUNGAN: OK. And then the last question I have, obviously there are places like Lancaster County that still already has Veterans Treatment Court and that's been up and running and very, very successful. What is the interplay between the implementation delay of this portion of the state bill and sort of those local treatment courts like what we have here in Lancaster County?

BOSN: There won't have any-- there will be no impact, at least as far as I've been told, on the existing programs in communities that may already have them.

DUNGAN: OK, thank you, Senator Bosn. You know, colleagues, I, I just want to make sure that we're clear about the impact that that has. Certainly, I think the, the Veterans Treatment Courts are fantastic. They do a great job here in Lancaster County. I personally have seen some of the positive impacts they've had both with clients and with other individuals in the community. I do think it's important that we make sure these programs get implemented as soon as possible. We have vets all across the state that need help and there's not a lot of communities that have the ability to implement these programs without our help. So I understand the, the delay in implementation may be requested by the courts by virtue of us not being able to give them the money they need. I'm hesitant about that delay because I do think that we need to make sure these folks are getting help as soon as possible. But, obviously, without money, that can be difficult. So I do you think this is a clear consequence, colleagues, of us refusing to appropriate certain money because we are denying access to people like veterans in our community that need this kind of programming. So continue to listen to some of this. I appreciate-- I see Senator Clements in the queue so I'm curious as details a little bit more about this, but I want to thank Senator Bosn for explaining this amendment and I appreciate the conversation. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. Speaker and members. Senator Bosn did a nice job of describing the entire package with regard to the bills that

need to be coordinated because of prior legislation that has been passed this session. Senator Clements may or may not be talking about his particular aspect, but I think in response to Senator Dungan's comments about funding, I think some members of the committee, when we heard that matter, were interested in trying to make sure that we do have adequate funding in the future to carry that out. We may have to recognize that there are different abilities throughout the state. Perhaps regional veterans courts would be in order for those less populated areas of the state. With regard to my portion of this amendment, I had the paternity bill, which was originally LB412. We made a positive and important amendment on Select File, which recognized that it would apply to cases that are not finally adjudicated. I visited with a couple of attorneys who have some cases in the pipeline, and they suggested that given the timing, it might be appropriate to have an emergency clause on that particular provision of the bill, and that's the other aspect that AM1617 would address. I would appreciate your support for both the amendment and the underlying bill. Thank you.

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

CLEMENTS: Thank you, Mr. President. And speaking regarding the Veterans Justice Program and my portion of the amendment, the Supreme Court Judicial Branch during their 2025 budget hearing, they identified the cost of setting up this program, which would be required in every district court and every county court in the state to be \$9 million over the biennium. And even though their budget was not vetoed, the amount that they are funded did not include a specific item for this Veterans Justice Program. And one of the issues is that this program, the current specialty courts for veterans require it to be honorably discharged. This Veterans Justice Program did not require that. They could be dishonorably discharged, so there's a, a difference there. I think something needs to be worked out regarding that. And in testimony before Appropriations, the court said we're ready to implement if the funding is there. We're also ready to implement-- we are also ready if the implementation is pushed back a year, and we'll continue to build and make the program successful. But they're looking at how they can link the Veterans Treatment Court and the Veterans Justice Program together, so we're not creating two different tracks. And so there wasn't ability in the budget to fund the specific veterans courts and we have no objection from the courts on extending this due date for implementation and I think it's best to not require implementing a program that has no funding. So I would appreciate your support on AM1617. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise to express disappointment with this body's decision to walk back the establishment and expansion of the veterans courts statewide. As members, returning members may remember or as new members may have had the opportunity to learn about, Nebraska was honored to have true bipartisan leadership come together on both the local, state, and national level thanks to the leadership of my friend Senator Linehan, my friend Senator Tom Brewer, my friend Senator Justin Wayne, join together with national experts and former U.S. Senator and Secretary Chuck Hagel to bring this program to Nebraska and to lift up these best practices in regards to veterans justice that we know work, that have better outcomes for those who have served and find themselves in system involvement, who recognize the unique challenges and trauma that comes with their service and that may contribute to their criminal justice system involvement. We know that this program, like the other problem-solving courts, not only have better outcomes, but they advance our shared public safety goals by reducing recidivism and addressing root problems. And we know they save taxpayer money, taxpayer dollars. So it's perhaps a fitting moment for this Legislature and its misguided priorities in regards to so many matters. But at this late stage in the session to walk back a truly bipartisan and effective program due to financial mismanagement and politics at its worst is short-sighted at best and most likely cruel. Thank you, Mr. President.

ARCH: Seeing no one left in the queue, Senator Bosn, you're recognized to close on AM1617.

BOSN: Thank you, Mr. President, and thank you, colleagues. I just briefly, because there are now a number of bills on General File that got added into this package from the Judiciary Committee, I just want to go through what those bills are one more time and which senators they belong to. So LB386 was the regional mental health expansion pilot program, which brought together 2 bills from Senator McKinney and Senator Storer regarding expanding mental health opportunities for those in the state of Nebraska. There will be an A bill that follows, and I'll address some of those costs, because I know Senator Machaela Cavanaugh had questions last round about those costs and I sort of screwed that up. So I'm going to clear that up this round. This bill also includes LB694 now from Senator Guereca, which adds a protected status for those who are military or veterans or in the military or are veterans. It also includes LB136 from Senator Holdcroft with--

which is clean up for garnishments, which has been a long time coming. If you talk to Senator DeBoer, she'll tell you all about it. It also includes LB219 from Senator Dungan, which cleans up some issues that were ongoing from postrelease supervision from those who were incarcerated for smaller periods of time under Class IIIA and IV felonies. Also includes LB329 from Senator von Gillern, which provides protections for youth from potential sexual assault at-- from school workers while on school grounds. There was some cleanup language to fix that as well. It includes LB271 from Senator Storer, which deals with rail infrastructure and protecting railroads from those who are doing intentional malicious acts to them. It includes LB93 from Senator Dungan, which deals with-- is cleanup language to require an ongoing obligation to provide discovery or updated discovery during the pendency of a criminal case. It includes-- sorry-- LB150, which was my bill, to do some cleanup language around habitual criminal sentencing that was passed in 2023. It includes LB606, which I would also consider cleanup language. Last year, under Senator McKinney's bill, we moved the Department of Parole, excuse me the Board of Parole under the Department of Corrections, there were some additional changes that needed to be made in implementing that, and so Senator Holdcroft brought that bill this year to change any references to the Division of Parole Supervision to actually now reflect the Department of Correctional Services. It includes, as we've discussed, Senator Clements' amendment, AM1422, as well as Senator Hallstrom's LB412 regarding paternity cases where a child may be born out of wedlock, but the-- one of the parents was married and so that presumption that the child belongs to someone due to the marriage. This is a long time coming. I can tell you I've had cases in juvenile court where this situation arose, and it's uncomfortable for everyone but, certainly, the only person who has no control over it and suffers is the child. So please vote green on this package of bills and I appreciate everyone's support. Thank you, Mr. President-- or Madam President.

DeBOER: Thank you, Senator Bosn. The question before the body is the adoption of AM1617. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: The amendment is adopted. Seeing no one else in the queue, Senator Bosn, you're recognized to close on LB150. Senator Guereca, for a motion.

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GUERECA: Thank you, Madam President. I move that LB150 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. There's been a request for a roll call vote. All those in favor-- a record vote. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Brandt, Clements, Clouse, DeKay, Dorn, Guereca, Hallstrom, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting. Senators Bostar, Cavanaugh, Cavanaugh, Conrad, DeBoer, Dover, Dungan, Fredrickson, McKinney, Hansen, Hunt, Spivey. Vote is 37 ayes, 0 nays, 9 excused, not voting-- excuse me, 9 present, not voting, 3 excused, not voting.

DeBOER: The bill is advanced.

CLERK: Madam President, Select File, LB150A. There are no E&R amendments. Senator Bosn would move to amend with AM1609.

DeBOER: Senator Bosn, you're welcome to open on AM1609.

BOSN: Thank you, Madam President and colleagues. This is the A bill for LB150. And on the last round of floor debate, Senator Cavanaugh asked me what the amount was and I was substantially off, because I thought it was \$150,000 a year and it was multiple times that. But it actually is \$150,000 a year, there was a correction, because Fiscal has now reported that this program can be implemented with one project manager and less space. So this is regarding the mental health pilot programs that are included in LB150 from LB386, and I believe it was LB704 or LB705 from Senator McKinney. These would be federal dollars that we would draw down to implement these programs. So there is no actual cost to the state. These are grant programs that we would be applying for so I'd appreciate your green vote on LB-- on AM1609 and, ultimately, on LB150A. Thank you, Madam President.

DeBOER: Thank you, Senator Bosn. The question is the amendment-- the adoption of the AM1609 to LB150A. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 0 nays on adoption of the amendment.

DeBOER: The amendment is adopted.

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

DeBOER: Senator Guereca, for a motion.

GUERECA: Madam President, I move that LB150A be advanced to E&R for engrossing.

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

CLERK: Madam President, Select File, LB298, first of all, their E&R amendment, Senator.

DeBOER: Senator Guereca, for a motion.

GUERECA: Madam President, I move that the E&R amendments to LB298 be adopted.

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

CLERK: Madam President, Senator Arch would move to amend with AM1600.

DeBOER: Senator Arch, you are welcome to open on your amendment.

ARCH: Thank you, Madam President. Morning, colleagues. Just for a quick recap, LB298 creates a new division within the Legislature, the Division of Legislative Oversight. The Office of Performance Audit, the Office of Inspector General for Child Welfare, and the Office and Inspector General for the Nebraska Correctional System would all be housed under the umbrella of the Division of Legislative Oversight. Furthermore, the bill calls for the elimination of the Performance Audit Committee and the creation of the Legislative Oversight Committee to oversee the functions of the new division. AM1600 specifically is purely clarifying and technical as it pertains to the provisions of the Office of Inspector General of the Nebraska Correctional System Act. First, the amendment clarifies that the OIG for Corrections must investigate deaths or serious injuries of any individual in the, quote, custody or under the supervision of the department, end quote. This is to address those instances that involve individuals not committed to the department but are rather county arrestees that the county believes can't be held safely in the county jail. These individuals are referred to as, quote, county safekeepers. Second, last session we passed legislation, LB631, that eliminated the

Division of Parole Supervision. The term "division" was inadvertently left in the OIG for Corrections Act, and AM1600 merely eliminates those references to reflect current law. There are many references to the former division throughout the act and is the reason for the length of AM1600. So the amendment just provides some clarification and does some necessary cleanup, and I urge your green vote in the advancement of LB298. Thank you, Madam President.

DeBOER: Thank you, Senator Arch. Mr. Clerk.

CLERK: Madam President, Senator Arch would move to amend with AM1616.

DeBOER: Senator Arch, you're welcome to open on AM1616.

ARCH: Thank you, Madam President. So one more amendment here that I would term as, as a minor change. One of the provisions of LB298 is that we do-- we, we, the Legislature, we do not interfere with criminal investigations. So if there is a criminal investigation ongoing, we step back. The IGs have been doing this for many, many years and allow that criminal investigation to proceed and we don't want to interfere. We are not criminal investigators, so that goes on. However, one of the things in discussing, in talking to the IGs and, and, and, and other conversations with senators, one of the questions was raised, like, do we know when a criminal investigation has been launched? And the answer apparently is no. So if we're being-- if, if, if we're stepping back, it would be good for us to know. Not know what the investigation is, but simply know that a criminal investigation has been started and then know when it ends as well. And so that's what this language does. It says when the departments know that a criminal investigation has begun, they'll notify us. That's all. So then we know, OK, hold off, don't launch our investigation, we wait, and then they notify us when they know as to when the criminal investigation ends. And so that's what this language is. I think it's a, I think it's a good amendment because it, it helps our IGs know when, when to step back and when to step up. And so with that, I would ask for your support of AM1616 as well. Thank you, Madam President.

DeBOER: Thank you, Senator Arch. Turning to the queue, Senator Conrad, you're recognized.

CONRAD: Thank you, Madam President. Good morning, colleagues. I want to thank my friend Speaker Arch for bringing forward this important amendment. It addresses one of the key areas of concern that I have raised since we had an opportunity to review this reform legislation

almost 2 years after the wake of the Attorney General's political Opinion, which thwarted basic legislative oversight of our state's 2 most troubled state agencies. The Department of Health and Human Services and the Department of Corrections. One of the, I think, perhaps most ridiculous and inflammatory aspects of the Attorney General's political Opinion was some sort of suggestion that our Inspector Generals had frustrated existing law enforcement investigations. That is simply not the case. That has never happened. It is not grounded in reality, yet it was a component of his Opinion that was then weaponized against access for this Legislature to look at issues impacting vulnerable Nebraskans in our Corrections system and in, particularly, our Child Welfare system. One thing that I was concerned about with the measure as advanced from General File was that there seemed to be perhaps a reaction from this Legislature in regards to that component of the Attorney General provision over correcting from the reality of the situation. I was also concerned knowing how some of these state agencies operate, for example, in context and correlation to something like our open records laws, wherein some state agencies, some law enforcement agencies say any time there's an investigation, nothing's subject to public record, even if the investigation is closed. So I was concerned that the, the, the triggering of an investigation could perhaps, again, be weaponized precluding basic legislative oversight, which of course is at the heart of our Inspector Generals' acts. I do believe that this amendment is important. It provides clear guidance and clear guardrails to all stakeholders. Never would the Legislature attempt to interfere with a criminal investigation, but increased dynamic communication and cooperation, as envisioned in this amendment, can ensure that the existing practice, which is collaborative between our Inspector Generals and law enforcement can continue and should provide a safeguard against our Attorney General or other members of law enforcement operating at the behest of an overreaching executive to thwart legislative oversight. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Senator Juarez, you're recognized.

JUAREZ: Good morning, colleagues, and good morning to everyone watching us online and on TV. And I wondered if Speaker Arch would yield to a question, please?

DeBOER: Senator Arch, will you yield?

ARCH: Yes.

JUAREZ: OK, so my question is, since I'm new, is trying to, you know, understand the reorganization that we're trying to do here, and I wondered if the directors of these departments, is that somebody who is an employee or are they elected officials?

ARCH: OK, so have to go back to kind of where we are currently. We have, we have a director-- I'm going to say the Director of Performance Audit, Stephanie Meese. We have a, a Public Counsel, the Office of Public Counsel, Julie Rogers. Those are-- those would be considered division directors right now. And what we're saying is, we're going to take-- and, and the, and the IGs currently are under the Public Counsel division. We're taking the IGs, we're moving them over, creating a new division, and in that division will be Performance Audit and the 2 IGs to start with. And so that will have a division director, which would be then director of, of, of Legislative Oversight, and that would be a parallel position to the Public Counsel, another division director. So we have several division directors within the Legislature. The answer is, yes, they are, they are employees of the Legislature.

JUAREZ: OK, thank you. That was the only question I had. I yield the rest of my time.

DeBOER: Thank you, Senator Juarez and Arch. Seeing no one else in the queue, Senator Arch, you're welcome to close on AM1616. Senator Arch waives closing. The question before the body is the adoption of AM1616. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

DeBOER: The amendment is adopted. Seeing no one else in the queue, Senator Arch, you're welcome to close on AM1600. Senator Arch waives closing. The question before the body is the adoption of AM1600. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: The amendment is adopted. Mr. Clerk.

CLERK: Madam President, Senator Conrad would move to amend with AM1614.

DeBOER: Senator Conrad, you're welcome to open on AM1614.

CONRAD: Thank you, Madam President. Good morning, colleagues. If you look at AM1614, and I would urge your favorable consideration thereof and would be happy to answer any questions related thereto, this relates to an issue that I brought up in regards to General File, where I was concerned that the legislation as advanced provided a far too vague and open-ended sort of communication-sharing process with our Inspector Generals and the impacted agencies. Essentially, the language provided that the Department of Health and Human Services and Corrections could kind of respond whenever it was convenient for them. And I think based upon past practice and based upon what we know from the most recent Ombudsman's report that it would be beneficial to put some specific timelines in place to strengthen this overall reform effort. So I was trying to think about existing areas of law that both the Department of Corrections and the Department of Health and Human Services would be familiar with operating within. So, again, regarding transparency and the public's right to know what our state government is doing in its name and with its money, Nebraska has long had a very robust tool of citizen engagement in our public records law. Under our public records law, essentially, there's a 4-day turnaround for entities of government upon receipt of the written request for information. That 4-day timeline then, dependent upon the scope of the records request, triggers a dynamic collaboration and communication process between the agency of government and the requester. So knowing that there was a tight turnaround in regards to that component which arguably you know any citizen, any stakeholder, member of the public, member the Legislature or otherwise can and does utilize, we know our state agencies are indeed familiar with this process and capable of complying with it. So it admittedly is arbitrary but looking at that 4-day turnaround, my goal with this amendment would be that when our Inspector Generals make a request for information that at the very least the state agencies, subject thereto, should have to respond within 7 days which is far longer than the 4-day request that they use for general inquiries, unless, of course, otherwise agreed to by the Inspector General and the agency, again, akin to and parallel to the dynamic collaboration and communication that exists and works well and is well established in our public records laws. The other piece that I would draw members' attention to comes from the 2024 Ombudsman report to the Legislature about specific instances regarding access, even with the MOU signed and in place in the wake of the Attorney General's Office. And if you look at page 3, you can see a report from the Inspector General of the Department of Correctional Services that actually they've been having a great relationship in turning around information with Corrections and while not full access, they were able

to restore most access to the online case management system in the spirit of dynamic cooperation to improve efficiency and if the information is not available to them, they did note and commend that the Nebraska Department of Correctional Services was getting that information to the Inspector General of Corrections in a timely manner. So that's very good to know and also shouldn't be overly burdensome for the department to return things within 7 days upon request because apparently there's already some online access in the case management system presently and they have received fast responses to their other requests if they don't have direct access to the information. Now, the other side of that coin, as noted in the Ombudsman's report, was the continual frustrations with getting timely information from the Department of Health and Human Services. So the Ombudsman's report notes that unlike correctional services, DHHS did not restore office access to their online case management system after the MOU was signed. And while the Department of Health and Human Services does provide information after requested, quote, documents take a long time to receive after request, and the information received is sometimes not the information the office is looking for, which then hinders timely resolution to complaint. The other thing that I think is important to note in this regard is that the faster our Office of Inspector Generals have access to information to help them complete their critical oversight role, it's beneficial to everyone, to the state agency, to the impacted citizen, and to the Legislature's agents who are conducting critical oversight. The faster that they can resolve issues, it, it is beneficial when those issues are raised. The longer the process of information sharing takes, it frustrates citizens, it is frustrating to agency stakeholders, and it frustrates the work of Inspector Generals. Therefore, I believe that it is reasonable to put some sort of time-specific turnaround on requests for information. This is broader and longer than the general public would find in requesting information, but it does provide some sort of enhanced clarity and enforceability on this important issue. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Turning to the queue, Senator Arch, you are now recognized.

ARCH: Thank you, Madam President. What, what Senator Conrad is raising here has, has been an issue of discussion with us. Not she-- well, yes, we talked about it, too. But I'm saying that is LB298 was being developed, this, this was an issue. We wrestled with the question and, of course, the, the, the question is what's, what's the right time to put here? And where we landed was, was this language, which is on page

35 of the-- of AM1504: information shall be provided in the most efficient and timely way in a manner that's least burdensome, so forth. I mean, so we didn't land on a day, and, and I've, I've had conversations with the IGs. There was a period of time and certainly when that MOU was being implemented, there was a period of time. So those reports were accurate. We weren't getting it. What I, what I understand now is happening is that we're actually getting it within less than 7 days. We're getting it, we're getting it within that 4-day turnaround time. So in, in my-- my question now is, you know, is this the time to put this, this exact day into statute? One of the concerns that I would have, and this is one of the concerns of, of staff as well, is that sometimes they just have, like, perverse incentives, like, well, now that we have a 7 day, maybe we don't really have to respond until the seventh day, when now we're getting information on the fourth day, or the third day, or, you know, immediate turnaround. So I am personally hesitant to put this exact day into statute, rather that, rather that if it becomes a problem in the future, then I think it's absolutely appropriate that we say we have to, we, we have to specify a, a day. Before that happens, and as I say right now, we, we are not experiencing that from what the IGs have told me. There was a time, and, and Senator Conrad read the report, absolutely right, there was a time when, when we weren't getting it in a timely way. That's not the situation right now. So as a result of that, I'm hesitant to put the day into statute. So for that purpose, for that reasoning, I, I will be voting no on, on this amendment. And-- but I appreciate, I appreciate the intent because timely is absolutely necessary for us to do our work. Thank you, Madam President.

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

M. CAVANAUGH: Thank you, Madam President. I've been listening to the debate on AM1614, and I'm inclined to support it because of, you know, my past experience with various state agencies and a hesitancy on their part to share information that is important for us to have. I, I appreciate Speaker Arch's comments about that it hasn't been a problem recently. But that's part of the reason that we put things in statute is not because of necessarily what's happening right now, but what-- we want to make sure, if it's happened in the past, even if it's better now, that it doesn't happen again in the future. And so putting in a, a, a clear timeline for communication, I think is important because nobody knows what the future holds, or what the next administration holds, or the next legislative body holds. And if we don't have a timeline, we might never get this information. And when

we're talking about deaths and, and serious injuries when individuals are in the care of the state, I think it is important for us as the Legislature to know what is going on. And that means that our Inspector Generals need to know what is going on so that they can investigate and ensure that there isn't any malfeasance. And there are going to be deaths and serious injuries that are, are not because somebody that works for the state did something wrong. But it is important for us to know whether or not that is the case. And that is why we have the Inspector Generals tasked with that very job. So I think that I will be supporting AM1614. I think if the 7-day timeline isn't feasible, I'd be interested to hear what the state agencies think is a reasonable timeline. I do recall a bill my first year with then-Inspector General Rogers that was about a reporting requirement for investigations, criminal investigations, and I think it was 3 days. And so, if I'm remembering that correctly. So, I mean, I understand that we need to be flexible in, in how things are being communicated. But at the same time, I think that it is reasonable to have an expectation established of what a timeline for reporting information should be. And 7 days is 3 days more than a records request. So it seems like we're actually giving them 3 extra days with AM1614. Thank you, Madam President.

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

JUAREZ: Thank you. Would Senator Conrad yield to a couple questions, please?

DeBOER: Senator Conrad, will you yield?

CONRAD: Yes. Yes, of course.

JUAREZ: Thank you. So I just wondered for background purposes for me on the 7 days that you decided here, did you actually have a discussion with employees or managers of the departments that will be impacted by this or did you just know from experience that you felt that 7 days was a good idea to put here? Could you clarify that for me a little bit, please?

CONRAD: Yes, thank you, Senator Juarez, and I did not discuss the time frame of 7 days with the department heads. I utilized that example from public records law, which requires a 4-day turnaround of information for any requester. A citizen can make that, an attorney can make that, we can make that as legislators. The press uses that

frequently to get any sort of information, subject to a few established exceptions and exemptions, in asking state agencies or other entities of government for information. So I figured since HHS and Corrections already has to turn around information in that regard in a 4-day period, at the very least, they could turn information over to legislative agents conducting oversight in-- within a 7-day period. It is admittedly arbitrary, it is not grounded in any other specific thinking, but I was just trying to think of if they're used to turning information around under existing law in 4 days, at the very least in this instance, they can, they can and should be able to turn information around in 7 days.

JUAREZ: Well, I see that you also added unless otherwise agreed to,--

CONRAD: Yes, that's right.

JUAREZ: --which obviously could mean they could come to an agreement to have it done in 4 days. Nothing precludes them from still reaching that turnaround time. Correct?

CONRAD: You're right, Senator Juarez, and it works the other way, too, just like it does with public records. So sometimes if your request is voluminous or more complex, what happens is you say, hey, HHS, I'd like to get information about this aspect of your work. HHS must respond within 4 days and says, OK, I'm happy to fill your request, but it's going to perhaps take us a while. So we'll release information to you on a rolling basis or if you'd like to work together to narrow your request we can get you information more quickly or we can't meet it within 4 days, but I think we can do it in 10. And then you go back and forth, requester to agency, and you can many times find agreement in that regard. So, again, it was based upon that spirit of dynamic cooperation that the departments are already used to operating within, and it could be faster or it could actually be longer if both parties agree, which just makes practical sense.

JUAREZ: Yes, I think that having something in place, you know, and spelled out, I think, is, at least for now, a good starting point. And, obviously, you know, it could always be changed. But I think with the phrase that you added to the end, it, it pretty much leaves it to their judgment and in a spirit of cooperation of trying to get the request accomplished timely. Thank you, and I yield the rest of my time.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 28, 2025
Rough Draft

DeBOER: Thank you, Senator Juarez. Seeing no one else in the queue, Senator Conrad, you're welcome to close on AM1614.

CONRAD: Thank you, Madam President. Again, good morning, colleagues. I'd like to thank each member for the comments that they provided to the record in response to this amendment and the good questions. I think that just before I get into the specifics of it, that's one thing that is important about our work. And I've noticed that there has been less questions, less deliberations, more people waiving, even openings and closings. And, ultimately, that can be a disservice to building a legislative record, which has legal policy and historical importance. And so even if measures are unsuccessful or even if they're successful, but people later on are trying to discern our intent or understanding, taking the time to engage in that deliberation and build an actual record is valuable for a host of different reasons. So I thank members who assisted in that regard. I take the comments from my friend, Speaker Arch, in good faith. He sees this amendment as unnecessary at this time. I disagree with that assessment, but I do believe even if this measure is unsuccessful, and I hope it's not, I hope it's successful, but kind of getting a read on this body, I, I think, I think I might know how the votes will go. I do pledge to continue working with our Inspector Generals and Ombudsman and the Executive Board and, primarily, Speaker Arch who's demonstrated a great deal of leadership on reforming legislative oversight matters to monitor this issue. And to see if we are thwarted in our ability to conduct basic legislative oversight with a lack of responsiveness or responses and communications that come in, in an untimely manner. And if we have to tighten that up and put additional guardrails in place in the future, I pledge to continue to monitor that and I know if it does become a problem and the agencies are on notice through this debate, I'm hopeful that Senator Arch will continue his work to strengthen their work and then if need be we can reinstitute specific timelines if agencies are uncooperative or unresponsive. That being said, I think 7 days would be mutually beneficial to citizens, to the Inspector Generals, and to the agencies. It's broader than the agencies are used to responding to in our public records laws, and it also recognizes the spirit of dynamic cooperation to get something more quickly or perhaps beyond the 7 days as the practicalities dictate. With that, I'd urge your favorable consideration of AM1614. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. The question before the body is the adoption of AM1614. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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ASSISTANT CLERK: 17 ayes, 21 nays on the adoption of the amendment, Madam President.

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

ASSISTANT CLERK: Madam President, Senator Bostar would move to amend with AM1553.

DeBOER: Senator Bostar, you're welcome to open on AM1553.

BOSTAR: Thank you, Madam President. AM1553 would create the Office of Inspector General of Nebraska Public Subdivisions, and with it an Inspector General to, to be housed in that office. We do not have adequate oversight over all of the levels of government, over all the governmental bodies, over all of the political subdivisions in the state of Nebraska. We learn of problems, challenges that occur, often through the media or, in some cases, through our State Auditor. And that's a-- the State Auditor provides an important function for our state and for our accountability. But our State Auditor is simply looking at fiscal and financial concerns related to the operations of government. And we'll often uncover fraud in that process. And that's good and important for us to know as we seek to make policy, but they're not-- it's not the only problems that exist. So two that I'll talk about briefly, one happened recently where the Nebraska Public Power District made the decision to purchase land, 202 acres of farmland, from their own executives for \$5 million. That was five times the assessed value and two times the appraised value of the land. That \$5 million of public funds went to two executives: one, the chief ethics officer of NPPD, and the other, the individual responsible for the purchasing of land for NPPD. Was that corrupt? I don't know. Is it a problem? Yes. Did either of these individuals file a conflict of interest when receiving \$5 million of public funds for land valued at a fraction of that? No. No, they didn't. Is that acceptable? Absolutely not. We learn about these things, thanks in large part to the press, and I appreciate their work. How many of these instances go completely unnoticed? A couple years ago, the residents of the village of Alvo collected signatures to prompt a recall of village board members. Upon reaching the sufficient threshold to recall their elected representatives, the village board was obligated to have an election for their own recall. They simply refused. That village stopped being a democracy. We do not have adequate structures in place to ensure accountability of all of the levels of government that exist. We in this room, we write the laws, we create the policy, the overarching policy for the state. It's our

responsibility. And we need information to do that to the best of our ability. And so while we are relying on the press and the media, and they are doing, often, a thankless job, to give us that information about our own political subdivisions, I fear it is not enough. And we are not getting all of the information we need. This is a large concept being introduced on LB298. I don't think it will pass and be adopted. But I do believe it is extraordinarily important. As these kinds of incidents occur across our state, the people of Nebraska lose confidence in us, they lose confidence in democracy, they lose confidence in their government, they lose confidence in institutions. And I don't blame them. It seems like every third report out of the State Auditor's Office is uncovering of some clerk somewhere embezzling all of their town funds, and thank goodness that the Auditor was able to discover it. How many aren't? How much self-dealing that NPPD participated in goes on without us noticing? How many villages go unrepresented when their elected leaders simply refuse to follow the law without consequence? How much fraud and theft occurs throughout all of our governmental bodies? I don't know. I think we should know. So this amendment would add an Inspector General focused on political subdivisions. I think it is time for that to occur. I think this bill offers an important opportunity to introduce accountability and transparency into what too often is opaque. And I understand that there are those that would say, well, some of these incidents aren't necessarily legally incorrect. Maybe they're right. But isn't that the information we should know? Should it be legally acceptable for a political subdivision to give its own executives \$5 million for land worth, at most, half that without transparency, without conflicts of interest, should that be legal? I have my own thoughts about it. I'm sure others do as well. But we need an avenue to ensure that we have access to this important information. With that, I hope there's some discussion of this. Thank you, Madam President.

DeBOER: Thank you, Senator Bostar. Turning to the queue, Senator Arch, you're recognized.

ARCH: Thank you, Madam President. I rise in opposition to AM1553, but before I go there with my comments, I, I want to talk about AM1614 that was unsuccessful. While, while that amendment, AM1614, was unsuccessful, in, in Senator Conrad's comments, she, she made a comment regarding the future and the hope that I would be engaged in this, that we would all be engaged in this and watching the responsiveness of the departments to providing us with information and, and I just wanted to state absolutely my commitment to that. We

will be watching this. This is something that, obviously, I've spent the last 2 years working on. In the last year and a half that I have in the Legislature, my commitment is to making sure that this is, that this is initiated well, done well, and I will, I will absolutely be involved in it and, and, and watching to make sure that we establish something going forward that will outlast my tenure here and outlast, hopefully, all of our tenures here and that, and that we, we will all be engaged in this. Now I want to, I want to turn back to AM1553 just for a second. And I want to thank Senator Bostar to begin with for raising the issue. We need information in this Legislature to legislate and appropriate. And to the degree that we are simply reading things in the paper, we don't-- I don't believe that that provides us with the information needed to do those two of our duties well. So I understand the intent, I, I thank him for raising the issue, however, this particular amendment has some issues. Number one, it's, it's not had a hearing. Number two, there's going to be a fiscal note to this, obviously. If we start hiring additional staff, that fiscal note, I'm not sure what that would be, but I'm, I'm sure there will be one. And I'm not sure this is the year or the time to put more cost into our system. So, however, LB298, as drafted, you know, the intent of the LR298 committee and all of those that have been engaged in building this bill has been to create an infrastructure upon which something else can be built in the future. So for instance, the review of contracts, we, we haven't even talked about the role of the Appropriations Committee and, and how contracts are being done. That may be something later on, or the question of appropriation, so we, we appropriate, we appropriate dollars. Do we know that those are being, those are being spent effectively, efficiently, in a manner that meets the intent of the legislation? There is so much more that we can be doing to provide us with information to legislate and appropriate. So I'm all for the future, I am all for building upon the structure that we're going to be creating with LB298, but I don't believe we're ready to pick up AM1553 at, at this time. Thank you, Madam President.

DeBOER: Thank you, Senator Arch. Senator Clouse, you're recognized.

CLOUSE: Thank you, Madam President. I had some discussion yesterday with Senator Bostar on LR278, which I don't think a lot of folks in the body really paid a lot of attention to that. That was one of the last ones that was dropped. And it, it defines everything explicitly of the process it went through with NPPD and this land purchase. As a long-time employee of NPPD, I knew many of these folks that were referenced in their work, but when some of those were hired, I've known a lot of these folks, and I know that their intent was not

nefarious. I, I would stand by that. However, it is a bad look for NPPD. We've talked about that. The optics just don't look good. And when Senator Bostar and I talked about that, I, I didn't know he had this amendment drafted. I think it's-- I think we'll see this again, whether he pulls it now or shows up as a bill next year. I've had about 5 minutes to look at this and it's, it's pretty comprehensive. And we talked about it should be something that with NPPD right at this point dealt with through the Accountability and Disclosure folks. And I'm not sure where it's at with that. I could tell you that internally at NPPD they did some things with Accountability and Disclosure. So this goes a lot further reaching than that, and, and he mentions some of the things with-- it's political subdivisions. So it didn't really specify political subdivisions even though NPPD in this instance was the driver. It does reference villages and cities and other political subdivisions that probably need some oversight at some point in time. I don't think this is the answer right at this point, but I think at some point in time it will have some merit. And I think that we will see it again. I will-- I debated whether it was a conflict of interest. I checked, and it is not a conflict of interest for me to vote one way or the other. I will be voting it down, but I fully expect that we'll see this again, and I think it's very worthy of discussion going forward. So with that, I will yield the rest of my comments. Thank you.

DeBOER: Thank you, Senator Clouse. Senator Spivey, you're recognized.

SPIVEY: Thank you, Madam President, and good morning, colleagues and folks that are joining us online. The amendment was filed today, so I was trying to read it and don't know where I stand with it currently, but I do appreciate some of Senator Bostar's comments about some of the recent activity that the Legislature does have purview over and should know about to be able to make decisions. I also saw the article about the Nebraska Public Power District and the sale of property. And I send it to a few colleagues and folks around, hey, should we be watching this? Like, who investigates this? How do we get this information? And so I do think some of this is timely. And I, again, appreciate the examples of why this type of oversight is necessary. And I was hoping Senator Bostar would yield to a few questions.

DeBOER: Senator Bostar, will you yield?

BOSTAR: Yes, I would.

SPIVEY: Thank you, Senator Bostar. So it is a longer amendment, and I'm trying to read it and get through it, but you gave the few examples around, like, how that oversight would look. And some of our current other agencies also, I would assume, would fall into that. So I'm just wondering around, like, other potential code agencies. We've talked a lot about, like, Corrections or Supreme Court or others like that. Would you imagine that this newly created division would also have purview into those in the same way or, like, how would that work with what Speaker Arch has proposed in his-- like in LB298?

BOSTAR: Yeah, no, thank you for that. So this particular amendment would create an Inspector General for just political subdivisions. That would be their focus. So it wouldn't touch agencies or other branches of government. It would be public power districts, towns, villages, irrigation districts.

SPIVEY: Like NRDs would fall under that?

BOSTAR: NRDs, yes.

SPIVEY: OK. And then they would still, then you would imagine, they would then say, hey, we have this going on, or potentially they would submit a grievance or a complaint or some sort of due diligence, and that it would funnel its way through that investigation and still get back to us, and then this larger oversight body that is being created with LB298?

BOSTAR: Yeah, I think it would be consistent with what LB298 is creating as far as concerning structure. So, yes, their, their role would be to provide accountability information, ultimately, to the Legislature.

SPIVEY: OK. Thank you, Senator. I appreciate you answering. Again, I, I appreciate the premise and the intention because I also saw that news article and I was like, whoa, what is happening and how do we understand this? How do we sit in our roles and do our due diligence and have responsibility if we are dependent on the news to be able to provide this and how can we create spaces for folks to submit, you know, whistleblowers or grievances or complaints around things that are happening? I also just want to uplift in that same vein some bills that have been introduced numerous years in this body, specifically around oversight as it relates to police conduct as well. And so I think it was earlier this week, at this point I feel like all time is bleeding together, but on the mic both Senator McKinney and I talked

about a young 19-year-old who was shot and killed by the Douglas County Sheriff. There's an ongoing investigation now and there are calls from the community around oversight around that investigation. What happens with the grand jury? Who is leading the investigation? How do we get the information? When does body cam footage come out? Just, again, all of those nuts and bolts around community protection and betterment and safety and understanding. And so I can appreciate this conversation here with the examples Senator Bostar has uplifted and around LB298. And I would also encourage this body to have that same insight and approach as we think about this for other public entities that are providing services and are using taxpayer dollars across Nebraska and, again, that is an example that is currently happening for Douglas County, that political subdivision in the city of Omaha around that oversight and that tragedy of the young man's life who was taken. And so, again, I think there's other opportunities to think about oversight and management if we are going to continue to refine this type of approach and framework. Thank you, Madam President.

DeBOER: Thank you, Senator Spivey. Senator Brandt, you're recognized.

BRANDT: Thank you, Madam President. Senator Bostar, I agree with you. There's not enough protections in place on some of our political subdivisions. We have some power districts out there that do not have a publicly elected board of directors. One is in my district, Fairbury Light and Power [SIC], and the other one in the state is Lincoln Electric System. Their board members are appointed by the mayor of Lincoln, even though not everybody in the district lives inside the confines of Lincoln. So as this demonstrates what we saw at Hallam that had a publicly elected board, that this can happen both ways, whether you have one or not. But if-- I am willing to work with you on a bill next year to make sure that those two power districts have publicly elected boards. This deal was pretty straightforward. And it was disclosed. It was disclosed in the press. It's not a good look. Nebraska in 2 years in the nation will run out of electricity. Probably haven't heard that before. Will it happen? No, because we'll cut back. We need to generate more power. NPPD has a very aggressive plan to put a new power plant at Hallam to double the size of that facility and also one down at Beatrice. This will help Nebraska industry and, and houses and farms and everybody in the state of Nebraska to continue to provide low-cost efficient power to the state. You cannot do that without buying land adjacent to the Hallam power plant and you're somewhat limited on that footprint. They were fortunate that there were 200 acres adjacent to the plant that came up

for sale. What was unfortunate is that whole area has just been platted for about 2,400 acres of solar. And these individuals that own this ground were offered \$30,000 an acre, and they denied that. They did not want a solar farm on their-- on that farm ground. NPPD bought it for \$25,000 dollars an acre. Wasn't a good look. I get that. I understand that because those two people were employed by NPPD. And my understanding is the wife, that was their farm ground that she grew up there. So if NPPD had not bought that from them, is it more acceptable if they bought it from a farmer, or a widow, or a land company? Does that make it more acceptable when the going price for any ground in that area right now is \$30,000 an acre, and the state paid \$25,000 an acre? So you can argue this both ways. So on a project that's probably going to cost close to \$1 billion-- yes, on paper it looks like the state probably paid \$2 million too much for this based on taxable values of ground. But it's no different than when you guys get your tax statements on your homes, your businesses and farms and you look at that and you go in and protest to the assessor and it's, it's-- really puts you in a tough spot. I know I, as a farmer, I do not want high values because I get taxed on values. I want high values because that's my retirement. So there's always two sides to this coin. I don't fault anybody for getting maximum value. I don't feel that the taxpayers of the state were taken advantage of. I do think it was a bad look. And, and I think that's something we'll probably take a look at next year as the Natural Resources Committee. What else have we got here? OK. Senator Bostar, would you be available for a question?

DeBOER: Senator Bostar, will you yield?

BOSTAR: Yes.

BRANDT: Senator Bostar, do you have any indication of what the fiscal note on this would have been?

BOSTAR: You mean will be, Senator, surely.

BRANDT: Yeah, yeah, OK, let's go with that. Yeah. Past tense, present tense, we can argue that too.

BOSTAR: So, I mean, you're looking at adding one individual, right? So it's, it's one FTE, it would be an Inspector General, so I imagine it'd be in line with our current other two Inspector Generals. So, you know, the, the Appropriations chair estimates roughly \$200,000.

BRANDT: And this individual would just inspect public power districts?

BOSTAR: No, political subdivisions.

BRANDT: So the city of Omaha, the city of Alvo, this one individual would take care of all 500 towns and villages across the state, all the ESUs, all the NRDs, all of the public power districts. That's quite a lot.

BOSTAR: Well, I don't know what take care of means.

DeBOER: Time, Senator. Thank you, Senator Brandt and Bostar. Senator Storer, you're recognized.

STORER: Thank you, Madam President, and good morning. I'm not going to repeat a lot of what's already been said. I, I do just want to put a personal note on this. I, I appreciate Senator Bostar bringing the amendment to start a discussion. I think there's probably widespread agreement that the cost is not something that we can incur this year, not anticipated. This needs vetted out a bit more, but I am very intrigued with the concept. I, I served 8 years as county commissioner, my first 2 or 3 months, I became aware or suspicious of some activity happening in another elected official's office. Long story short, we ended up taking the lead to, to get the evidence to put a deputy county attorney in prison for embezzlement. But what I learned in that process was there's not really any one person or process. And I was in an elected position to, to maybe have access to, to information more readily or be a bit more aware. And so I think there is a frustration with taxpayers and constituents, in general, they don't know where to go. When they see something they think is, is maybe not right or they have some information they feel like someone needs to be aware of, there is, there is a level of frustration of where, where do I go? Who, who do I go to get some guidance on, on how to handle this situation? And so I think this warrants further discussion. Certainly, not ready for prime time yet, and I, I believe Senator Bostar has, has acknowledged that, but we have to start the, start the discussion. So the fiscal note's already been brought up, that, that's kind of a deal breaker today. But down the road, I would be interested in having more conversations with you, Senator Bostar. I yield the rest of my time.

DeBOER: Thank you, Senator Storer. Senator Juarez, you're recognized.

JUAREZ: Good morning. I just wanted to thank Senator Bostar for bringing this amendment idea. I definitely think that it is something that we should consider for the future for our state. And like many

people and like Senator Clouse already mentioned, you know, that it wasn't a good look for the power district. And I would certainly agree with that. But, again, the value of land and what you can receive for it-- you know, obviously all of us who have land, we would like to get the maximum price that we can. And from that perspective, you know, I get it. I understand that. But I definitely agree that we should consider next session looking into this further and see what other law that we could put in place so that, you know, we don't have other problems that could happen down the road. Thank you, and I yield the rest of my time.

DeBOER: Thank you, Senator Juarez. Senator DeKay, you're recognized.

DeKAY: Thank you, Madam President. I tend to agree with Senator Bostar that an Inspector might be needed, but maybe for a little bit different reason. Rather than trying to find out if there could have been fraud or something like that that could have taken place, I think it would have shown that NPPD followed the letter of the law and worked within the rules and purchased this land the way they needed to do it. Some of the information that's out there doesn't show that the parties involved were offered \$30,000 from a competing entity to put in a different type of generation for 40 acres of that land. The other 160-plus acres would have cost NPPD \$30,000 an acre and had competing entity right across the fence from them. They-- the parties that sold the land, they sold it for \$25,000 for the whole 202 acres of land. But with that being said, proximity pays a-- helps dictate the price per acre. Land that borders me is worth more to me than someone who lives a distance from me, just because of proximity, convenience, and the way you want to do business and have everything in your court that you need to, to build a business you need with the acres involved in that project, so land is worth what people are willing to pay for it, and what people are willing to negotiate in price. And, yeah, \$30,000 is a lot of land, there's land down in that area for dryland farmland that sold for over \$20,000 an acre a few years ago. So where do we start and stop with this? But I do agree that an Inspector General might be needed. And it would be shown that these companies are working in good faith with-- for their customers and with-- the model for these customers are-- is to provide reliable, efficient power to all their customers, and I think they try to live by that model every day. And I will yield back the rest of my time. Thank you.

DeBOER: Thank you, Senator DeKay. Senator Moser, you're recognized.

MOSER: Thank you, Madam President. I stand in opposition to AM1553. The optics of the purchase, especially in the manner described by the maker of this motion, the optics are not good but the employee bought the property 37 years ago before they worked for NPPD. And there's a limited number of parcels that are adjacent to the power plant, and this is one of them. Quite often when properties are bought for development, they pay more than the ag or the assessed value. Most farm ground won't return enough money based on the valuation of \$10,000 an acre, let alone \$25,000 an acre. So the reason this property is worth more is because it's adjacent to other properties that NPPD owned. You wouldn't want to be taxed at \$25,000 or \$30,000 an acre if you were a neighboring farmer just because this property sold for a development. Development prices are quite often much higher than what the agricultural purposes would support. And, you know, I've seen this happen numerous times, properties that the state bought, they paid way more than assessed value for them. Properties that schools in my district paid for properties were way more than what the assessed valuation was. They, they paid \$16,000 an acre for property that was assessed at about \$10,000 an acre and they bought 160 acres, they used part of it for the school and then they used part of it for the new YMCA and some other properties and so it all worked out. And in the grand scheme of things the price, the cost of this to NPPD compared to what they're going to invest to make sure that we have electricity going forward, the investment is going to be way more than this. The most important thing is that it's right next to the power plant, it's right next-- or pretty close to their substation, and so the net effect of it is going to be good for NPPD, it's going to be good for citizens of the state of Nebraska. Now, it, it could have been more widely advertised that this was happening. I know that the board considered it, and I'm sure they had it on their agenda. I'm sure they did it all perfectly legally. You know, going forward, if we want to have some more guardrails in place to make transactions by political subdivisions more transparent, I think that's something that should be done in the form of a, a separate bill, and I think it should have a hearing so everybody has a chance to come in and testify about it, and I think we should have fiscal note so we can see what we're spending. This is, you know, a little bit of a, of a sudden eruption here of an amendment that tries to address that problem. I think we should step back and do it in a more measured fashion. I appreciate the work that Senator Bostar put into this but, again, I'm against AM1553. Thank you.

DeBOER: Thank you, Senator Moser. Senator Prokop, you're recognized.

PROKOP: Thank you, Madam President. I rise in support of AM1553. I had a chance to visit with Senator Bostar about the amendment. And my support really is, is relying on the simple premise that transparency and accountability are critically important. So that's why I'm going to be supporting the amendment. I, I share a lot of the concerns that have already been expressed about the transaction we all read about between NPPD and some of its employees over the weekend and found out about that in the paper. And those types of things we find out about too often via the paper, and, and, you know, I, I think having a watchdog, keeping an eye on this is a, is a good thing. It also builds in that accountability that is critical whenever we're talking about taxpayer dollars or ratepayers so that everyone knows that, that money is, is being good-- being put to good use and in appropriate ways. And some of the discussion around the fiscal on this, I do appreciate and understand. I guess I, I come at it from a little bit different angle because of concerns I would have if we don't move forward with something like this, either today or, or down the road, because what happens in the situation where some type of fraudulent activity happens or, or embezzlement or misuse of, of public dollars occurs and then the state has to come in and bail out whatever entity that is, that is, that is engaged in that activity. So I think in the long run, just having this division created to, to keep an eye on that is more than appropriate and is a fiscally responsible thing to do and would be well worth the cost. So with that, I yield back my time and, and, and encourage everyone to support the amendment.

DUNGAN: Thank you, Senator Prokop. Senator Jacobson, you're recognized.

JACOBSON: Thank you, Madam President. Well, I rise, too, to maybe provide some clarification that the nefarious activity that was being quoted in the paper with NPPD is a typical news story. Run a big headline grabbing piece, but fail to give the whole story. A typical press move. OK? Did anybody in this body know before today that that land was purchased in 1988, 4 years before either of the owners worked for NPPD? OK? Did anybody realize that? Why didn't the news article include that? It seemed to be pretty material to what went on. When I first looked at this story, and it's been talked about before, tax assessed value has nothing to do with the value of a property when it moves to an industrial use from an agricultural use. And I'd also tell you that land values really come down to what someone's willing to pay. In the case of NPPD, or I should say, I just look at over the years in development and watching development, we had a situation in North Platte where Menards came to town and there was 80 acres of land

south of town that was in farmland. It was purchased by a group of developers. A year or two later, they were able to attract Menards to come there and they sold the land for probably ten times what they paid for it. Why? Because they sold it for a use that-- Menards paid market value based upon what they would normally pay for a location like that. It happens all the time. In this case, my question was really down to not what did they pay for it, what was the price paid? My question was, if you're a procurement officer, why would you not purchase the land for NPPD as your purchasing agent rather than buying it yourself and then later selling it for a premium? I got the answer to that because they bought it in 1988, family land, there was nothing nefarious here. That headline was, was grossly misleading, the story was grossly misleading, because you left material facts out of the story. So as it relates to Senator Bostar's bill, there may be a need to do this, but not this year. We don't have it in the budget to hire an IG. The AM never got a hearing, but I'm guessing next year we may bring something to really look at other activities. There are other problems out there that are far more egregious than what we think this is. And at the end of the day, had all of the facts had been in the, in the news article, it wouldn't have been the news article that it was. So always be cautious about getting the true story and how hard would it have been to have the media contact NPPD and say what's the rest of the story? But why, why bother doing that when you can write what you think it is and make it sound pretty salacious? So with that, I'm going to vote no on the AM, yes on LB298, and I think it's important for people to have gotten the rest of the story. So with that, thank you, Madam President.

DeBOER: Thank you, Senator Jacobson. Senator Brandt, you're recognized.

BRANDT: Thank you, Madam President. I'd like to clarify a statement I made earlier when I said Nebraska would run out of electricity. What I should have said was in 2 years, Nebraska will consume more electricity than it produces. And that's why we're adding on to the Beatrice and the Hallam power stations. And I don't-- Senator DeKay would have to help me out here, but I think it's a total of about 1,000 meg. Yeah, he's nodding his head over there, which is significant. The other piece of news I have to report is since Senator Bostar said that this new Inspector General would pay-- get paid \$200,000, I've already had 2 applications land on my desk over here. So if anybody else is interested in applying for this job, please come over. We're taking applications and we'll submit those. With that, I would encourage everybody to vote red on AM1553. Thank you.

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

M. CAVANAUGH: Thank you, Madam President. I have been listening to the debate and also trying to pay attention to other things that are going on. And I appreciate Senator Bostar bringing this. I did know, Senator Jacobson, that they bought the land in the '80s, because thanks to our, our press, our media in the state of Nebraska, and their investigative reporting, I was informed of that when I heard about this happening. And I don't think that we should be like, oh, this is normal. This happens all the time. If it does, that's problematic. My issues with the sale of the land are couple fold. One, yeah, I get what Senator Brandt is saying, like being landlocked and not having a lot of options for land to purchase. But purchasing it for \$5 million when it is appraised at \$2 million, so if they were to sell it to somebody else, they would have sold it for \$2 million, not 5. They have the power of eminent domain, so they could have done it for eminent domain for the appraised value of \$2 million and the people they were buying the land from were, like, the head of ethics. So that's not great and it is a conflict and they are profiting off of their government work for personal gain. So, yeah, thanks, Senator Bostar, for bringing this. I don't know quite what the mechanisms are, because I haven't tuned in, unfortunately, to that degree. So I guess I'll be listening to Senator Bostar's closing closely. But I, I think putting in guardrails so that people don't take advantage of taxpayers is really important. And I feel like the taxpayers were taken advantage of to the tune of \$3 million. And when you look at our green sheet, that's not nothing. That's not nothing. So thank you, Madam President.

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

ANDERSEN: Thank you, Madam President. I want to thank Senator Bostar for bringing AM1553. In principle, I am a big fan and advocate for transparency and accountability, and, and that's what AM1553 does. I don't want to belabor the point, but I will stand in support of AM1553 and LB298. Thank you, Madam President.

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

BOSTAR: Thank you, Madam President, and thank you, colleagues. Just again, AM1553 would create the Office of Inspector General of Nebraska

Public Subdivisions, and it would create, then, a new Inspector General position. To clarify, I, I think-- I don't want to speak for Senator Clements when he said \$200,000 would be the cost. I don't think that's necessarily the salary. I think that that's probably the salary and benefits and all ancillary costs to the state for, for that employment. So I don't know if that changes anyone's mind who's looking to seek that position. But you should kind of know that going in. I appreciate the discussion we had. And, you know, I, I-- look, I, I think that there is a range of views about what happened with NPPD. And I don't know if anything was done outside of the law. I think what happened was wrong. But I'm not here to assert that it was illegal. I think we would need more information for that. But let's say that it was legal, still wrong. And we should, as policymakers, have the information necessary to create statutes and regulations and guardrails around self-dealing, around public corruption, around fraud. And, frankly, I think we could use a, a position that supports the legislative branch of government whose job is to seek out this information so that we have a more comprehensive view of what is happening in our state. Again, I appreciate the media and the press for their work. But if I'm being honest, I don't want to learn of these things in the paper because what are we missing? We've talked about some of the things that have been uncovered. What are all of the things that haven't been? And, again, this isn't about NPPD. NPPD and their self-dealing is one piece of this that prompted my drafting of this amendment, but it is far from the only motivation that exists. Again, communities that had elected representatives that then refused to hold elections under legal obligation for their own recall, the individuals who lived in those communities no longer lived in a democracy in our state under our watch, it's wrong and it's a problem. And I understand that this is coming up at the end of session. And, again, it's a large concept. And it's being proposed as an amendment to LB298, the bill that Senator Arch has worked very hard on. And so I-- you know, I understand that this won't be adopted here today. But there is a need, I will keep working on this. I do appreciate the conversation we had today, and I thank you all for your time.

DeBOER: Thank you, Senator Bostar. The question before the body is the adoption of AM1553. 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: 29 ayes, 2 nays to place the house under call.

DeBOER: The house is under call. Senators, please record your presence. All those unauthorized-- all those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Guereca, Senator Storer, Senator Kauth, Senator Murman, Senator Strommen, Senator Holdcroft, Senator Dover, and Senator Sanders, please return to the Chamber and record your presence. The house is under call. Senator Guereca, Senator Storer, Senator Kauth, Senator Murman, Senator Holdcroft, and Senator Sanders, please return to the Chamber and record your presence. The house is under call. Senator Storer, Senator Kauth, Senator Murman, Senator Holdcroft, Senator Sanders, please return to the Chamber. The house is under call. Senator DeKay, we are missing Senator Storer, Senator Kauth, Senator Murman, Senator Holdcroft, and Senator Sanders. It appears they're coming in now. Senator DeKay, it appears we are still lacking Senator Holdcroft and Senator Sanders. May we proceed? There's been, there's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Andersen voting yes. Senator Arch voting no. Senator Armendariz not voting. Senator Ballard not voting. Senator Bosn not voting. Senator Bostar voting yes. Senator Brandt voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting no. Senator DeBoer voting no. 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 not voting. Senator Hansen. Senator Hardin voting no. Senator Holdcroft. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez not voting. Senator Kauth not voting. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKeon not voting. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman not voting. Senator Prokop voting yes. Senator Quick voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders not voting. Senator Sorrentino not voting. Senator Spivey not voting. Senator Storer not voting. Senator Storm voting no. Senator Stromnen not voting. Senator von Gillern not voting. Senator Wordekemper voting no. Vote is 7 ayes, 22 nays on adoption of the amendment, Madam President.

DeBOER: The amendment is not adopted. I raise the call. Seeing no one else in the queue, Senator Guereca, for a motion.

Transcript Prepared by Clerk of the Legislature Transcribers Office
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GUERECA: Madam President, I move that LB298 be advanced to E&R for engrossing.

DeBOER: This is a debatable motion, so turning to the queue, Senator Conrad, you're recognized.

CONRAD: Thank you, Madam President, good morning, colleagues. I appreciate the dialogue that my friend Senator Bostar started on his amendment this morning. I voted in opposition thereto, due to the fact that the measure had not had a public hearing. But I know he has, I believe, some interim work to dig deeper into those issues moving forward. And I would ask members who were thinking and contemplating that issue because of their deep concern and offense for people utilizing a position of public office for personal gain to think about that as we continue our debate today. As to the matter in regards to LB298, I strongly disagree with how legislative leadership reacted to the Attorney General's political Opinion which undermined our undeniable ability to conduct legislative oversight of other branches of government. By intention and elegant design, our founders envisioned three coequal and independent branches of government. They ensured separation of powers, and they also ensured checks and balances. Legislative oversight is a key component thereof. An all too powerful executive that has the opportunity to run roughshod over personal liberty and individual rights is something we should always be skeptical of, particularly, as the people's branch and, particularly, as legislators. Nevertheless, I do appreciate the fact that this debate has removed criminal penalties that we were extending to Inspector Generals with absolutely no policy underpinning or practical reason thereto. I'm glad we have tightened up exceptions so that they can continue their work as they always have done, complimenting, not thwarting criminal investigations. I'm disappointed we don't have tighter guardrails on information sharing, but appreciate Speaker Arch's commitment to monitoring that closely, which I know he will do and keep that word, as will I. I also appreciate the broader aspects of this measure beyond just the Inspector General component that haven't received a significant amount of debate on General File or even today. The Speaker rightly brought forward a measure that on a topic that I hoped would be a hallmark of this legislative session wherein we could focus on good governance, regulatory reform, removing obsolete boards and commissions, making government work better for more citizens, helping to remove red tape, which opens up economic freedom and personal liberty from that same overreach of an all-powerful executive and as extended to unelected bureaucrats. We have seen some aspects of that legislative oversight

and regulatory reform agenda move forward, which I am grateful for, thanks to Senator Storer's work, Senator Andersen's work, my work, the Government Committee's work, and this broader measure from Senator Arch, which is important on that regulatory reform agenda and that legislative oversight component to strengthen our work together on behalf of the people. I disagree with how this issue was handled. I'm disappointed the Legislature did not stand up for itself with undeniable constitutional authority to conduct legislative oversight. I'm hopeful that perhaps this measure moving forward can close that sad chapter and important oversight can continue. I'll reluctantly support this measure moving forward, but I hope that this record stands as a cautionary tale to future legislators who are being subjected to attack by overreaching executive branch officials in the Governor's Office and the Attorney General's Office. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Seeing no one else in the queue, colleagues, you've heard the motion. The question is the advancement of LB298 to advance to E&R for engrossing. All those in favor say aye. All those opposed say nay. The bill is advanced. Mr. Clerk.

CLERK: Madam President, LB298A on Select File, I have nothing on the bill, Senator.

DeBOER: Senator Guereca, for a motion.

GUERECA: Madam President, I move that LB298A be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. The bill is advanced. Mr. Clerk, for the next item.

CLERK: Madam President, LB303, first of all, there are E&R amendments, Senator.

DeBOER: Senator Guereca, for a motion.

GUERECA: Madam President, I move that the E&R amendments to LB303 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. They are advanced-- they are adopted.

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CLERK: Madam President, Senator Hughes would move to amend with AM1593.

DeBOER: Senator Hughes, you're recognized to open on AM1593.

HUGHES: Thank you, Madam President. AM-- I'm going to start off with LB303 which is my priority bill. It creates the school finance reform commission [SIC]. This commission will examine our school funding formula which is TEEOSA and provide the Legislature with annual suggestions on how we can keep state aid to public schools in order to help keep our property taxes lower. I have brought AM1593. AM1593 ensures that the three members of the commission from the Legislature, so in the original LB303, we had three members of the Legislature. One from Revenue, one from Education, and one at large. And I'd like to thank Chair Murman for suggesting that for these two committees that we actually change that to be the chair of Education or designee and the chair of Revenue or designee, and then a third at large. So that's what the amendment does. The original bill said that of the three legislators, there would be one from each congressional district. We're going to strike that out since we're saying chairs because that just makes it more difficult, but there will still be three legislators on the committee. Again, one being the chair of Education or designee, one chair of Revenue or designee, and one at large. We will also make sure that no more than two are from the same political party. So that's what this amendment does. And I just want to mention a little bit on just the overall bill. The members of the Legislature that are on this committee are nonvoting. And that's because it avoids any constitutional issues because of our separation of powers between the legislative and the executive branch. The biggest intention with this is that each member appointed to this commission has an understanding of how TEEOSA works and how property taxes are levied and collected and distributed. To assure this, we've got an expert on property taxes on this commission, who is the Property Tax Administrator or their designee. And to assure that we have an expert of how the recommendations that this commission puts forth, how that impacts schools, we've got either the Department of Ed also will have a member or designee. There is no fiscal impact with this. My original LB303 actually was putting funding through TEEOSA out to schools lowering the top levy cap. We don't have the funds to do that this year and so there is a new fiscal note that you can look and there's no impact there. I do want to thank Governor Pillen and his teamwork with us to get this commission in place. In my opinion, if we would have had this established-- and, and I, I should mention kind of a, a little fun fact, is that originally when TEEOSA was created, it was

supposed to have a commission. It was supposed to have a group that knew how the formula worked and would analyze markets and, and what's going on with valuations and then make suggestions back to the Legislature because there are many levers within TEEOSA that can be adjusted to make up for that. And, in my opinion, if we would have had a commission like this over the last years, we might not be in the place we're at today. 20 years ago, we had over 200 of our 244 school districts that were receiving equalization aid, and today we have less than 60. If this body would have been receiving annual reports from the commission over the years, things might not have gotten so skewed, because what could have happened is this commission might have made recommendations. I believe it was 2009, '10, '11, ag valuations went sky high, much, much higher than residential. And at that point, that commission could have come back to this body and said, you know what, within the levers of TEEOSA, we might need to drop those ag valuations down a bit to keep that state funding going out to schools, but we did not have that. So this-- again, I'd like to thank, thank Chair Murman for the, the suggestions on the change of this amendment, and I'd also like to thank Senator Wendy DeBoer, who has worked on doing a commission in this concept through her time, and this is her seventh year. So, anyway, that's what this amendment does, and, again, my priority bill, and would like your green vote on that. Thank you.

DeBOER: Thank you, Senator Hughes. Senator Conrad, you're recognized.

CONRAD: Thank you, Madam President. Good morning, colleagues. I was hoping that my friend Senator Hughes may yield to some questions on her measure.

DeBOER: Senator Hughes, will you yield?

HUGHES: Yes, I will.

CONRAD: Thank you, Senator Hughes. And I know that we had an opportunity to talk a lot about this at the committee level, where we both serve on the Education Committee together. But I thought it perhaps might be helpful due to-- well, let's just say favorable agenda placement on General File. There wasn't a significant amount of debate on this measure. But some of the past criticisms on a similar commission idea have included the following, and I wanted to make sure to build a record on that and to give you a chance to respond. One, why do we need to pass a state law to establish this commission? These actors can get together at any time if they so desire to review and discuss TEEOSA. If you'd like to respond.

HUGHES: I, I guess I-- to get something like that going, I know, again, Senator DeBoer has brought this as a legislative bill in prior years, and just, in my opinion, that would ensure that it's happening. It is a large group of people, it's not just school folk involved or school, it, it would be members of the community that are affected by this, and I just think it brings a lot of information forward and, again, makes it happen is why I would say we would need to do it.

CONRAD: OK, very good. And, and I do see in the term limits era perhaps a heightened need for consistency in thinking through these complex matters, but I know that has been an ongoing point of contention, so it's good to have a clear record on that. The other kind of related issue is surrounding more of like an unlawful delegation or shirking legislative responsibility to a set of unelected members of a commission to come forward with major policy recommendations on some of the most important work the Legislature brings forward. I just wanted to give you an opportunity to respond to that and then as a follow-up question to ask, so if this new commission says we think that you need to fund TEEOSA at \$5 billion just by way of argument and the Legislature does not do so, then does it become a political flashpoint that the Legislature is not fully funding education?

HUGHES: So thank you for both those questions. And I'm going to go back if it's OK and answer something that you mentioned before.

CONRAD: Thank you. Yes, please. And you're happy to have-- welcome to have the rest of my time. Thank you.

HUGHES: OK. Thank you, Senator Conrad. So, yes, coming into this body with term limits, I think it is difficult to get a handle around how our-- the schools are funded, which is the biggest draw of our property taxes. And with that turnover, I think it would be really good to have this consistent body that is giving-- is really looking at TEEOSA and all the pieces of it, the needs, the resources, everything, how that comes together, and the state-- what is the state's piece of supporting public schools? We heard through a series of bills this last special session and before that schools-- I, I think it was thrown out, oh, well, the state will pay for all of public schools, and there was a huge outcry on that of local control, etcetera. So, so locals want some skin in the game, if you will, but they say they don't want, you know, all of it taken away, but we want some state funding out. So I think that's what this commission does. Again, as far as shirking responsibility, we have all kinds of think

tanks that give ideas to the Legislature, it doesn't mean you have to take it, it's a recommendation. We'd have people from the Legislature sitting on that commission and hearing the conversations that are going and can use that information to bring better legislation to this body and, and, and bring bills then that support that. I think the third question was if the-- if there's a recommend-- let's say the recommendation is to, I don't know, drop the LER to 95 or something like that and this body chooses not to do that or maybe instead does 98, is it an outcry that the, the legislative body or the state isn't listening and truly, fully funding schools? I don't know that this commission would have that power. Again, it's, it's very clear in it that it's just recommendations and we have lots of task forces and different groups that do recommendations and bring them to this legislative body.

DeBOER: Time, Senator.

HUGHES: Oh, thank you. I'll key back in.

DeBOER: Thank you, Senator Conrad and Hughes. So I, inadvertently, went to the queue, there is an amendment.

CLERK: Madam President, Senator Machaela Cavanaugh would move to amend with FA322.

DeBOER: Senator Machaela Cavanaugh, you're welcome to open on AM322 [SIC].

M. CAVANAUGH: Thank you, Madam President, colleagues. I-- so LB303-- FA322, actually I should see which one, I have a few filed. It strikes lines 12-17. So LB303 was initially a, a different approach to financing TEEOSA. And if you recall, colleagues, I attempted to propose an alternative budget idea earlier this year to this body. And it involved using LB303 as a vehicle for property tax relief through TEEOSA. So while I am supportive of LB303 in its current iteration, which no longer does that, I am also disappointed that we are not taking an opportunity to take a hard look at how we've been funding government and utilizing our resources for property tax relief because we've essentially been shifting money around in a way that's, I would say, not cost effective and not transparent. And LB303 presented us with an opportunity to do it a little bit differently. And I appreciated that. So I just wanted to note that I was disappointed. But I do rise in support of LB303 and AM1593 and FA322 is neither here nor there, it's just for time. So that's what's happening now. It was

brought to my attention that there were amendments filed and I don't agree with them. So I am utilizing tools in my toolkit, which is time and floor amendments. And I'm going to talk, and talk, and talk until we go to cloture or amendments are withdrawn. So that's where we sit right now. I don't try to hide the ball at all, that that's, that's what's happening. I don't have any compromise language or anything like that. I'm just here to make sure that Senator Hughes's bill gets moved forward with the necessary amendments attached. And from there, we will just be chatting away. Oh, I actually want to grab something. So-- well, today is National Hamburger Day. So I know that there's a food truck outside. Cheeseburger Day. Oh, I'm so sorry, National Cheeseburger Day. There's a food truck outside that is from our colleague Senator Spivey's husband's business that I think she co-owns or co-operates with him. So at the lunch break, or even now, you can wander out outside and get yourself a cheeseburger for National Cheeseburger Day. And so I'm just, you know, thinking about the rules here and, and how the rules are being utilized and I, I use the rules. I use them a lot, as I think everyone is well aware, that I use rules, and I use them a lot. I also know you're aware, because a lot of you come and ask me questions about the rules. I would ask the Clerk. But, but I still, I still do know the rules fairly well, or you could ask the Rules vice chair, who is also the presiding officer. Madam President also knows the rules very well. But I like using the rules and I, I really don't fault people for using the rules even if it results in an outcome that I don't care for. So yesterday when there was calling the question, technically that is allowable in the course of debate. But the ruling used to be from the chair, not the body, it was rare that the body would rule. And the chair-- if nobody spoke, the chair would rule that there has not been full and fair debate. And the body would vote if nobody had spoken and somebody called the question, that there had not been fair and full debate. Yesterday, the question was called 12 times, people raised their hands saying that they, in fact, believed that there had been full and fair debate when nobody spoke, and then voted to cease debate when no debate had taken place. And I said this last night, I'll say it again in the light of day, that's not cool. It's not cool. You wanted to get to an amendment, but you decided that no other amendment mattered except for whatever amendment you wanted to get to that was very far down the queue of amendments. And that's not cool. You didn't listen to anything, you didn't consider the amendments put forward on the board, you just raised your hands and voted to end debate when no debate happened. So while you are using the rules, it is not the spirit with which it was intended. And that is a problem. This Legislature has

really descended into chaos, and it hurts my heart that it has descended into chaos because I care about this institution and I really care about the state of Nebraska. And I think that if we are not holding ourselves to a higher standard, that we are doing a disservice to the people of Nebraska, and people wanted to get to an amendment yesterday. I don't even know what the amendment was. You know why I don't know what amendment was? Because nobody spoke. Nobody talked about it. Nobody got on the mic and said we really want to get to amendment X because it does Y. And that's what we're trying to do by calling the question. Nobody did that. I think I counted a total of 4 people on their time, not opening or closing, but on their actual time of debate in 4 hours yesterday. And what was the result? You didn't get to the amendment. But you did erode norms of this Legislature and the spirit of the rules and collegiality and collaboration. That's what was accomplished by doing that. Now, in 2023, mid-session, there was a suspension of the rules to change the rules because of something that I orchestrated. Let me tell you about it. I orchestrated that in the 2 hours remaining on General File debate, we had debated for 6 hours the day before, and there were 2 hours remaining on General File debate. So 6 hours where everybody talked. Everybody talked. And I had orchestrated the exact number of motions for people to speak for that 2 hours and withdraw, and then the next person introduce the motion and withdraw and on and on for 2 hours. So we suspended the rules so that you could only introduce and withdraw once. That's why when you motion-- you put a motion up and you withdraw it and I object, then you can't withdraw it because I can't put another motion up. That's why that happened. Here's why I did that and why I was able to convince my colleagues to do it with me. Because for 6 hours, families sat in these balconies and heard the most awful things being said about them and their children for 6 hours. So for 2 hours on the final day, I decided that they had endured enough abuse from their Legislature that that's what we were going to do. And as a result, the Legislature didn't own up to the fact that the debate was very much beneath them, instead, suspended the rules to change the rules. And I do consider it an extreme circumstance, and I--

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you, Madam President.

DeBOER: Thank you, Senator Cavanaugh. Senator Juarez, you're recognized.

JUAREZ: Let's see. So my comments in regards to this bill are the same that I made when we were in committee. And that is that I prefer that instead of it being the chairs of the committees or their designee, that it'd actually be someone voted upon by the committee as a whole. And I guess from my perspective, I appreciate that there are no more than two members from the same political party, because that, I guess, alleviates some of my frustration. But I still feel that, you know, there's not a reason for it to be more open to who can serve on this commission. In addition, I'm assuming without it not being explicit in the bill that the legislative-- Executive Board of the Legislative Council again is going to ask members of the body who is interested in serving. So that-- maybe that will give me another opportunity to possibly being included on the commission, because I would have an interest in doing that. And I, I just wanted to express my frustration that I feel that it could be more open on what members can serve on this body and my preference is that the language get changed. Thank you and I yield the rest of my time.

DeBOER: Thank you, Senator Juarez. Senator Raybould, you're recognized.

RAYBOULD: Thank you, Madam Chair. Good morning, colleagues. Good morning, fellow Nebraskans. I, I stand opposed to the FA322 and I do support Senator Hughes's amendment and I do support LB303 for a number of reasons. You know, we have-- we all have been talking about property taxes for a very long time. It matters to our constituents, it matters to our fellow Nebraskans. But, you know, the obligation of funding our public education has slowly, over the last 20 years, been pushed onto our, our local subdivisions, the counties and the cities, to, to bear the brunt of this. So it didn't happen overnight. It didn't happen in a blink. And it's going to take some time to make a correction. And I really commend our legislatures as we've taken very transformative steps in trying to correct just this by putting \$1 billion in the education trust fund, committing to paying \$250 million every year, stepping up and, and funding special education in the way that we should be funding. And, you know, our budgets can't be created in a vacuum. We have to look at property taxes. We have to look at sales taxes. We have to look at income taxes to make sure that we're not putting an undue and unjust burden on one of those elements. And I really want to commend Senator Hughes. You know, during our special session, in such a short amount of time, she was able to collectively gather the stakeholders who deal with property taxes, the calculation of property taxes, those that work with the TEEOSA formula. And the TEEOSA formula has stood us well over these many years. But she worked

with a lot of stakeholders. She crafted a very unique bill, LB9, that had a buy-in from this body during the special session where she worked with the levying amounts and making a gradual, predictable reduction in them. We thought this might work. Sadly, her bill got hijacked and we were not able to move forward on some of her recommendations. LB303 tries to recreate something like that. You know, the best business strategy on trying to solve a complex, complicated problem is you find the smartest people who are so familiar with the subject matter, who are stakeholders in the matter, you lock them in a room, you make sure that they share their wisdom, their experience, and their expertise on this in their knowledge to craft the best public policy. And maybe it's no changes at all to the TEEOSA. Maybe it's several tweaks that need to be done to the TEEOSA formula. We want to make sure that we continue to produce some of the smartest people in the United States, our fellow Nebraskans. We are proud of our public education. We are proud of our university. So that is one of the reasons why I support LB303. Senator Hughes was on to something during this special session. In that short amount of time, she got those people in that room. She made them think and think hard about how we can reduce the burden of our property taxpayers on funding public education. What are some solutions? How can we finance it on the state side, but also how can we lessen that burden on the local side? So I am supportive of this. And I have to tell you, wherever I've gone, people have been talking to me about this bill. Finally, someone is taking the bull by the horns, getting people together, can have a substantive conversation. And I hope it is incredibly successful. And I want to say something, these are some of the groups that came to testify in support of LB303 during the hearing: Nebraska State Education Association, Papillion La Vista Community Schools, Millard Public Schools, Nebraska Council of School Administrators, Higher Power Church, Lincoln Public Schools, Greater Nebraska Schools Association, Schools Taking Action for Nebraska Children's Education, Educational Service Unit Coordinating Council, Nebraska Association of School Boards, OpenSky Policy Institute, Milford Public Schools, Nebraska Rural Community Schools, Nebraska Farm Bureau, Nebraska Cattlemen, Nebraska Corn Growers Association, Nebraska Pork Producers Association, Nebraska Sorghum Producers. The list goes on, and Nebraska Farmers Union. It is a great idea and I commend and I thank Senator Hughes for putting this forward. I'm confident that there will come from this committee great outcomes. Thank you, Madam President.

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DeBOER: Thank you, Senator Raybould. Senator Dungan, you're recognized.

DUNGAN: Thank you, Madam President. Good morning, colleagues. I do, I think, rise opposed, respectfully, to Senator Machaela Cavanaugh's floor amendment. And I am generally supportive of LB303 in its current iteration. I also appreciate where it came from. So I want to take just a couple of minutes to talk a little bit about school funding, in general, as a member of the Revenue Committee and as somebody who's been interested in this topic now for a couple years trying to better understand what we can do to lower property taxes across the state. Since we first got here, Senator Hughes has really, I think, been a tireless advocate along with other senators in here. I know Senator Brandt had worked on a very similar bill to try to come up with a different sort of approach to what we could do with regards to property taxes. And I think part of the issue we've run into in the last 10 years is rather than address the root cause of a lot of the property tax problems, we've continued to pour money into various cash funds to essentially backfill or put a bandaid on some of the properties tax problems that all of us see. Not for a lack of trying. I think that, you know, the senators that preceded me have continued to struggle to, to grasp this issue as best they can and it's, it's complicated. And, you know, for my, my colleagues in here that are new this year, who inevitably ran for office talking about property taxes, I'm sure that when you got in here, you had ideas of things that we could do, you know, silver bullet solutions that could fix a lot of this, only to realize that whenever you have a proposed silver bullet solution, it's oftentimes a little bit more confusing or complicated, I would say, than perhaps originally thought. And because of that, there have been continued efforts to analyze sort of what it is we spend the bulk of our property taxes on. And to better determine ways that we can make a more equitable tax structure across the entire state, and certainly make sure that we are being responsible with our fiscal situation in such a way that, ultimately, results in, in a reduction of property taxes. So, you know, whether it was the so-called Nebraska plan that we've heard of before, or Senator Hughes's original LB303 this year, and even some suggestions we heard during the special session, there isn't a concept that has been approached multiple times, which I think was the original core of Senator Hughes's plan, which is a, a situation where you essentially squeeze together all the levies. You raise the floor of some of the really low ones-- lower ones across the state and create a ceiling at a lower levy amount for some of these political subdivisions with

regards to their school tax asking authority. And you find yourself in a situation where we are having some state funding increase for schools with still skin in the game, as Senator Hughes put it, ultimately resulting in an actual reduction in property taxes for the average person. You know, the question that that always leads to, though, is how do you pay for it? And I think that's where the rub has been over the last couple of sessions that we've debated this is, you know, I, I would venture to guess that the majority of my colleagues agree that this is maybe one good solution in terms of how we could potentially change the funding mechanisms. But, again, the question is, what's the pay-for? And we tend to differ, I think, a little bit on the pay-for with regards to who and how does that burden fall on taxpayers? Who is going to be picking up a bigger part of that tab? And, certainly, how are we going to balance that tax structure? I continue to believe that, you know, we should be taking a better look at our income taxes, especially as they pertain to corporations, as opposed to increasing a sales and a use tax, which is a regressive tax that, ultimately, falls on the backs of just everyday Nebraskans. We had that debate previously with LB170, and I know some other bills we've had, but all of that is to say the current iteration of what LB303 looks at has unfortunately not really addressed all of those problems, but is at least a step in the right direction. And my understanding is that when TEEOSA was originally formulated, the formula for how we fund our schools, it was a yearslong process that resulted in a, a stakeholder group of folks getting together, not just elected officials here in the Legislature who have ideas, but actual people involved in the schools to better understand their, their funding needs and their mechanisms. And over this 2-year process, this formula that really does address a number of the concerns people have was crafted. And so I think what the current iteration of LB303 does in creating this, this working group, is it ensures a future process where we can have these conversations, and I completely agree with Senator Conrad that they should be already happening. We don't necessarily need legislation to make it happen but, unfortunately, I think--

DeBOER: Time, Senator.

DUNGAN: --it's not happening to the extent it should be. Thank you, Madam President.

DeBOER: Thank you, Senator Dungan. Senator Rountree, you're recognized.

ROUNTREE: Good morning, and thank you, Madam President. Good morning, colleagues. Good morning to those that are watching via their laptops, those on TV, and everyone in their respective places. I was wondering if Senator Hughes will yield to a question?

DeBOER: Senator Hughes, will you yield?

HUGHES: Yes, I would.

ROUNTREE: Senator Hughes, thank you so much. And, first off, I want to say I, I appreciate the bill, LB303, and this amendment. But I want to go back a little further and say thank you for the great TEEOSA session you put on for us before the session when we were still, yet, campaigners and running. So this has been one that's been a really complicated formula, something to grasp. But could you talk to me a little bit about what inefficiencies we had prior to you bringing this particular bill to form this commission and then, in the best of circumstances, what do you look as the best outcome this commission is going to form for us?

HUGHES: Thank, thank you for that question, Senator Rountree. What I see with this, and, and, and just a little background, I was on the school board prior to coming here, so, and I think I went to two finance kind of TEEOSA sessions when I was on the school board to try and get a grasp of it, and it's complex because it's trying to handle a lot of complex issues for we've got varying sizes of school district-- districts. And then just within each school district in the needs part you've got-- you know, you've got higher English Language Learners in some places, you've got higher poverty in some places, rural schools, they have a vast distance that they're traveling, so there's all these pieces to the formula to try to create what, you know, what funding should go to those students. And so what I see this is, a group that is, that is their focus, it's not-- and there's three of us from this body on it, but we're also dealing with the committees that we're on. And we're, you know, all the different lanes that we're going through for legislation and trying to learn what's coming to the floor and how we need to vote. This is a group solely focused on that one thing. So what I would love to see every year come back to this body is a recommendation. And, and, you know, maybe they'll look at the poverty piece and say, you know, right now we're, we're allotting X amount of dollars for that but maybe it needs to be bumped up a little bit or maybe lowered a little bit or they'll say, oh, my gosh, this last year the property-- the valuations have skyrocketed on residential homes where maybe ag has stayed flat and so we need to

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make some adjust-- we recommend making some adjustments that way to keep that funding going. So I just want a group that is solely focused on that to give feedback to this body because we just don't have the time, really bandwidth to do that ourselves and so this is just a tool that we can use, then, in that recommendation to look at how we as a state do fund our schools.

ROUNTREE: Thank you so much, Senator Hughes. And so those reports will be back to the legislative body by, I think the bill said, by December the 1st of each year.

HUGHES: Right, right, before we start session so that then-- and, and, hopefully, those three individuals from this body that have been sitting on the committee have heard those discussions and can in that interim session be working on possible legislation changes going forward that they'll bring, you know, that first couple-- the first 10 days that we do bill introduction, you know, as bills going through that then we can discuss and vote on.

ROUNTREE: All right, thank you so much, Senator Hughes.

HUGHES: Yes, thank you for the question.

ROUNTREE: Thank you, ma'am. And with that, Madam President, I yield back the remainder of my time.

DeBOER: Thank you, Senator Rountree. Senator Meyer, you're recognized.

MEYER: Question.

DeBOER: 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. Mr. Clerk, please record.

CLERK: 19 ayes, 3 nays to place the house under call.

DeBOER: The house is under call. Senators, please record your presence. All unauthorized personnel, please leave the floor. Those unexcused senators not in the Chamber, please return to the Chamber and record your presence. The house is under call. Senator DeKay, Senator Armendariz, Senator Jacobson, Senator Bosn, Senator John Cavanaugh, and Senator von Gillern, please return to the Chamber and record your presence. The house is under call. Senators DeKay,

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Jacobson, John Cavanaugh, and von Gillern, please return to the Chamber. The house is under call. Senator Hardin, we are still missing Senators DeKay, Jacobson, John Cavanaugh, and von Gillern. Should we proceed or continue to wait?

HARDIN: We'll wait.

DeBOER: Senator DeKay, Jacobson, John Cavanaugh, and von Gillern, please return to the Chamber. The house is under call. Senator Holdcroft, for what purpose do you rise?

HOLDCROFT: Move to suspend the call.

DeBOER: Senator Holdcroft, this is not a debatable motion, so the question before the body, colleagues, is shall the call of the house be suspended? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 19 ayes, 13 nays to suspend the call.

DeBOER: The house remains under call. Senators, please return to the Chamber and record your presence. The house is under call. Senator Hardin, may we proceed without those members who are still missing? Senator Hardin agrees. The question before the body is whether to cease debate. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 26 ayes, 4 nays to cease debate.

DeBOER: Debate does cease. Senator Cavanaugh, you are recognized to close on your FA322.

M. CAVANAUGH: Thank you, Madam President. I don't want to stand between people and National Cheeseburger Day, so I will be brief. I just want to say, like, you can keep calling the house, but debate on this bill, LB303, is 240 minutes. We have gone 47 minutes when we break for lunch. And that means that there's 193 minutes left. I have 210 minutes worth of pending motions and amendments. So that's more than 193. So if you want to keep calling the question and coming back in here to vote on things, please, by all means, do, call the house. It takes more time. If you want to just go sit somewhere and enjoy an ice cream cone or a cheeseburger, then we'll just work our way through things organically, or perhaps things will change over the lunch hour. I hope that things change over the lunch hour. But I'm, I'm not-- my intention is not to make everybody come back here every 5 minutes to

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vote. I just wanted to let people know that you're not going to get to vote on amendments that aren't already there. So that's it. Thanks.

DeBOER: Thank you, Senator Machaela Cavanaugh. The question before the body is the adoption of AM or FA322. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 2 ayes, 34 nays on adoption of the amendment.

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

CLERK: Madam President, some items. Amendment to be printed from Senator Lippincott to LB306. Senator Cavanaugh, two motions-- a motion and amendment to be printed to LB316A. Finally, a priority motion, Senator Kauth would move to recess the body until 1:00 p.m.

DeBOER: Colleagues, you've heard the motion. All those in favor of recessing for lunch, please say aye. All those opposed, please say nay. We are in recess.

[RECESS]

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

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

ARCH: Thank you, Mr Clerk. Do you have any items for the record?

CLERK: I do, Mr. President. The Performance Audit Committee will have an exec session at 2:00 under the south balcony. Performance Audit, under the south balcony at 2:00. That's all I have at this time.

ARCH: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR270, LR271, LR272, and LR273. Mr. Clerk, please proceed to the first item.

CLERK: Mr. President, Select File, LB303. When the Legislature left, pending was AM1593. FA322 had just been defeated. Senator Machaela Cavanaugh has a priority motion to reconsider the vote taken on FA322.

ARCH: Senator Cavanaugh, you're recognized to open on your motion to reconsider.

M. CAVANAUGH: Thank you, Mr. President. I was going to yield my time to Senator DeBoer if she would like it.

ARCH: Senator DeBoer, 9 minutes, 50.

DeBOER: Thank you, Mr. President. So colleagues, this commission that is the underlying bill we're talking about today, as Senator Hughes mentioned before, is something that I have been working on and then worked on again with her this year. And it is really quite a good idea. It's well vetted, and-- it's well vetted and I know that because I've been bringing it since 2019. I have my original intro for the committee hearing on LB132, which was my 2019 version of this bill. No, 130-- sorry, LB132 was not the 2019 version. I can't remember what that number was. Sorry about that. But I wanted to give some history and background of how we got here and why we're doing the bill in general. I asked Senator Cavanaugh, since she's going to take time anyway, to yield me her time. Because as you know, I was up in the chair, and so the queue got quite long and I didn't think I would necessarily get a chance to talk anytime soon. So I appreciate Senator Cavanaugh for yielding me her time. One of the most important things you need to know about the commission, is that when TEEOSA was originally passed, in 1990, and went into effect, there was a commission that was part of the TEEOSA bill. The reason for that was because they wanted to make sure that the formula, formula operated in the way that it was supposed to. They wanted to continue to have this sort of guidance alongside of it, and so they created this commission as sort of the whole part and parcel of the whole project. And the commission stayed in place-- now recall that that is a time before term limits. The commission stayed in place, gave advice, and helped folks in this body to kind of understand the complexities of school finance with, with respect to TEEOSA. So that commission went out of existence, was retired, I think it was, it was when Ron Raikes was chair of Education Committee, so I think that was somewhere around 2007. So for 17 years or so, it was operating, and then it went out of, it went out of effect. If it had stayed in effect two or three or four more years, we may not be in the situation that we are now, because that was about the time that ag land valuations started going up precipitously, especially with respect to residential land valuations. And so some of those changes, which were not anticipated necessarily by the body, and, and maybe were not monitored as closely by the body, as Senator Hughes said, when we're working on a variety of different things, in many ways kind of got too ahead of themselves before anybody realized what was happening. And without the commission in place to sort of monitor TEEOSA and see how it was reacting to the

situation at hand, well, well, we had a problem, and here we are now. So what I, what I originally said, or what I-- I have a number of different amend-- or introductions in front of me, but I find this one kind of fun. I say, veteran members of this committee may recall that I've introduced this bill or one similar every year I've been in the Legislature. True. I made a promise to my constituents when I was running for this seat that I would work to lower our state reliance on property taxes to fund our public schools while still protecting the quality of our public school. Also true. It is an adage universally acknowledged in this Legislature that we are overreliant on property tax for our public schools-- I think you all would agree-- and the best way to remedy that is to use more state funds to support our local communities and our schools. We have often heard that we are 49th out of 50 states in our state portion of school funding. That's not true anymore. We've made some progress. Good on us. The problem is that school funding is an incredibly complex area of our law, and beyond knowing that, we should do-- oh. And beyond knowing we should do better in our state funding for schools, the rest is not clear about how to fix it. You may recall that I testified in the past that Nebraska's TEEOSA law, which is our state school funding distribution formula, was created in 1990 in response to pressure from a pending lawsuit, in addition to similar political pressures to the ones that you and I feel right now to get this right and make positive changes for our constituents. In 2019, I suggested that the TEEOSA formula could be compared to the thought experiment about Theseus' ship. How many planks can be replaced in the ship Theseus built until it is no longer a ship he built? How many changes can be made to our funding formula before we need to sit down again and look at it as a whole? We have replaced, tweaked, changed, capped, added so much, including foundation aid, that perhaps TEEOSA no longer performs its original function to fund education in Nebraska through a tax equity structure. On the other hand, maybe it does perform that function, but we have not had a comprehensive study performed by the state to test that question. So I recognize that the word study and perhaps the word commission might make some members break out in hives, and I understand why. I call it Hamlet syndrome. The Prince of Denmark spends that play thinking about what to do, planning, agonizing, but not doing until he's waited too long to tragic effect. And that's not what we're proposing with this bill, with this commission. We have just passed-- so this was the '21 version. So we have just passed a historic property tax relief bill last year, that would be LB1107. You all know that I was-- that's not important. We all know that it's still not enough because we have structural problems with school

finance. Still true all these years later. There are a number of bills this year which would seek to replace one more plank of the TEEOSA formula to try and get at the problem, but none of them can solve the fundamental thesis boat problem of having a formula that has been tweaked and changed beyond recognition. TEEOSA needs to be comprehensively examined. A commission has more time and arguably more expertise than our legislative body does to focus on the issue of school finance and to bring comprehensively-- and to bring stakeholders of all types to the table. A commission of this type imagined can comprehensively balance the stakeholder concerns and bring recommendations and findings to the Legislature. So the reason I'm reading all of this to you is just to give you a sense of the history of where we're at with this commission. I heard some questions on the microphone when I was sitting up in the chair that I was not able to respond to because obviously I was up in the chair. So I wanted to just kind of give a little sense of where we're at and why we're there on this commission. The commission is, in fact, necessary. I have believed that fervently for seven years, I continue to do so, and the reason is that first of all, I don't think that TEEOSA is all that complicated. It is-- I don't think it's complicated. I think that there are a number of different factors. I think it is complex, not complicated. But we have so many things that we have to study as legislators that sometimes complexity is a little bit more than, you know, we're signed on for if we're not on the committee. So, having folks who can go through the complexity, and distill those complexities, and the surrounding circumstances that maybe we're not aware of, and putting them together in a report that is something like the Cliff's Notes of the situation we're in, with respect to TEEOSA, is what we're after here. Having some folks who can put together a sit-rep of school finance in Nebraska, not just once, not just twice, but every year. This is not just a one-time deal. This is an ongoing consideration of what the state of the state with respect to school finance is going forward. This is especially important in a time of term limits. There are probably new members of the Education Committee that don't have all the intricacies of TEEOSA memorized yet. It takes a little while. So, I think it's important for us to make sure there are folks who can walk us through it, make sure that there are folks who can make recommendations based on the situation around us and help us so that we do not get in a situation where we are once again trying to make small tweaks and not responding to the real problems in front of us. Thank you Mr. President.

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

HUNT: Thank you, Mr. President. Good afternoon, colleagues. I rise today to share a few thoughts and questions about AM1593 to LB303. I'm inclined to support this. I-- you know, I know there's other measures that could potentially be coming up that might cause a distraction from the conversation about LB303, which I think should stand on its own, and I think we have a serious conversation to have about this, because it's not an insignificant bill or insignificant change to our TEEOSA process in Nebraska. And I am impressed with the work that Senator Hughes has done, as well as Senator DeBoer, over the years. Both of them share a passion for this issue, and I think it deserves focused debate. But I rise with a few thoughts and questions about this amendment to the bill, establishing the Financing Review Commission. I appreciate the intention behind this bill, and I think that we all agree that ensuring equitable, effective funding for Nebraska schools is a shared goal that we all have. As we consider this proposal, I'm especially interested in how the commission will approach two core concepts in our needs formula, which are-- or in our state aid formula, which is needs and resources. They aren't just technical terms. They shape how we define fairness in education funding. So I think it's important for us to ask, what will the commission define as a need and what will they count as a resource? Are we talking about tax base, student demographics, ability, infrastructure, and then how do we ensure consistency across districts when we're measuring those factors throughout the state? Another area I want to understand better throughout this debate is how the commission plans to translate its findings and research and what they realize are the needs of the different districts into actionable outcomes, particularly for high-need populations of students, like students with disabilities, English language learners, students from economically disadvantaged backgrounds. We know that these kids face more systemic barriers and we know that additional support makes a measurable difference in their outcomes. That's been proven. So what I'm wondering is, will the commission's findings lead to policy recommendations that we can vote on? Will they be strictly advisory? And then, who decides which recommendations become part of our legislative agenda? This also raises the question of metrics. If the goal is to align funding with student success, I think we should ask what metrics are going to be used by the commission to track the impact of the funding changes. Will it be test scores or graduation rates or the rate at which they enroll in college, or would it be

something broader like student well-being, engagement, you know, self-reported, things like that, potentially. And I would love to hear more about what those success indicators will be, how they will be selected, and whether students and educators and staff themselves will have a voice in shaping those definitions. I also want to ensure that this effort doesn't just become what some commissions are, which is the Legislature kind of transferring responsibility for a problem to a different body that is appointed, that is often, you know, political appointees, who are there as a favor or because they know somebody who knows what-- you know, that type of thing. I want to ensure that it doesn't just become an academic exercise, that it's not just somewhere where we're sending educational problems to die so that we don't have to deal with them. It should be, you know, more than that. And I wonder what's the path from the commission's work to actual change in the classroom? How is that being envisioned? Is there a commitment or a mechanism to ensure that their recommendations to the Education Committee are taken seriously? And then finally, I noticed the bill calls for the commission to compare Nebraska's policies to, quote, similar policies from other states, unquote. And I'm wondering which states are similar. Are we looking at population, geography, funding models, rural-urban spread? I think it would be helpful to clarify how those benchmarks will be selected, so that we're comparing apples to apples when we're talking about other states. None of these questions are meant to oppose the idea of the commission. I support it. I support a thoughtful review of our school financing system. But I think it's important to clarify how we get from study to strategy, how we get from conceptualizing the solution to actually implementing something. Thank you, Mr. President.

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

GUERECA: Thank you Mr. President. Good afternoon, colleagues. I believe I rise in support of AM1593. Certainly, I know this is something Senator Hughes, Senator DeBoer, and, and, and Senator Brandt have worked-- been working on very diligently throughout several years now. The, the TEEOSA formula in and, in and of itself is, is an excellent tool. Unfortunately, the hole we find ourselves in now, which are the highest property taxes in the country is, I think, because we didn't have a structure like AM1593 in place, actually looking at on a more regular basis, the impact of TEEOSA and how it's working. Because-- and, and they hear this a lot, that TEEOSA is too complicated, that it shouldn't be that hard. Colleagues, I completely disagree. You're-- what TEEOSA is supposed to do is adequately provide

high-quality education for the over 250,000 public school students in this state-- that number should be right-- while at the same time, expecting it to account for the needs of Loup County Public Schools, that last year, had roughly 89 students, and Omaha Public Schools, with its over 51,000 students-- a district where over, on any given day, over 120 languages are actively being spoken and everything else in between. The reality is that ev-- no one school district is the same. They all have their, their unique struggles, their unique strengths. What TEEOSA is supposed to do is account for all those factors. That's why, you know, the, the needs and the resources column, those, those lists are so complex because it's everything that, that needs to be taken into consideration to find this, this equalization, this providing a good education to every kid in the state. And I think that's the goal of, of public education. And we have excellent, excellent public schools here in Nebraska. Are they perfect? Absolutely not. Should we strive to make them better? We absolutely should, but we still have the seventh best ranked school system in the country. And as Senator DeBoer pointed out, up until a few years ago, we were 49th, 48th in state aid to education. That means our school boards, having the second worst contribution from the state, were still able to make it work and provide a high-quality education to our kids. Now, unfortunately, what that resulted in is something we heard all too much on the campaign trail is that property taxes are too high-- is that because for years, this Legislature, without taking a thoughtful approach to how a slash here and a slash there would have trickle effects down the line, just carte blanche, cut to public education. Got a shortfall, cut the public education. And now, 10, 15 years later, because we, as Nebraskans, believe in excellent schools, continue to provide that high-quality education for our kids, but now on the back of our, of our property taxes. So I do support the concept of taking a thoughtful analysis, looking at the system on a more regular basis, being diligent and, and professional in how we look at, at that snapshot of where we are now with TEEOSA, and making those appropriate choices so we're not putting that burden solely on our property taxes. But at the end of the day, that equal sign, that, that, that, that equity, making sure that every child in the state gets that high-quality public education, that should always be the goal. That every child, no matter where in this state provided-- is provided a good, quality education that will allow them to reach--

KELLY: That's your time, Senator.

GUERECA: --their maximum poten-- thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. So this motion to reconsider, I'm not anticipating it getting the 25 votes that it needs. So it's reconsidering FA322, which is an amendment-- floor amendment to strike, I think it was line-- lines 12-17. So, I have additional floor amendments coming. There is-- so this is Senator Hughes's amendment, AM1593, and then Senator Hughes has a placeholder amendment that is intended to go to Senator Ballard's amendment that is on retirement-- teacher's retirement. And we will get to that. I promise, we will get to that. But until, until then, here we are. I hope people enjoyed the burgers over the lunch hour. It was fun to be outside for a little bit in-- were we in the NSEA parking lot? Yes. Yeah, so the teacher's union parking lot while we're debating an education bill. So. Just to reiterate my stance on LB303 in its original iteration, this was the bill that Senator Hughes, I think, had hoped, and I hoped, would be the vehicle for changing how we're funding TEEOSA and doing it in such a way that would result in lower property taxes, by lowering the local effort rate, then that would automatically lower property taxes for education. And you know, maybe, maybe next year, when we don't have any money. Senator Guereca was making some very excellent points about funding for education. Just get back in the queue before I forget-- and that we, we have been very low-ranking in education, and, and education is an area that we have cut the most readily over the years. Even this year, we-- the cuts to the university and education were very significant. And when we are faced with a deficit, which we know is coming, we're just all waiting on the federal budget to be passed to know how big of a deficit we're going to have at a state level. But when we're faced with that deficit and trying to find resources to pay our bills as, as it goes, I hope that we take a hard look at what our priorities are, and education should really be very close to the top. Healthcare, housing, food, education, those are kind of essential things. So yeah, I'm just going to be here taking time on this because I care so much about education and I care much about our students that I want to make sure that anything that we pass pertaining to education is in good, high quality, well thought out, and I believe that Senator Hughes's current amendment and future pending amendment that's Senator Ballard's are going to do just that. So, so I, earlier-- oh, one sec. Oh, I'm almost out of time. I was talking about the rules. And I see that I'm almost out time, so I will probably get back to that. We do

have just under three hours left on this, so I'll be talking about rules from here on out. Thank you, Mr. President.

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

HUGHES: Thank you, Mr. Chairman. I just wanted to stand up-- I was listening to some things that Senator Hunt had mentioned, and back to, prior, before lunch, Senator Conrad, and I had a conversation about LB303 and the commission. And, and Senator Hunt, specifically, was asking about, kind of the components of what this commission is going to do, how are they going to look at outcomes, things like that. Specific com-- if they're looking at TEEOSA specifically, the components are already in that formula. There's things like the poverty, ESL, things like that. As far as resources go, it would be the, the big-- one of the biggest issues, I would say, with school funding is how our school districts are drawn for your resources. So a district is-- I mean, it's been, you know-- it had been 100 years since that district has been drawn, and it's a certain tax base, right? And so, all the, the taxable items, ag ground, commercial buildings, residential within that district is the amount of taxable-- levy-- you know, that you can levy upon. Well, some districts have a large tax base and maybe very few students. So one of the, the things to look at on a school district, just to compare when they have differing levies, is your, your tax base per student, and if it's high, that means the levy is probably fairly low. But if you've got the-- a same-- that same tax base with a lot of students-- divided by a lot of students, then it's potential that that levy can be a lot higher, because they've got many more students that they're educating. And in my district is a classic example of this. We've got two districts side by side, one-- almost equal tax base between the two districts. One has about 1,500 students, one has about 400 students. So you can have the same house, let's say, a, a \$300,000 house in one district, a \$300,000 house right across the road in another district, and almost-- it's almost taxed double in the district that has more students. And that has kind of caused the rub, if you will, with some of our property tax issues. Then you'll hear, well, these schools with the high, the high levies are spending too much money. But sometimes when you dig down into it, it's just based on how that school district is drawn. Now you say, oh, we'll just redraw the school districts, right, to make it even. Well, then we would all be tarred and feathered and run out of the state. So those are the things that we have to deal with, and that's one of the things that I'm hoping this commission-- my goal, being here-- now I'm on my third year.

Hopefully, if I, I get another four when I run again, if I can, at the end of that eight-year period, see-- and see levies closer together. That is something that is one of my long-term goals being here, because that will just help with some of that disparity with our property tax issue. So that's one thing I'm hoping this commission will look at. I also wanted to mention-- people are probably like, why are we spending so much time on this bill? There's some amendments following that things are getting worked out on the floor, and it's potential that this bill will be moving forward. I know we've got a lot of Final Reading coming up. We've only got-- what do we have-- four more days left, and we've got a lot of bills yet to get through. So hopefully, we'll get kind of something worked out here and get the ball rolling on this. But anyway, I yield back my time. Thank you.

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

DORN: Thank you, Mr. President. Yeah, I was looking up on the screen and I thought my name got missed. I didn't see my top one, so.

KELLY: You were accidentally dropped.

DORN: What? Oh. That's why. I thought we, I thought we were there, or whatever and stuff. So just wanted to get up and talk a little bit about this bill, or whatever and stuff. I, I know the bill was-- originally had more content to it or whatever, more design to it. This is for the commission, and I think this would be a very positive step, especially how often we turn over, I call it the Chamber, how often we turn over everybody here, to have a commission that looks at some of these other things that make up TEEOSA, make up property taxes, and all of that part that plays into this and how that affects everything. So, really thankful yet that this part of this bill could carry forward, that we do have a commission, that we do have another, I call it entity or body and make up a part of this body and other people that we do have them overseeing this or looking at this and coming up with some ideas of how we can maybe move forward or at least improve it or tweak it or whatever with it and stuff, so very thankful for that. I know that TEEOSA is a big part of our property taxes, a big part of our school, our funding statewide. Since I've been up here, the shift or the, the, the dollars that come from Tier 1, Tier 2, all of those things all play into this, but I think this is a tremendous thing that if we could get this across and get this to work and work as it should, and then it will help many of the senators have a reference or understanding of how this all affects, I call it the

details of how it affects many of things that go on with TEEOSA with on-- goes on with our school funding. Thank you very much. And with that, I'll yield my time.

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

KAUTH: Thank you, Mr. President. I'd like to say appreciation to Senator Hughes and Senator DeBoer for putting together this commission. I think it's going to be very effective and give us some much needed insight into TEEOSA, which is, as most of us understand, kind of a nightmare to deal with. So I appreciate that. I do want to make a statement about the number of floor amendments that are being filed. That is done deliberately so that we are silenced, as far as talking about different amendments. So I'm going to yield my time to Senator Hardin, but I, I do want people who are watching to understand that there are, are tactics being played. When other senators will flood a bill with floor amendments to make sure that the first senator's amendments don't get on, sometimes we also have to play tricks back. So Senator Hardin, I yield my time.

KELLY: Thank you, Senator Kauth. Senator Hardin, 4 minutes, 12 seconds.

HARDIN: Thank you, Mr. President. And thank you, Senator Kauth. To that end, as Senator Kauth says, we're getting lots of floor amendments. These are coming from Senator Machaela Cavanaugh. Why is she doing that? Well, she hasn't spoken to that, but it has to do with AM1615. Why is she so against AM1615? AM1615 does the following: It places the International Holocaust Remembrance Alliance definition of antisemitism into state law. What is that? It says: antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or nonJewish individuals and/or their property toward Jewish community institutions and religious facilities. It's interesting that a Democrat senator from Omaha would take that position because that definition was first adopted by President Barack Obama and his State Department. They added antisemitism to anti-discrimination requirements for education institutions that accept public funds alongside race, color, and national origin. Discrimination under all four categories is already prohibited at the federal level under the Civil Rights Act and a presidential executive order from President Trump's first term that President Biden did not rescind. And it still stands. The existing federal requirements

include investigation and reporting by education institutions that accept federal funds. It requires the Nebraska Department of Education and Coordinating Commission for Post-Secondary Education to designate a Title VI coordinator who will accept reports from K-12 and post-secondary institutions, compile a report, and submit those reports annually to the Legislature. It's time to say the quiet part out loud, and my amendment is about saying the quiet part out loud, shining a light onto instances of antisemitism so that we can call it for what it is. It's time for Senator Cavanaugh to defend why she's seeking to not protect Jewish students from discrimination in Nebraska. The last two Democrat Presidents of the U.S. thought it was a worthwhile cause. Taking such a position at this time in history, when we're seeing Harvard lose over \$2 billion of funding over this issue is particular-- particularly poignant because it is equated with going with the Palestinians' views over and above Israel and the Jewish community since they were targeted on October 7, 2023. And be careful while you're doing that, because, I know, Senator Cavanaugh, that the LGBTQ community is important to you, but I would point out the inconsistencies between how the Palestinians regard that community versus the Democratic Republic of a country like the United States. Regale us with how much you regard education and students and equity in the face of Jewish students.

KELLY: That's your time, Senator.

HARDIN: Thank you, Mr. President.

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

HARDIN: Thank you, Mr. President. AM1615 is the committee amendment. AM1385 to LB538. LB538 addresses this topic and it, and it's a very serious issue. Discrimination against Jews has reached a 45-year high in America. LB538 was introduced on January 22, and was referenced to the Education Committee, which held a public hearing on the bill on February 3. Senator Strommen designated it as his priority bill on March 14, and the Education Committee advanced LB538 with AM 1385 at that time, to the General File on May 21. I want to thank Senator Hughes and Speaker Arch for adding support to AM1615 to LB303. AM1615 will shed light on any reported antisemitism in education institutions. Although Nebraska has not been a hotbed of antisemitism, Nebraskans support the Jewish people. Sunlight is a disinfectant, and reporting Title VI complaints and investigations to the Legislature annually will help drive out discrimination. How? Well, education

institutions in Nebraska, whether K-12 or higher education, public or nonpublic, that accept public funds are already subject to compliance with federal Title VI anti-discrimination provisions. Under AM1615, education institutions will submit their annual federal Title VI discrimination complaint reports to the Coord-- Coordinating Commission for Post-Secondary Education or the Nebraska Department of Education, and the reports will be compiled and then reported annually. This is not about statements of a problem, this is about enforcement. It's about enforcement. There's other language in the bill about what education institutions and Title VI coordinators may do, but no requirements, other than reporting. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, national origin, in programs and activities receiving federal financial assistance, as I said just a little while ago. That changed qualitatively during President Barack Obama's terms. An executive order from President Trump during his first term that President Biden left in place added antisemitism to Title VI. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. We hear a lot through the session about collegiality and how we work together and working with our colleagues. And we talk about our good friend, Senator Hardin, and our good friend, Senator Murman, and so on, and that we want to be collegial, but yet, we don't always act collegial. Senator Hardin asked the question why we're going through the charades that we are today, and I would say let's just return to yesterday, when there were-- we were called out for calling the, calling the question before there was any debate. Well, the reason there-- we were call, call -- we were calling the question before there was any debate is because there were motions, amendments put up that really didn't do anything. Let me give you an example. There was an amendment that would have struck a comma. OK. That's not a serious amendment. There was an amendment that was going to strike one word that did not make any material difference. There was an amendment to strike Section 1; to strike Section 3. Oftentimes, you see amendments to strike the enacting clause. These aren't serious amendments. These are amendments being put up to waste time, and so then the process goes this way. First of all, you file the three priority motions that you can file: return to committee, indefinitely postpone, and bracket. And you can file those motions and they take priority, and you can keep any other amendments from being offered. And then, you can do what was done

yesterday, which was file 20-- over 20 amendments to be able to block any serious amendments from getting scheduled and heard. Because what you do, is you stall off the debate and you call the question-- or you don't call the question but you call the house, you do a call of the house. Well, there was some complaints about well, you always give a yes motion for a call of the house. But we had done that earlier, last week, with a call of the house, and then we had two members that basically hid out and weren't coming back to the house. Their staff didn't know where they were, and they were just gone. And then we sat here and waited, so they could take more time to get to cloture. OK. That's not collegiality. So I would just say that it would be good to be collegial. It works both ways. We can get some serious work done in the next couple of days or we can waste time, and I guess I'm prepared to do whichever. Unfortunately, our rules are our rules, and they could use some changing. But yet, where the rules, the Legislature have always been made to protect the minority and, and really be, be something that we could work with, and, and changing the rules are very hard. I would just remind everyone that the public is watching, and they need to know why certain things are being done and why the respect level is so low. It's because of the lack of collegiality, the lack of seriousness at times. That really needs to change, and I hope that it does. I think Senator Hardin's amendment is trying to get on today. There is enough blocking motions in place that time will likely be wasted, unless that gets-- something changes, and he's able to put that amendment up. But I think he made a good point on what the amendment does. And it would be nice to see that amendment come up, and we could actually vote on it, and we could move through the rest of the agenda, but that's really not in our control. So we'll see what happens the rest of the, of the day and really, the rest of the session, but I think it'd be good for all of us to think about collegiality when in-- when we make any moves at all. So with that, thank you, Mr. President. And I yield the remainder of my time.

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

CLOUSE: Yes. Thank you, Mr. Speaker. I've been sitting here, day in and day out, for the last 86 days, and watching and observing and just seeing how things roll. So I thought, well, I guess it's just standard operation, you just get in the queue. So, I hit the button, got in the queue, I got nothing. So, Jana-- Senator Hughes doesn't want my time. So if somebody else wants my time-- Senator Cavanaugh, you want my time? She'll-- I'll yield my time to Senator Cavanaugh if she wants it, because I got nothing. Thank you.

KELLY: Thank you, Senator Clouse. Senator Cavanaugh, 4 minutes, 25 seconds.

M. CAVANAUGH: Thank you, Mr. President. Thank you Senator Clouse. I wasn't expecting that. So, circling back to LB303 and AM1593, I actually have a question. Would Senator Juarez yield to a question? I'm sorry I didn't give her a heads up.

KELLY: Senator Juarez, would you yield?

JUAREZ: Yes, I will.

M. CAVANAUGH: Thank you, Senator Juarez. Earlier this morning when we were debating this amendment, and you asked some questions about, was it diversity of the commission?

JUAREZ: Yes.

M. CAVANAUGH: And I, I, I wasn't on the floor at that time. I was out in the hallway, and I just heard the tail end of it. Could you share with me what your concerns were?

JUAREZ: Well, my concerns were that I had mentioned in the committee meeting that I really preferred that the selection of the Education and Revenue was going to be done by the committee as a whole, instead of the chair of each committee or their designee. Because, you know, I, I felt that it provided a broader voice for all of us to be able to, to participate in who was going to get to serve on the commission. And the only thing that, I guess, was-- I was a little bit more at ease about was the fact that it was limited to two people from the same political party. And then I also mentioned, at the Legislative Executive Board level, that if they were going to be able to select someone, that again, I hope that they were to canvas all of us in the Legislature who had an interest in serving. Because I guess, since it was at the chair position on the committee level, you know-- I'm just not confident who's going to be select-- who's going to be selected and if it will be a diverse reflection. And that-- those are my issues.

M. CAVANAUGH: Thank you. That's actually a concern I've had over the years for various special committees, is sometimes, the default for things is just certain committee chairs. And that overworks-- first of all, it overworks the committee chairs, and then it also leaves the rest of the Legislature out of those important working groups, essentially. So I, I appreciate you elevating that, and I'm, I'm glad

that I asked you for the follow-up, because I heard it. And I was like, I need some more clarity on that. So thank you, Senator Juarez. OK. So Mr. President, how much time do I have?

KELLY: One minute, 15 seconds.

M. CAVANAUGH: OK. Well, I am very grateful to Senator Clouse for yielding me the time, and I won't take the full time because I'll have more time in the future. Thank you, Mr. President.

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

MURMAN: Thank you, Mr. Speaker. I do stand in opposition to the floor amendments and the motion and in support of AM1593 and LB303. I do think some of this, or a lot of this incentive for the commission is out of desperation, and sometimes that's a good thing. Ag land has been overtaxed for 15 years now-plus. And now, residential, with the increase in valuations has-- residential and commercial, I should say, have been overtaxed for a couple of years now, three years, so there's that much more incentive to actually do something about funding a better way of funding our schools in Nebraska, and at the same time, lowering our overreliance on property taxes. I do believe that-- and by the way, I do own ag land, commercial, and residential, so I, I think I have some qualification for addressing all three types of property that are taxed with property taxes. TEEOSA does, I think, do a fairly adequate job of determining needs. Where the problem comes with TEEOSA is just like I said, in determining the resources-- what resources we use to fund our schools. And by the way, TEEOSA is needs minus resources equals state aid. And it's a fairly simple formula in that way, but it does get kind of complicated in figuring the needs and, like I said, is inadequate in figuring resources. I do think the commission will do a, you know, about as good a job as we can expect in determining what the needs are for the schools. It's a broad-based commission, and I appreciate Senator DeBoer and Senator Hughes's work on that. And I do think they'll especially-- you know, the, the people on this commission know the TEEOSA formula the best and, and exactly how it works, so they will do a good job to determine how maybe some adjust-ants-- adjustments can be made to improve the formula. I do think that we're going to have to take their recommendation with a grain of salt, though. Because, you know, if we call it a blue-ribbon commission or whatever, I, I don't think we, as a Legislature, should put all of our stock in their recommendation, though, because, as a Legislature, we need to represent not only education, but also the

taxpayers. And the people on this commission-- and we had to keep it, you know, as small as possible and still have a broad represent-- representation of both education and at least get-- have some taxpayer input. And because of that, the different people on the commission will have an incentive to protect their turf, and that's always an issue we have had when trying to improve the way we fund our schools. We have a lot of superintendents, a lot of school boards, and teachers that have a lot of input, but everyone, you know, represents their own community, their own schools. So as a Legislature, we have to be more broad-based and include the taxpayer as much as possible when we follow the recommendations, or at least take these-- I shouldn't say follow, but take the rec-- the recommendations into consideration of this commission. So in summary, I do support this commission, but we've got to be careful with our recommendations. Thank you.

KELLY: Thank you, Senator Murman. Senator Lippincott, you're recognized to speak.

LIPPINCOTT: Thank you, sir. I do support LB303 and AM1593. I yield the rest of my time to Senator Brian Hardin.

KELLY: Senator Hardin, 4 minutes, 50 seconds.

HARDIN: Thank you, Mr. President. From the Anti-Defamation League: Each year ADL tracks incidents of antisemitic harassment, vandalism, and assault in the United States. Since 1979, they've published this information in an annual Audit of Antisemitic Incidents. In 2024, ADL tabulated 9,354 antisemitic incidents across the United States. That was the year after the 2023 attacks that took the lives of almost 1,400 Jews in Israel. That's an 893% increase over the previous 10 years. It's the highest number on record since ADL began tracking antisemitic incidents 46 years ago. Incidents of vandalism and assault increased significantly in 2024. For the first time in history of the audit, a majority, that's 58% of all incidents, contained elements related to Israel or Zionism. A large portion of Israel-related antisemitic incidents occurred at or in the vicinity of anti-Israel protests. Out of over 5,000 anti- Israel rallies tracked by ADL in 2024, 2,596 of those involved antisemitic messaging in the forms of signs, chants, or speeches. Incidents on college and university campuses rose more steeply than those in any other location. In 2024, ADL recorded almost 1,700 antisemitic incidents on college campuses, which is 84% higher than the year before, in '23. Campus incidents comprised 18% of all incidents, a larger proportion than any, any previous audit. While incidents decreased by 14% at Jewish

institutions, they remained elevated compared to pre-October 7, 2023 levels. Jewish organizations, particularly synagogues, were targeted with hundreds of bomb threats and hundreds more general antisemitic threats. Congregants were harassed and assaulted while at or in the vicinity of Jewish institutions, and some anti-Israel groups escalated their tactics, protesting Jewish religious and cultural institutions on dozens of occasions. Incidents occurred in all 50 states and the District of Columbia. That's why we were bringing an amendment. It's to speak to the enforcement part. When administrators in schools and universities are timid, it's to encourage them to do the right thing at the right time. With the remaining time today, those who have stood in the way of this moving forward have an amazing opportunity to articulate why it is that they are refusing to stand up for the Jewish students in Lincoln and Omaha, because those are the ones who came to talk with me. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Good afternoon, colleagues. I just wanted to get on the mic and talk, again, about TEEOSA and some of the different facets that we've talked about, with regards to the underlying bill for LB303. I think one of the parts that I found a little bit confusing about TEEOSA in general is this ongoing conversation about, you know, whether or not it works. You always hear the, the people say, when they're talking about the way our schools are funded, oh, there's only two people in the state that really understand it. I don't think it's actually that complicated. Now, I'm not going to pretend to be an expert on the TEEOSA formula, as it is a little complex when it comes to all the ins and outs of it. But obviously, as we've talked about before, needs minus resources. And the idea that we are looking at what a school district has available to it, versus what they're able to spend, versus what they need, it's a pretty simple mathematic formula to get the actual amount of money that you need to, to, to make sure that all of the schools across the state have the necessary funding. It's also kind of funny, because whenever you talk with folks about TEEOSA and they're mad about it, they'll say, oh, we gotta, we gotta blow up the formula. We gotta get rid of the entire thing because TEEOSA's broken. And you're like, oh OK. Yeah. No, I agree. We should, we should make sure schools get the funding they need. What do you want to do? And the conversation inevit-- inevitably turns into them being like, oh, you know what we should do, is we should really look at, you know, what exactly it would take to make sure a school has all of the resources that it

needs, but we should probably also take into consideration how much money they get from the local level, and then we should probably calculate in things like special education and maybe some low-income students, and they come up with this whole idea which is essentially just TEEOSA. And I'm not saying TEEOSA is perfect. And I'm not saying that TEEOSA needs to stay in exactly the same formula. Senator DeBoer always talks about we can just come up with a new formula and call it SCHMEE-OSA if we want to, if it's the name that bothers people. But that, that is really what it feels like. It seems like TEEOSA, as an acronym, has become a punching bag. And what I appreciate about LB303 is this idea that we can get a committee together and have them analyze ways that it could be tweaked, ways that we could rename it. And if ultimately, we do break apart the formula and build it from the ground up with stakeholders involved, who actually understand not just our state level perspective, but also, the individual county levels and city levels and the school district-level perspective, even all the way down, in my opinion, to teachers, who are the ones that I think can best understand what the needs are in the day-to-day classroom, I think that if you take that formula and you break it down and then build it back up, we can call it whatever we want, but I really do, at the end of the day, think it's going to look similar to what we currently have. There are other formulas that exist or other funding sort of strategies that exist in other states. And during this last special session, I took some time to look into the way that other states fund their school districts. And there's always a balance between state-level funding and local-level funding. But what I find particularly interesting is this idea of outcome-based funding. And that does not mean-- let me be very clear-- that does not mean that you get rewarded for certain outcomes. That is problematic. When you talk about sort of, you know, failed formulas, we always have to have these conversations about no child left behind and things like that. And we always hear this recurring theme in the Legislature that we should reward schools with money if they hit certain metrics. The problem with metric-based funding, saying, oh, if you achieve X, Y, and Z, scores on tests, we'll give you more money. The problem with that is you're not giving the funding in order to achieve the goals that you want. So the idea of outcome-based funding, as I'm understanding it, as I think it would make sense to kind of look more with this, this commission, is you identify what is the goal. What is the goal that we want and what do we need to fund you with in order to reach that goal? Because if you provide teachers and administrators and facilities and school districts with all of their additional staff, the proper necessities monetarily, you are much more likely to

see the goals being achieved that you're identifying if you have a through line and a direct corollary between the funding and what your, your hope is. So I think LB303 provides us with an opportunity to say if we think TEEOSA just needs to be tweaked, if we need to rename it, if we need to completely break it down and build it up, I think that LB303 gives us that chance. Because that's all I've heard for the last three years that I've been here is that we need to fix TEEOSA. Well, this is your opportunity, colleagues, and I think that doing this puts us in the driver's seat to really make a change moving forward. Thank you, Mr. President.

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

STORER: Thank you, Mr. President. Good afternoon. I can't decide if I want to take five minutes and talk about TEEOSA, which is a very serious issue. And it is the crux of LB303. I know Senator Hughes was very excited about the bill in its original form and, and is committed to trying to find some ways that we can make meaningful reform to TEEOSA to get us back to some sort of a true equalization aid. You know, people, people are being-- they are being-- some-- taxed out of their homes. Most-- a lot of people in agriculture, there are times of the year, depending on their revenue cycle, that go borrow money to pay their taxes. Those rich farmers go borrow to pay their taxes. And yet, this, this really is sort of the front-and-center issue of our state. It has been. It's the motivating factor that caused me to dedicate my time away from my husband and my business for months out of the year, to come to Lincoln to work on this issue. But I think it is fair to explain to people that have been watching what's, what's actually going on behind the camera, the things that you don't see. And, and a few have addressed this, so I don't want to be redundant, but we have a serious issue in front of us, but we have games being played, for no good reason other than to play games. And I think probably you'll see, soon, the-- some maneuvers be made to, to move us forward, so the games worked. But this is-- this whole little show that you've seen about this filibuster being led by Senator Cavanaugh is because they don't want to get to Senator Hardin's amendment, which he has talked to, so I'm not going to, going to speak too much to that. But it's-- I think it's priceless that-- in part of the little show that you saw back here, Senator Cavanaugh was asking Senator Juarez about, you know, her concerns about diversity-- no diversity in the creation of this committee. But yet, the base reason that we're doing this filibuster is that they don't want to talk about antisemitism. Just to be clear, for those watching who don't see

what's going on here, this show is because those individuals that had a little fun discussion about diversity don't want to talk about antisemitism. They don't want to get to the amendment, because they don't actually have to, I guess, oppose publicly, antisemitism. That's the real issue. That's the why of what you see going on here. And yesterday was kind of interesting. I have to admit, every day's a learning day here, especially as a freshman senator. And yeah, there was a, a-- the bill, yesterday afternoon, with-- where you saw us, if you were anyone that was observing, making a lot of call the questions. It's because there were 19 floor amendments on a bill. That's not serious. That wasn't-- those weren't serious motions. That was all a stall tactic. But yet, you know, some got on the mic and criticized us for calling the question quickly, because we were legitimately trying to get through the ridiculous 19 motions to get to a serious motion. I've been asked when I go back to the district and by people that, that know me, you know, gosh, is it what you thought it was going to be? And I would say the one, one thing that's shocking to me is for the serious work that there is to be done here in Nebraska, the ridiculous games that are played, and it's not, and it's not-- it's not just politics. The time being wasted-- and Nebraska, don't be, don't be mistaken, it's your tax dollars being wasted here. Every minute we're in session costs money, and it 's taxpayer money. So I am hopeful that we are going to get to the serious issue of TEEOSA. I appreciate Senator Hughes' leadership in pulling together a committee to take a deep dive. There will be arguments as to the makeup of that, and is it perfect, and is my person on there or your person on there, and what political affiliation are they, and do I like them. That argument will never end. But at the end of the day, we do have to take a hard look at the formula that funds our schools that is having the most direct impact on property taxes in this state. So thank you, Senator Hughes. I yield the rest of my time.

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

HOLDCROFT: Thank you, Mr. President. I rise in support of LB303 and AM1593, and I want to thank Senator Hughes for all the hard work that she's done in putting this together. I think the more stakeholders we can get to, to work together to come up with some consensus on how we proceed is the right way to go. And with that, I'd like to yield the remainder of my time to Senator, Senator Machaela Cavanaugh.

KELLY: Thank you, Senator Holdcroft. Senator Machaela Cavanaugh, 4 minutes, 32 seconds.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Holdcroft. I would like to withdraw my motion to reconsider and all of my pending floor, floor amendments, and I think that's all. Thank you, Mr. President.

KELLY: Thank you, Senator. Without objection, so ordered. Returning to debate on AM1593, Senator Rountree, you're recognized to speak.

ROUNTREE: Good evening. Thank you, Mr. President. Good evening, colleagues and all of those that are watching on television and online. I would like to yield my time to Senator Cavanaugh, Machaela Cavanaugh.

KELLY: Senator Machaela Cavanaugh, you're rec-- 4 minutes, 45 seconds.

M. CAVANAUGH: Well, I appreciate that, Senator Rountree, but I, I think I've spoken enough, so I will just yield the remainder of my time to the President. Thank you.

KELLY: Thank you, Senator Cavanaugh. Senator Andersen, you're recognized to speak. Senator Guereca, you're recognized to speak. Senator Hunt, you're recognized to speak. Senator Hallstrom, you're recognized to speak, and waives. Senator Juarez, you're recognized to speak. Senator Prokop, you're recognized to speak.

PROKOP: Thank you, Mr. President, and I am going to speak, and we'll keep this train on the tracks here. I'll, I'll, I'll keep it, I'll keep it really brief here. I want to thank Senator Hughes for her work on LB303 and on AM1593. I think it's well past time that we have a commission of this sorts to look at our education funding, so I, I give her kudos for that. One thing I did want to mention and I think it's critically important as this commission is, is put together, and I've appreciated the mention of it in, in the amendment that was adopted earlier. In section two, it talks about access to early childhood education, and looking at that as a, as a portion of this commission, I think that's critically important to do that as part of a bigger picture look at how we fund education in this state. I've had a discussion with, with Senator Hughes about this. And, and, you know, assuming that LB303 ultimately moves forward and is, and is passed into law, would really be hopeful that one of the at-large seats would be filled by someone with early childhood education experience. We know that early childhood education has shown results as far as preparing the students, as far as school readiness, reduced special education costs. So I think, in the grand scheme of things, that's

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going to be really important when those positions are filled, again, assuming that this bill is, is passed and, and appointments are made to this, this commission. And so, with that, I would yield back my, my time.

KELLY: Thank you, Senator Prokop. Seeing no one else in the queue, Senator Hughes, you are recognized to close on the amendment.

HUGHES: Thank you, Mr. President. I just wanted to mention a couple things, just from some points that were made. I think there was some talk about the diversity of the commission. As far as membership from the different schools, we tried to be diverse in terms of which class of schools are represented, different classes, also school board versus administration, and that is just six people of that commission, and then a diverse of members at-large. The, the fundamental thing here, though, is knowledge of TEEOSA, how that formula works, and how it affects schools. That's, that's what we need. Again, that turnover in our body here, with term limits, you don't have some of that continuing on within the body, and that's why it would be nice to have this commission, with that familiarity. I think it was Senator Murman maybe mentioned that with certain people, they might be just really focused in on their own district or their own-- how it affects them. I think it would be helpful to have some of these folks maybe retired from that community, and so they can really look at the state at large. I always just, as myself, as a legislator, yes, I represent District 24, but Nebraska comes first, as a whole, and, and you need to have that mindset, also. So with that, I would appreciate your support on AM1593 to LB303. Thank you.

KELLY: Thank you, Senator Hughes. Members, the question is the adoption of AM1593. 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: AM1593 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Hughes, I have AM1594 with a note you withdraw and substitute AM1602.

KELLY: Without objection, so ordered. Senator Hughes--

CLERK: In that case, Mr. President, Senator Ballard would offer AM1602.

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

BALLARD: Thank you, Mr. President. AM1602 contains cleanup language to the school budget authority statutes that follow the passage of LB645, earlier this session. The need for this language did not come to our attention in time, in time to include within LB645, but the language was part of the original Education Committee amendment to LB306 or AM1440. Currently, school budget authorities statutes contain an exclusion from budget authority caps for all retirement contributions made by school district that exceed 7.35% of compensation. Because these current retirement contribution is 9.88 of compensation, the inclusion equals 2.53% of what school districts contribute. As a result of the changes maded-- made by LB645, school district retirement contributions are expected to shrink to around 8.08% of composition and budget authority's inclusion would shrink from 2.53% to 0.73 of compensation. For some districts, this unanticipated reduction in budget authority would mean that they're not able to budget enough money to meet compensation levels they have negotiated with teaching staff. The language in AM1602 would extend the current budget authority exclusion levels to the next two fiscal years only. This would give school districts affected by this issue sufficient time to adjust their budgets and negotiate agreements through the collective bargaining process, most importantly, those enabled to the school districts to budget enough money to meet contract obligations they've already negotiated. With that, I'd hap-- be happy to answer any questions, and I'd, I'd appreciate your green vote on AM1602. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Colleagues, this is the measure that I had mentioned in regards to our other Education measure that was up fairly recently, in an attempt to paper over the unintended, unintended consequences of the political games that were being played with teacher retirement. And indeed, they did have connections and consequences for multiple school districts, in regards to school funding, property tax relief, teacher compensation and employment, et cetera. So if Senator Ballard would be kind enough to yield to a few questions.

KELLY: Senator Ballard, will you yield to questions?

BALLARD: Of course.

CONRAD: Thank you, Senator Ballard. When did this issue first come to light for you?

BALLARD: It was shortly after the passage of LB645 on Final Reading.

CONRAD: And then do you know how many districts are impacted by this issue?

BALLARD: One school district reached out, but I'm assuming it's, it's a handful, maybe two or three, that are high-growth school districts.

CONRAD: Mm-hmm. And what happens if we don't adopt this amendment?

BALLARD: That's a great question. The school districts would figure the-- would have to figure it out through the budget authority process, but they would have to look at negotiating contracts.

CONRAD: Mm-hmm. And then what are the options for these resources now that have been freed up due to changes in various stakeholders' contribution levels in our teacher retirement? Are there-- were-- did you consider options such as allowing for a return to the taxpayer in regards to property tax relief for this-- for, for these resources?

BALLARD: That was surely my hope in the reduction of school districts, their reduction in contributions, because they're getting an equal reduction in their contributions. And my hope would be they return that to taxpayers or don't ask for as much in their next levy.

CONRAD: Mm-hmm. But if we wouldn't adopt this amendment, that would be more likely, wouldn't it?

BALLARD: If we wouldn't adopt the amendment?

CONRAD: Mm-hmm.

BALLARD: That is-- I don't believe so, because their, their budget authority, they would, at one point-- the, the school district I talked to, they said they wouldn't be able to use that one-- it was \$1 million plus they wouldn't be able to utilize.

CONRAD: Mm-hmm.

BALLARD: They would have it, they just wouldn't be able to utilize it for compensation.

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CONRAD: OK. Very good. Thank you, Senator Ballard. Thank You, Mr. President.

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

BALLARD: Thank you, Mr. President. I'd appreciate your green vote on AM1602. I'd like to thank Senator Conrad, for her conversation and questions. But I'd appreciate your green vote. Thank you, Mr. President.

KELLY: Thank you, Senator Ballard. Members, the question is the adoption of AM1602. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: AM1602 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Hallstrom, I have AM1610, with a note that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Andersen, I have AM1612, with a note that you'd withdraw.

KELLY: So ordered.

CLERK: Senator Hallstrom, I also have AM1613, with a note that you'd withdraw.

KELLY: So, so ordered.

CLERK: And Senator Hughes, I have MO312, with a note that you would withdraw.

KELLY: So ordered.

CLERK: And Senator Hughes, MO311 and MO310, both with notes that you would withdraw.

KELLY: So ordered.

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

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

GUERECA: Mr. President, I move LB303 be advanced to E&R for engrossing.

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

CLERK: Mr. President, a few items for the record. Your Committee on Enrollment and Review reports LB316, LB316A, LB707, LB707A as correctly engrossed and placed on Final Reading. Mr. President, next bill, Final Reading, LB48, from Senator McKinney. Senator Brandt, I have MO272, with a note that you'd withdraw.

KELLY: Without objection, so ordered.

CLERK: In that case, Mr. President, Senator McKinney would move to return the bill to Select File for a specific amendment, that being AM1465.

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

McKINNEY: Thank you, Mr. President. AM1465 is the amendment that I brought after conversations last round with Senator von Gillern and Speaker Arch. What it does is it puts in that at the end of this, this will-- the pilot will term-- will terminate after five years after the operative date of the act. It also states that there will be \$500,000 per center, with a 10% administrative fee of a total of \$50,000. So that's the amendment. I also have another one that-- and I'll talk about that when it comes up, but that-- that's what this amendment does. It just puts in termination language and clarifies what is to go to the centers. Thank you.

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

von GILLERN: Thank you, Mr. President. I just wanted to thank Senator McKinney for addressing-- there were three concerns that I had that I expressed on General File and then on Select, about some of the wording in the bill, about the sunset clause, and then the math, and, and I just-- I went through the amendment with Senator McKinney this morning-- or had a chance to go through it, and then visited with him. And it in-- it indeed, addresses all three of my concerns, so I want to thank him for making those revisions. And I will support AM1465. Thank you, Mr. President.

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KELLY: Thank you, Senator von Gillern. Seeing no one else in the queue, Senator McKinney, you're recognized to close, and waive closing on AM1465. Members, the question is the motion to return. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays to return to Select File, Mr. President.

KELLY: Senator McKinney, you're recognized open on AM1465.

McKINNEY: Thank you, Mr. President. Again, AM1465 just puts in some termination language and cleans up the language around what is to go to each center. And with that, I hope to get your green vote. Thank you.

KELLY: Thank you, Senator McKinney. Members, the question is the adoption of AM1465. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: AM1465 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator McKinney would move to return the bill to Select File for a specific amendment, that being FA329.

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

McKINNEY: Thank you. FA329 is a floor amendment that I brought after speaking with some people from PRO, from the Governor's Office. What it does is it changes language in Section 1 from saying that DHHS shall "establish" a family resource center, to shall "designate" a family resource center pilot program in cities of the metropolitan class. So thank you.

KELLY: Thank you, Senator McKinney. Seeing no one else in the queue, Senator McKenney, you're recognized to close on the floor amendment, and waive. Members, the question is the adoption of FA329. All those in fav-- the adoption of the motion to return. This is a vote on the motion to return. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays to return the bill, Mr. President.

KELLY: The motion is adopted.

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CLERK: Mr. President, Senator McKinney would offer FA329.

KELLY: Senator McKinney, you're recognized open on FA329.

McKINNEY: Thank you, Mr. President. Again, FA329 is to making a wording change in the bill that will state that the Department of Health and Human Services, instead of "establishing" a family resource center pilot program, it will be to "designate." With that, I hope to get your green vote. Thank you. And this was-- this came from conversations with PRO, and they're OK with switching "establish" to "designate." Thank you

KELLY: Thank you, Senator McKinney. Seeing no one else in the queue, you're recognized to close. You're recognized to close, and waive. Members, the question is the adoption of FA329. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: FA329 is adopted.

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

KELLY: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB48 be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor, say aye. Those opposed, nay. LB48 is advanced to E&R Engrossing. Mr. Clerk. We'll proceed to Final Reading. Members, please find your seat. Senator Kauth, please return to the Chamber for Final Reading. The first bill on Final Reading is LB371.

CLERK: [Read LB371 on Final Reading]

KELLY: All provisions of law relative proced-- to procedure having been complied with, the question is, shall LB371 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman,

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Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: None.

The vote is 49 ayes, 0 nays, Mr. President.

KELLY: LB371 passes. The next bill is LB422.

CLERK: [Read LB422 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB422 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, John Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator Machaela Cavanaugh. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB422 passes. The next bill is LB490. The first vote is to dispense with the for-- with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB490]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB490 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, John Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: None. Not voting. Senator Machaela Cavanaugh. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

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KELLY: LB490 passes. The next bill is LB499.

CLERK: [Read LB499 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB499 pass? All of those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: None. The vote is 49 ayes, 0 nays, Mr. President.

KELLY: LB499 passes. The next bill is LB558.

CLERK: [Read LB558 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB558 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. The vote is 49 ayes, 0 nays, Mr. President.

KELLY: LB558 passes. The next bill is LB513, with the emergency clause.

CLERK: [Read LB513 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB513 pass, with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Brandt, Clements, Clouse, DeKay, Dorn, Dover, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Armanderiz, Bostar, Cavanaugh, Cavanaugh, Conrad, DeBoer, Dungan, Fredrickson, Guereca, Hunt, and McKinney. Vote is 38 ayes, 11 nays, Mr. President.

KELLY: LB513 passes, with the emergency clause. The next bill is LB513A, with the emergency clause.

CLERK: [Read LB513A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB513A pass, with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, John Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, Wordekemper. Voting no: Senators Armendariz, Machaela Cavanaugh, Hunt, McKinney, and von Gillern. Vote is 44 ayes, 5 nays, Mr. President.

KELLY: LB513A passes, with the emergency clause. The next bill is LB192. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 42 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB192]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB192 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clouse, Conrad, DeBoer, DeKay, Dorn,

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Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, McKinney, Meyer, Moser, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Strommen, von Gillern, Wordekemper. Voting no: Senators Armendariz, Clements, Lippincott, Lonowski, McKeon, Murman, Storer, and Storm. Vote is 41 ayes, 8 nays, Mr. President.

KELLY: LB192 passes. The next bill is LB288. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 42 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB288]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB288 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Rountree, Sanders, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Armendariz, Lippincott, Lonowski, McKeon, Riepe, and Sorrentino. Vote is 43 ayes, 6 nays, Mr. President.

KELLY: LB288 passes. The next bill is LB288A.

CLERK: [Read LB288A on Final Reading]

KELLY: All provisions of the law relative to procedure having been complied with, the question is, shall LB288A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Armendariz, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von

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Gillern, Wordekemper. Voting no: Senators Armendariz, Lippincott, Lonowski, McKeon, and Riepe. Votes 44 ayes, 5 nays, Mr. President.

KELLY: LB288A passes. The next bill is LB290. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 42 ayes, 2 nays to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB290]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB290 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Arch, Armendariz, Ballard, Bostar, Brandt, Cavanaugh, Cavanaugh, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Holdcroft, Hughes, Hunt, Juarez, McKinney, Moser, Prokop, Quick, Raybould, Rountree, Sanders, Spivey, von Gillern, Wordekemper. Voting no: Senators Andersen, Bosn, Clements, Hansen, Hardin, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Meyer, Murman, Riepe, Sorrentino, Storer, Storm, Strommen. Vote is 31 ayes, 18 nays, Mr. President.

KELLY: LB290 passes. The next bill is LB346. The first vote is to dispense--

CLERK: I got to pull something. Sorry.

KELLY: Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh, I have FA290, with a note that you would withdraw, as well as MO305, also with a note that you would withdraw.

KELLY: Without objection, so ordered.

CLERK: In that case, Mr. President, I have nothing further at this time.

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KELLY: Members, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB346]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB346 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Vote is 49 ayes, 0 nays, Mr. President.

KELLY: LB346 passes. The next bill is LB380. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB380]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB380 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm,

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Strommen, von Gillern, Wordekemper. Voting no: Senator Armendariz.
Vote is 48 ayes, 1 nay, Mr. President.

KELLY: LB380 passes. The next bill is LB380A.

CLERK: [Read LB380A on Final Reading]

KELLY: All provisions relative to law having been complied with-- all provisions of law relative to procedure having been complied with, the question is, shall LB380A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordkemper. Voting no: Senators Armendariz and McKeon.
Vote is 47 ayes, 2 nays, Mr. President.

KELLY: LB380A passes. The next bill is LB382.

CLERK: [Read LB382 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB382 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Armendariz. The vote is 48 ayes, 1 nay, Mr. President.

KELLY: LB382 passes. The next bill is LB382A.

CLERK: [Read LB382A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB382A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Armendariz. The vote is 48 ayes, 1 nay.

KELLY: LB382A passes. The next bill is LB434, with the emergency clause. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen-- excuse me, Mr. President. 47 ayes, 0 nays to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB434]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB434 pass, with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Ballard and Conrad. Vote is 47 ayes, 2 nays, Mr. President.

KELLY: LB434 passes, with the emergency clause. The next bill is LB504. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB504]

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KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB504 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Clements, Clouse, DeBoer, DeKay, Dorn, Dover, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Cavanaugh, Cavanaugh, Conrad, Dungan, Hunt, McKinney, and Spivey. Vote is 42 ayes, 7 nays, Mr. President.

KELLY: LB504 passes. The next bill is LB504A. Mr. Clerk.

CLERK: Mr. President, Senator Bosn, I have FA235 with a note that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, I've nothing further. [Read LB504A on Final Reading]-- Mr. President, my fault. Senator Bosn would move to strike the enacting clause of LB504A.

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

BOSN: Thank you, Mr. President. Colleagues, I apologize. So I had pulled the motion, thinking it was to LB504, not to LB504A. So because we took care of the A bill on this, I had filed a motion to kill the A bill. There is no fiscal note on LB504, so I would ask for your green vote on my motion to strike the enacting clause. Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. Seeing no one else in the queue, you're recognized to close, and waive closing. Members, the question is the adoption of FA-- members, the first vote will be return-- will be to return to Select File. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 0 nays to return to Select File, Mr. President.

KELLY: The motion is adopted.

CLERK: Mr. President, Senator Bosn would move to amend the bill with FA333, that be to strike the enacting clause.

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KELLY: Senator Bosn, you're recognized to open on FA333.

BOSN: Please vote green. Thank you.

KELLY: Thank you, Senator Bosn. Seeing no one else in the queue, you're recognized to close, and wave closing. Members, the question is the adoption of FA333. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 47 ayes, 0 nays on the adoption of the amendment, Mr. President.

KELLY: FA333 is adopted. Next bill is LB521, with the emergency clause. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 1 nay to dispense with the at-large reading.

KELLY: At-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB521]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB521, pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: None. The vote is 49 ayes, 0 nays, Mr. President.

KELLY: LB521 passes, with the emergency clause. The next bill is LR19 (CA).

CLERK: [Read LR19CA on Final Reading]

KELLY: All provisions of law rela-- all provisions of law relative to procedure having been complied with, the question is, shall LR19CA

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pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lonowski, McKeon, McKinney, Meyer, Murman, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Strommen, von Gillern, Wordekemper. Voting no: Senators Armendariz, Cavanaugh, Cavanaugh, Guereca, Hardin, Lippincott, Moser, Prokop, Storer, Storm. Vote is 39 ayes, 10 nays, Mr. President.

KELLY: LR19CA passes. The next bill is LB398, with the emergency clause. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh, I have MO297 with a note that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Hallstrom would move to return the bill for a specific amendment, that being AM1509.

KELLY: Senator Hallstrom, you're recognized to open on the motion to return.

HALLSTROM: Thank you, Mr. President and colleagues. I rise to ask for your support of AM1509 to LB398. This is a 108-page Final Reading bill, but my amendment relates only to one particular aspect of it, which is the significant increase in motor vehicle fees for applications and requests for driver's records that might be requested, for example, by an insurance company, or more likely, an insurance producer or insurance agency. Just by way of background, LB398 provides for an increase in those types of motor vehicle records from \$7.50 to \$15. The background behind the need for my amendment is that the current law prohibits the insurance companies and insurance producers from collecting those fees from their customers. And that is normally the routine, but in light of the significant increase in fees and the impact that it's going to have and the hardship on small businesses, I felt compelled to try and give some relief in this particular instance. When you talk about insurers incurring fees for seeking out these drivers' records or utilizing these drivers' records to assist in underwriting, they have a mechanism to pass that through to their customers, not directly, because of the statutory

prohibition, but indirectly, because they can underwrite and account for those expenses and price their premiums accordingly. The small business insurance agencies do not have that same luxury. The statutory prohibition essentially requires them to eat those fees, and I would like to make a change in that regard. One thing you might recall-- and there's a couple of issues that I think are important to note, with regard to my amendment. The first one is when you look at the existing amendment that I have, I had initially filed an amendment that would have effectively repealed the prohibition. And on the first Final Reading, the bill was returned to Select File for an amendment on behalf of the insurance industry, which basically said, we're trying to raise these fees for the purpose of raising \$34 million to modernize the DMV computer system. And the insurance industry wanted to make sure that that wasn't going to go on forever, so Senator Ballard had an amendment, AM1464, which limited the time frame for those increased fees to be imposed for a four-year period, I think, through July of 2029. My original amendment, again, would have repealed the prohibition for insurance agents indefinitely. What I've done with AM1509 is to correspond the pause, if you will, in that prohibition to match the same time frame for which the increased fees will apply, and that would be the July of 2029 sunset date. There was initially some talk of pushing back the effective date of the amendment until next year, which would have given us a little additional time, but these fees are going to start increasing as of July 1, is my understanding under the bill, as drafted, and so I would like to provide the small business agencies with some relief in that regard. And in summary, I, I certainly will address any questions. I do want to let Senator Moser know that I have checked with the Speaker's Office. He had expressed some concern about whether or not, if we amended this bill, would it be returned in time to lay over a day and then be taken up again on Final Reading. I've been given no indication that that will not, in fact, happen. I think we've got a bill up tomorrow, LB306, that has some pretty significant amendments pending, that if those are adopted, we're a day ahead of them, for purposes of getting back for layover purposes. But what I'd like to finish up with, without the ability to recover the doubled cost of DMV records in LB398, individual agencies will incur thousands of dollars in additional expenses they are unable to recover currently. There is a myriad of fees borne by insurance agents rather than the insurer, but DMV records represent the largest proportion of those fees and costs. The significant fee increases in LB398 represent a real burden on agencies operating small businesses through Nebraska. While the cost to an individual consumer is relatively low, the cumulative cost

to agents is sizable. And with that, again, I'd be happy to address any questions that you may have. I hope that we can move to a quick up or down vote on this amendment. I think it's justified under the circumstances. I have pared back the amendment, as I indicated, to only correspond to the timeframe within which the sizable increase in fees will apply, and would request your support.

KELLY: Thank you, Senator Hallstrom. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB371, LB422, LB490, LB499, LB558, LB513 with the emergency clause, LB513A with the emergency clause, LB192, LB288, LB288A, LB290, LB346, LB380, LB380A, LB382, LB382A, LB434 with the emergency clause, LB504, LB521 with the emergency clause, and LR19 [SIC - LR19CA]. Returning to the queue, Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I rise in opposition to returning to Select File and AM1509. I've been in opposition to this since the beginning, but I decided that we didn't need to go through the rigmarole of the motions to recommit, et cetera, so that's why I withdrew my motion. I did want to explain my vote on the last bill, Senator Dover's LR for term limits, because I was initially a co-sponsor. But as this session has gone on, I don't believe that any of us are worthy of a third term, and I was just trying to save the voters the, the option of even voting for it, so that's why I voted against it. I think everything that we have done this year has undone the will of the voters, so I imagine that they will also not be inclined to send people back for a third term. But, who knows, maybe they will. So I just wanted to get that on the record, since I had initially been a co-sponsor. Well, I guess I am a co-sponsor of it, but I voted against it, ultimately. Thank you, Mr. President.

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

MOSER: Thank you, Mr. President. Good afternoon, colleagues. So LB398 has some license plate changes in the laws. It has a change in nomenclature to coincide with federal regulations so that we're qualified to get federal aid for building roads, and also for carrier enforcement, so it's critically important that we get this passed. The Speaker assures me that he will be able to schedule this if we do take it back to Select. So that part's not an issue. However, the bill is mission critical. The idea that I don't want to pay as much for insurance so I'm getting a quote from another agent, but he wants to

charge me \$15, just makes me scratch my head. The whole object of trying to get another quote is to get a better price on your insurance, and if he's going to charge you \$15-- and I don't know. When you have multiple drivers, if they're going to charge \$15 for every operator of that vehicle to check their driver's records, I just don't think it makes sense, myself. You know, who's got the most money in this era-- in this area? So the insurance companies have more money, or the agents, or the, the guy who's spending \$300 every 6 months to buy insurance? It's the insurance companies. And if the insurance companies want to check their records, I think they should pay for it and leave the agents alone and leave the applicants for the insurance alone. It would incline me to go to a company that's not going to charge me \$15 for a quote. You know, I don't know if that would be an online insurance company or who that would be, but I'm just thinking in my mind that this is not a good business model for insurance agents to charge applicants for getting their driver's record. So, you know, vote your conscience on this. I don't think it's going to end the world, either way. I would just as soon we approve LB398 today as it is. I'll let you to your own thoughts on this. Thank you, Mr. President

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

BRANDT: Thank you, Mr. President. Would Senator Hallstrom answer a question?

KELLY: Senator Hallstrom, will you yield?

HALLSTROM: Yes.

BRANDT: So Senator Hallstrom, did this amendment have its own hearing?

HALLSTROM: This amendment did not have a public hearing.

BRANDT: So this, this was part of-- if I remember correctly, and we had a lot of bills in TNT, of which I serve. This, this was a part of the DMV reconciliation bill, right?

HALLSTROM: Correct.

BRANDT: And you're mainly opposed to the fact that we raised some fees on the insurance companies to cover our cost, the state of Nebraska.

HALLSTROM: If that was the end of your question--

BRANDT: Yeah, it is. Yeah.

HALLSTROM: --I think-- I'm not saying that I was opposed to the increase, but the impact or effect of the increase has had a disproportionate effect on insurance agents, in particular.

BRANDT: And I'm going from memory here and my memory's not so hot sometimes, but they had a lobbyist there. And I think it was a Mr. Bell, and I asked him that question, and he said it would not affect rates. And now, you're coming in and saying this could have an effect. Is that correct?

HALLSTROM: The only thing I would say, Senator Brandt, is-- what I, what I commented on earlier is that if the insurance companies chose to recoup any cost, if they were the entity that paid those fees to the DMV, they have within their authority and their rate setting to establish premiums accordingly. I don't, I don't know that I'd necessarily say that it flows, that premiums would increase, but they, unlike the insurance agents, do have the capacity to pass that through indirectly, through premium rates and underwriting.

BRANDT: So do you have any idea, because this was not a standalone bill, of what the economic impact or the fiscal note possibly could be on this?

HALLSTROM: I don't think there would be any fiscal note in the traditional sense of the word. There will be-- you know, the, the, the state is going to have more money. My understanding is that goes to the DMV, to their cash fund. One of the things to keep in mind is that the fees that have been paid over time by insurers, insurance agents, and others to the DMV had accumulated \$12.5 million, which initially, one would think intuitively that that money would have been used to get a jumpstart on the \$34 million, as I recall, that are required for the computer modernization project. But instead, we went back to zero when we swept that to assist in balancing the budget.

BRANDT: And I think you are correct in that, that's how it was sold to the committee, that we're going to use this for upgrades. And then we hit this storm with the budget, and that was probably a little bit out of their hands, but-- thank you, Senator Hallstrom. I, I appreciate your response. I guess this bill, like Senator Moser indicated, is a hundred and, I believe, eight pages. It contains six, six bills, primarily dealing with license plates. I realize this is the last train out of the station for TNT, and people are trying to hang

something on it. And I think if Senator Hallstorm was willing to bring this as a stand-alone bill next year, I would probably be supportive, but today, I, myself, am going to vote against the AM and treat it as hostile, and I would encourage others to do the same, and vote green on the LB. Thank you.

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

SPIVEY: Thank you, Mr. President. And good afternoon, colleagues. I appreciate the questions from Senator Brandt and the answers from Senator Hallstrom, and had a couple of those questions, so I appreciate the dialogue. The only thing that I wanted to add, as I was reading the AM while sitting here, and what it entailed is that I think, for me, I have concerns about if these business owners and folks pass these fees on, how it affects people who, as Senator Moser said, don't have as much money and are trying to navigate and good-- get insurance. So I actually have been navigating this with my grandmother. We were talking about it this week. She's on a fixed income, retired, and as I navigate helping her get quotes on her car insurance and her home insurance, which right now has doubled, which is an issue in itself for people on fixed incomes, what does that look like? Because even though the fees may seem nominal to us, it can make a big difference for people. And again, they need insurance to be protected and for safety reasons. And so, I think without this-- without full information and having a full hearing and some of the other feedback that Senator Brandt said, I stand up in opposition of AM1509, and again, wanted to think about the unintended consequences and impact of a bill like this to folks that would be on the service side, trying to get a service or buy insurance and what does that look like. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I speak in favor of AM1509. I am an insurance agent, and this is an expense that insurance agents have to absorb. Would Senator Hallstrom ans-- answer a question?

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

HALLSTROM: Certainly.

CLEMENTS: Does an insurance agent have to charge a customer this fee?

HALLSTROM: No, the, the insurance agent does not, in any fashion, have to charge. But for those smaller agencies where this does make a significant difference, where they have a significant number of applications and driver record requests, it would give them the flexibility to do so.

CLEMENTS: Can the agent collect this from the insurance company?

HALLSTROM: If there is a willingness of the insurance company to pay. Typically, I would imagine, Senator Clements, that would be something that would be arranged in advance. It's probably not something that the insurance agent is going to go out, incur the cost without an agreement up front, and then submit the bill after the fact.

CLEMENTS: All right. Thank you.

HALLSTROM: If the insurance, if the insurance company hasn't been paying those at \$7.50, I doubt that they'll pay them at \$15.

CLEMENTS: Yeah. Thank you. That's been my experience, and the insurance company doesn't reimburse my costs. If you're doing motor vehicle records for a family of 4, you've got \$15 times 4, that's, that's 4 motor vehicle records. That's \$60. And as far as I know, an agent doesn't get reimbursed from the insurance company, but the-- it is permissive. You may be able to charge, if it's a free market, if there's competition around. A lot of agents may just absorb it. And I-- I've been absorbing it myself at the \$7.50 level. And I'll have to make a decision-- business decision whether I would do that. I do believe that the fee is reasonable to increase it to \$15 from the \$7.50. I think the DMV indicated that what, what we're charging insurance companies is below market. I think it is justifiable, so I do support the increase to the \$15. I would just support this AM1509, so that the agent has a choice whether to pass this on or not. Thank you, Mr. President.

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

HALLSTROM: I, I was hopeful for a moment that this might be my closing in the interest of time, but I see Senator DeBoer got into the queue. So I, I just want to clarify a few things. I-- I've-- some of the information that I've given with regard to the chronology of this bill were not intended in any fashion to be critical, either of the need for \$34 million for the computer modernization for the increasing in

fees to get to that point, or the fact that we took \$12.5 million and swept it to assist in our efforts to balance the budget. Simply wanting this amendment to address the fairness of allowing the insurance agents, for a limited period of time, i.e., while the increased fees to \$15 are in play, to recoup those costs during that period of time, after which we'd return to the existing law. And I, I see Senator Brandt's coming over here, hopefully to change his mind on the bill. But with that, I'd, I'd return my time.

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

DeBOER: Thank you, Mr. President. So I got into the queue, colleagues, in part to answer Senator Clements' questions. When I was speaking to the insurance industry representatives that were out in the lobby, what they indicated to me is that some companies, in fact, already allow the passage of this fee onto them, particularly if someone is granted insurance, they seemed to indicate that the-- the representatives indicated that the insurance companies will then always do it. But if they are not granted the insurance, then they do not always pass it on. Some companies, some insurance companies will pay the fee to the insurance agents and some will not. That is the lay of the land, as I understand it. My understanding is that the committee, in general, the entire TNT Committee, in general, is a little reluctant, would be the nicest way I could describe it, to add this amendment on at this time. The members of the committee, as I understand it-- and please stand up and contradict me if I'm wrong-- would like the bill to go without the amendment. I, personally, would like the bill to go without the amendment and feel like we could change it next year if we need to. So, that's where I'm at. I think that this is something that we can correct next year, if we need to. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. Well, I, I did have conversations earlier with the insurance industry, and I've had several emails from insurance agents on this issue. The problem kind of comes in with, if it's not specifically in the policy, the companies are prohibited from asking for reimbursement for that fee. They have to have their rates approved by the Department of Insurance. There's a prohibition on any junk fees. This would be considered that. So one insurance company in Nebraska that's a very large automobile insurer calculated that this

would cost them \$1 million a year that they can't really pass through. And I would also tell you that the agents that are reaching out to me, their concern is they run a DMV on someone who walks into their store to buy insurance, and he finds out they've got seven DUIs, and reckless driving, and so on. He's not going to offer them insurance, but he's already run the DMV. Pretty unlikely he's going to be able to get that person to reimburse him, so that's where this fee is, is getting pretty astronomical. I don't, I don't understand why, at \$7.50 a, a, a, a record today, with an antiquated computer system, that we update the insurance-- or the, the in-- the computer system, and now it's going to cost \$13 to offer that record. That seems counterintuitive. Maybe government at its finest, I'm not sure, but that's, that's where the, the problems are coming in. I don't disagree that it probably could be fixed next year, but, but it is going to be a real problem for those that are picking up the fee. And I think probably the thing to look at is, is we may have to come back [INAUDIBLE] on the other side, and allow for them to be reimbursed for these records, and actually ask for the fee before you run the DMV, so if they come back with the 7 DUIs, that they're going to get paid for running that check. So that's, that's what the real issue is here.

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

M. CAVANAUGH: Thank you, Mr. President. Would Senator Hallstrom yield to a question?

KELLY: Senator Hallstrom, would you yield?

HALLSTROM: Certainly.

M. CAVANAUGH: Thank you, Senator Hallstrom. I understand what you're trying to do with this amendment, and, and I appreciate it. My question is, does the amendment restrict what they can charge to the customer to just the cost of the fee that the DMV is charging, or is it open-ended? Could they possibly charge even more than the fee?

HALLSTROM: They are limited to charging or reim-- getting reimbursed no more than the fee that they incur from the Department of Motor Vehicles.

M. CAVANAUGH: OK. That was it. Thanks.

HALLSTROM: Thank you.

M. CAVANAUGH: Thank you, Mr. President.

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

STORER: Thank you, Mr. President. I guess I just wanted to--I also served on TNT, and to, to clear up, maybe, a few of the questions Senator Jacobson had regarding the cost. And again, just a brief refresher. The-- this fee increase was brought to TNT because we needed-- they, DMV, needs a new software program, and, and that's warranted. If you've ever walked into the treasurer's office in your county courthouse and got behind the desk and looked, it's the old green screen. There is no argument that they need a new update, major overhaul to their software program, and so I think there was great support within the committee. To do that, however, we also made sure that the question was crystal clear-- the answer was crystal clear what those fee-- what that fee increase specifically was for. As we moved forward, there were some of us on the committee that, that wanted to initiate-- we thought, OK, if this fee is for a specific upgrade, then there should be a sunset provision. In the interim between-- I believe it was between General and Select, right, we got the budget back and found that the cash funds for DMV had been swept, which raised a lot of-- more questions, especially for those of us on the committee, in terms of how those fee increases were actually going to be used. So, that's a little bit of the background, actual need for software program, but apparently, some excess money there that was swept for meeting our budget-- to balance our budget. So, I will just say, I expressed that I was not in favor of pulling this back off of Final for this amendment. There had been ample time, quite frankly, to make, make this amendment, either on General or Select. And so, I'm, I'm a little bit frustrated that we're doing it here on Final, because this package does-- is pretty important to funding moving forward, and putting any of that at risk is a little troubling to me. But I hear that there has been certainty provided by the Speaker, so maybe that concern is, is moot. But that's just a little bit of context of the history of this very specific issue, so I'm not in favor of pulling it back off of Final. I yield the rest of my time.

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

DUNGAN: Thank you, Mr. President. I am trying to get caught up to speed on this, as well. Would Senator Storer just answer a couple of questions about some of that background she just went over?

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

STORER: Happy to, yes.

DUNGAN: Thank you, Senator. Not gotcha questions, I want to make sure I understand the flow chart of what we just talked about. So is the issue that there's a system that needs to be updated, and they were going to use cash funds for that, but we swept the cash funds, and so now there's no money for the updated system, so we're going to increase fees instead. I'm probably oversimplifying it, but is that the flow chart we're talking about?

STORER: There's a little, there's a little bit of a difference in the flow chart.

DUNGAN: OK.

STORER: So, we were asked for the fee increase in TNT in order to pay for the software upgrade. That-- the fee increase was intended to pay for that because--

DUNGAN: OK.

STORER: --there was presumably not enough money in the cash fund to do that or to go towards doing that. And so, once that was kicked out of committee and made it to the floor, that's when, then, the budget, the budget came to us and there were fees swept out of the DMV Cash Fund.

DUNGAN: OK, so there was already going to have to be a fee increase at some point to pay for this?

STORER: Definitely, to pay for the software.

DUNGAN: OK.

STORER: Yes. That was needed. There's no doubt about that.

DUNGAN: And so, the cash fund being depleted, does that then lead to us needing a larger fee increase? I'm just trying to understand the interplay between the cash fund sweep and the need for a fee increase, if that makes sense.

STORER: I've been trying to understand that, too.

DUNGAN: OK.

STORER: So I appreciate your confusion. What I can tell you with certainty is that there was a need for the fee increase in order to upgrade the software program. The question that may still be out there and maybe someone else has the answer to, is whether or not it needed to be as high as it was, if there was already some cash funds available or not. So that, perhaps someone else can address and, and be more specific. But no, the, the fees are-- there did need to be a fee increase to upgrade the system. There is no doubt about that.

DUNGAN: OK. Thank you, Senator Storer.

STORER: Yeah.

DUNGAN: And this is, I think, part of a larger, sort of, question that I've had generally, about the cash funds. And I know when it comes to the budget, we've, we've moved some money around, and I think there's been a, a continuous sort of effort to take money out of the cash funds. And when you talk to a lot of these agencies or these, these folks, they will say, you know, well, we have this money in the cash fund because we're going to use it for X, Y, and Z. And even if the money is not obligated, even if there's not a specific line item appropriation of the cash fund, oftentimes the agencies or the entities who have that cash fund know what it's going to go for or go to, and they're expecting to use it for that thing. So, this is part of a larger problem I think I have with the sweeping of cash funds consistently. I know that's a debate maybe for another budget day, but this seems directly related to the debates that we had about cash funds. And I just-- I hope that colleagues are kind of aware of the interplay here, as we see a continued effort to deplete cash funds, and then needing to make up for it some other way. We also know that a lot of these agencies or entities that have cash funds, once they're swept or depleted, they're going to come back to us and they're going to say, OK, you told us to use our cash fund, our cash fund is empty, now we need more money. And I want to make sure that we, as a body, are careful about how we answer to those things, because we do have to ensure there's updated systems. You know, I know the courts came before us, not just this year, but I think last year, as well. And in their State of the Judiciary, talked about the necessity to update their database system that they use called JUSTICE. And similar to what Senator Storer just said, for those who have not used JUSTICE, there's an online interface that you can use, but the main system is sort of the black screen with the green writing, MS-DOS kind of thing, so it's in dire need of updating. That's going to cost quite a bit of money, too. I just want to make sure that we know these are

necessities, not just wants. And so, I hope that we have the same fervor for updating that when the courts talk about that, too. But yeah, just wanted to kind of further flesh out the dynamic between the sweeping of the cash fund, and then the necessity for the increased fee. Thank you, Mr. President.

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

BALLARD: Thank you, Mr. President. I just want to briefly get up. I don't want to belabor the point, but it's not very often I get to agree with Senator Dungan on an issue. So I just wanted to, to reiterate that I was one of the-- I was-- I brought the amendment on the last time this bill was on Final Reading, to put a sunset on the fee increase. I, I do support Senator Hallstrom's idea with this AM. I am also reluctant about the timing. We've-- I think this is the third time this bill has been on Final Reading, so we're getting to a point where we just need to maybe look at moving this bill forward onto the governor's desk. But I do support this, and I look forward to working with Senator Hallstrom on some of these issues in the future. Because beyond property taxes, the cost of insurance is the number one thing I hear from constituents, whether that's, what Senator Spivey said, in home insurance or car insurance. We need to look at how these fees interplay with the cost of insurance, because they are putting a heavy burden on our constituents and Nebraskans. So with that, I look forward to the future conversations. Thank you, Mr. President.

KELLY: Thank you, Senator Ballard. Senator Hallstrom, you're recognized to speak. This is your final time before your close.

HALLSTROM: Thank you. Senator Dungan, I think, just to clarify the question that you asked, it's a simple matter of mathematics. If the \$12.5 million had been retained in the cash fund, the department would presumably not have needed anything beyond, I think, if I do my math right, \$21.5 million. So the amendment that was adopted last time on Final Reading for the insurance industry was an effort to say, how long is it going to take us to raise \$34 million, and I think that was the four-year turnaround with the sunset put in there. I think Senator Storer, she used the term crystal clear. It reminds me of Tom Cruise and Jack Nicholson from A Few Good Men. And it was crystal clear, as I recall from the movie. What wasn't crystal clear, and Senator Storer, just to correct the record, I did have this amendment on Select File. And Senator Cavanaugh graciously filed a motion-- a pro prior-- a priority motion, and I graciously withdrew it, based upon that

pressure and that leverage. So, the effort was clearly made to have this bill addressed on Select File-- or this amendment addressed on Select File. And I sense a theme growing here. Senator Moser, I have assured him and he said on the mic that this is not an issue about getting the bill back in a timely fashion so we can pass it before the end of the session, and he's softened over time. But yet, as good team players, Senator Brandt, Senator Ballard, Senator DeBoer, and Senator Storer, one thing they all have in common is that they're on the Transportation Committee. And that's fine. You're good team players and, and follow your leader, even though the leader soft-sold it on the mic, and that's all fine and well. But I would like an up or down vote on this. I would appreciate your support. There's no time like the present to move to address an unfairness which exists from the significant increase in fees, and a fee that's going to go in accordance with the \$34 million rather than \$21.5 million, longer than it would otherwise have been required. So I would request your support for the amendment.

KELLY: Thank you, Senator Hallstrom. Senator Armendariz, you are recognized to speak.

ARMENDARIZ: Thank you, Mr. President. I just did a quick Google search on the top Fortune 100 companies. It's flush with insurance companies, lots and lots of insurance companies in the Fortune 100 list. My understanding, they don't have a lot of infrastructure. They don't have manufacturing. They don't have telephone lines or fiber to bury. It's rent on buildings and staff, so they make a lot of money. I would prefer that the fees are collected at the insurance company level, because it seems that's, that's where the money is being held. I do want to acknowledge, though, that those independent agents aren't necessarily making a lot of money. I would prefer that they pressure those insurance companies they're selling for to cover those fees for them and not push the pressure down on the consumer. That pressure needs to go up to the companies that are making billions and billions of dollars. I think they can afford the \$7.50 increase on pulling a driver record, by the way, that benefits them and only them. It reduces their risk and improves their margins. Those insurance companies need to absorb that \$7.50 increase. Thank you.

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

MOSER: Thank you, Mr. President. So, just to talk a little bit about Senator Dungan's questions about the fees and the DMV. The computer is

\$32-plus million, and it's going to be about \$7 million a year to maintain it. And the change in fees has already been agreed to and it was a bit of a, of a negotiation to come to the \$15 fee amount, but those fees have not changed yet and that money is not yet coming in. There was an amount of money in the DMV Cash Fund of about \$12 million that the budget took from DMV to support other parts of the budget because of the shortfall in our revenue forecast and some of our unforeseen expenses that we just can't avoid. At some point, we may have to put money back into that DMV Cash Fund. And as I recall, I think that the withdrawal from the DMV Cash Fund was delayed to a later part of the budget cycle, just in case we don't need to take it, because I think it will cause them some cash flow problems going forward. The real, the real question is whether we should allow agents to charge applicants to get their driving record to make sure that the insurance company knows what their driving record is so they know how to rate their policy. There are certain underwriting rules. If you've got, you know, you're supposed to have 12 points, and if you've only got 8, or you know then you're not going to qualify for the lowest rates. And that's why they want these drivers' records. But it's not to benefit the policyholder, it's to benefit the insurance company, so that they know that they're not insuring people that are a bad risk. But if the insurance company wants that information, I would say, in this whole equation, they've got the most money, they should pay for it, in my opinion. But this bill doesn't do anything-- doesn't require them to pay it. It's-- the agents were precluded from charging that, and that's why Senator Hallstrom brought this. He wanted the agents to be able to charge it. So anyway, it's, it's much ado about only a tiny part of the whole bill. I appreciate your support on the whole bill. We do need that. And thank you, colleagues.

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

BRANDT: Thank you, Mr. President. Would Senator Moser answer a question, please?

KELLY: Senator Moser, would you yield?

MOSER: Yes, I would.

BRANDT: Senator Moser, I think the cash fund's been portrayed as only being fed by this fee. And what-- to the best of your knowledge, what kind of revenues go into the DMV Cash Fund?

MOSER: I don't know what the inflow and outflow is, but it covers a lot of things. It has people and expenses that they pay. It's their, it's their checkbook that they use to finance the department.

BRANDT: So, I mean, it would be things like: when you pay for your driver's license, when you pay for license plates, a, a lot of different things, outside of just what we're talking about.

MOSER: Yeah. Car registrations, driver's licenses, you lost your driver's license, you got to pay a new fee to get a new license, all those things go into the cash fund.

BRANDT: All right.

MOSER: And, and so there was \$12 million there, and we raided it to balance the budget, which I voted for because we need to balance the budget, but going forward, we may have to put some back. Who knows.

BRANDT: Right, and that cash fund was not dedicated specifically just for the computers. It was just the cash fund.

MOSER: No. They had some, they had some cash set aside for the computer system. I think it was around \$7 million or so. And then this increase in fees has not happened yet, so that money's not going to flow in until the law becomes effective and the DMV changes the, the fees. So, it's going to be some time before we have the revenue in to pay for the new computer system.

BRANDT: All right. Thank you. Would Senator DeBoer be available for a question?

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

DeBOER: Yes.

BRANDT: Senator DeBoer, you're kind of the ranking member on the committee. You've been on there seven years. Is that correct?

DeBOER: Yeah.

BRANDT: And when this bill originally came out, weren't they asking for \$21 or \$22, or something like that?

DeBOER: It was, it was like \$23 or \$23.50. They had a line item, \$12.50, for, for general funds. They wanted to raise general funds on

this fee, and the committee pretty unilaterally said no to that. And so, they took that line item out and that's how we ended up with the \$15, is my understanding.

BRANDT: So in discussions with the representatives of the insurance company and others, we paired that down to a reasonable rate to help them out, did we not?

DeBOER: Well, I'm not going to make a statement about whether it's reasonable or not, considering that when I started here, that fee was \$3. We increased it in my first year to \$7 or \$7.50, whatever it is now. And now we're doubling it again. That-- I, I don't have a, a read on whether that's reasonable or not, but, but we did pare it down to take out the line item for the General Fund.

BRANDT: Do, do you recall what they said their actual cost was against that \$15? Was it \$12?

DeBOER: I don't recall.

BRANDT: OK. I-- that sticks in my mind. Maybe somebody else from the committee would know that. But at \$7, they were losing money, weren't they? You don't recall?

DeBOER: I don't know.

BRANDT: All right. I appreciate it. Thank you.

DeBOER: Thank you.

BRANDT: So I guess I put a little faith in the committee. I think we're willing to work with Senator Hallstrom, as we have on other bills in our committee. I'd like to see him bring it back next year so we could have a further discussion on it, rather than just hook it on here at the final, final days of this session. So I would ask that you vote red on the AM and green on the LB. Thank you.

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

SORRENTINO: Thank you, Mr. President. I will be brief. I, I am not a member of the Banking and Insurance Committee. I did spend 35 years in this industry, and mostly as a smaller insurance brokerage firm, until we got a little bit bigger. The cost that insurance agents and associations have to pay to retrieve these records certainly hasn't

gone down. The volume of records that they have to obtain hasn't gone down. The fee in this has been long, long time at this rate. It's doubled. I don't see-- I certainly don't see any legal issues. I don't see any practicality issues of allowing the agent to bill for some of all of these fees. I think it's a good practice. Nebraska is home to not only a lot of insurance companies, but all the smaller agencies, and I think this would be helpful to them. So therefore, I stand in support of AM1509. Thank you.

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

HALLSTROM: Thank you, Mr. President. And thank you for your attention and time to address this issue, irrespective of what happens. I'm hopeful that you will see fit to, to adopt the amendment. I do want to note, Senator Armendariz, despite her comments, suggested the plight of the small insurance agents, that they're not making a lot of money, that this is a significant potential cost to them. Senator Moser, as I said, he's softened over time. I think I assured him that we had ample time to get this bill back one more time. And perhaps in his comments, if you listened closely, he perhaps made the most compelling argument to adopt the amendment. And I think-- as I look at this, I would just encourage you, freshmen unite, sophomores unite, juniors unite, seniors unite. Transportation Committee, show me a little love on this one. And I would appreciate your support, and we can move on to the remaining items on the agenda after we have this vote. Hopefully, return to Select File, and then hopefully, we can have a quick vote on turnaround, if successful. Thank you, again, for your time and attention.

KELLY: Thank you, Senator Hallstrom. Members, the question is the motion to return to Select File. All those in favor vote aye; all those opposed vote nay. There's been a-- you're on Final Reading. There's been a request for a roll call vote. Mr. Clerk.

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

yes. Senator Holdcroft voting yes. Senator Hughes not voting. Senator Hunt voting no. 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 not voting. Senator Meyer voting yes. Senator Moser voting no. Senator Murman voting yes. Senator Prokop not voting. Senator Quick voting no. Senator Raybould not voting. Senator Riepe not voting. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey, Senator Spivy, I'm sorry, voting no. Senator Storer not voting. Senator Storm not voting. Senator Strommen not voting. Senator von Gillern not voting. Senator Wordekemper voting no. Vote is 21 ayes, 14 nays to return the bill, Mr. President.

KELLY: The motion is not adopted. The next vote is to dispense with the Final [SIC - at-large] Reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 46 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB398]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB398 pass, with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Machaela Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators John Cavanaugh, Dungan, Hunt, and McKinney. Vote is 45 ayes, 4 nays, Mr. President, on advancement of the bill.

KELLY: LB398 passes with the emergency clause. The next bill is LB415.

CLERK: Mr. President, Final Reading, LB415. I have a series of withdrawals: Senator McKinney, M0121; Senator Raybould, FA53; Senator Machaela Cavanaugh, M0140; Senator Ballard, FA24 and FA23; Senator

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Dungan, FA57, FA58, and AM799; Senator John Cavanaugh, AM787; Senator von Gillern, AM598, all with notes that you would withdraw.

KELLY: Without objection, so ordered.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to recommit the bill to committee with MO139.

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

M. CAVANAUGH: Thank you, Mr. President. Well, I think it's probably pretty clear that I want to recommit this to committee because I don't want it to pass. So this is a genuine motion, MO139, and we'll talk on it for as long as needed. But, I'm obviously struggling with things that are happening in this Legislature. And I even voted against the constitutional amendment that I was a co-sponsor of, because I'm struggling so much with things that are happening in this Legislature, and it all boils down to the will of the voters. Yesterday, we had LB316 that moved forward that would cause businesses in your districts to close. And today, we have LB415 that's been brought forward, purporting that we have to do this or businesses in your district will close. But it-- they're already going to close because of legislation that you're going to pass. And the people of Nebraska voted for this. So do we care about small businesses in our districts, or do we not care about them, if they don't align with our own values, if the small business is a business that you don't like? I am a vegetarian, and there are plenty of small businesses that deal with animal products, but you don't see me trying to outlaw them. I don't try and push my value system on any of you. Whenever we talk about the fact that I'm a vegetarian, I never try to tell you why you should be a vegetarian. It is my values and mine alone, and I'm not here to legislate my values like that. So if there were a small business in my district that dealt with-- maybe a local butcher shop, we'll say. And I'm sorry. Can you all, can you all move? Can you all move? Thank you. A loc-- a small business, local butcher shop in my district, and there was legislation brought forward that would somehow harm them and close them to shutter their doors, maybe some farm-to-table restrictions. I don't know. I haven't really thought it through. I'm making this up as I go along, this scenario. But we'll pretend like it could happen, because it could. If that were to happen, I would not vote to move forward the legislation that would result in the small, locally-owned butcher shop in my district closing, because I disagreed with what their business was. I wouldn't do it. But that's what happened yesterday, with LB316. You move forward a bill that you know will result-- because they have

told you it will result in them shuttering their business, and then you bring a bill like this saying that it is to protect small businesses. You cannot attack small businesses one day and claim to protect them the next. That's not how reality works. I know we do a lot of gaslighting on the microphone in here, and I know that there will be a lot of gaslighting on the microphone today. I know every single thing that I say today will be taken and manipulated. I get it. I do. But that doesn't mean that the people at home are buying it. They're not buying what you're shoveling, and they're not going to buy what you are shoveling when they next have an opportunity to vote. So this is an opportunity for us to vote to recommit. This goes back to committee. We move on to the next terrible thing. And then we go home, and see our kids, our grandkids, our spouse, loved ones, our friends-- I think I still have friends. Haven't seen them in a long time. I was going to see a friend-- I was gonna hang out with a friend one of our weekends off, but then I got-- I was sick from, from here, so I, I had to cancel because I didn't want to get them sick. So yeah. We could vote for this recommit. We could uphold the will of the voters. We could reinstate faith in the Nebraska Legislature. We could be bold, we could be brave, we could recommit this to committee and move on with our day. Let's show Nebraska that we care when they send us a message at the ballot box, when they send a message that they want us to take up paid sick leave for everyone. Let's do it. This bill has been fraught since the beginning, and it's only gotten more fraught as it's gone on, from Select File where there was a compromise worked on-- well, compromise. There were, there were concessions made in an amendment that then this body decided, you know what? Actually, we don't care about being nice to you or to Nebraska, so we're going to take it back. And that's what happened. You all took it back, things that fixed substantially wrong items in this legislation. So now, we're gonna have an issue with labor negotiations because you guys took it back. Because that's what you do, you take things away from the people of Nebraska. I oftentimes wonder like, what should I say when I get up here. Oftentimes? All the time. Every time. I wonder, what should I say when I get up here? And I know I have 10 minutes on this opening and I, I sometimes pull myself back, say, OK, we don't need to engage in that. Like on LB303, there were very personal attacks made, directed at me on the microphone. And I thought, OK, let's work through our feelings on the microphone. I, I've been-- I've done it. I get it. Work through our feelings. I mean, saying the things that were said, not so cool, but they're part of the permanent record now. But when I'm thinking about what to talk about and what tone to strike and a bill like this comes up, it's honestly very

difficult for me to keep my cool, because I know how many volunteer hours went into getting this on the ballot. I know that there was no campaign in opposition to this on the ballot, and I know that that's because the people who opposed it bought your seats. And they put you here to put LB415. But you can only buy a seat for so long, because when the voters see who they sent here at the same time as voting for this, paid sick leave, when they see what you have done, they won't listen to the money behind you anymore. They will listen to the groundswell, the-- that, that is coming up, of people to say, we sent you to do a job, and instead you went against our vote. We're not going to send you back. And it's really hard for me not to get really angry about this, because I am really passionate about the state of Nebraska and democracy writ large. And I have lost a lot of faith in democracy this year, in this body, specifically. I have lost a lot of faith in what good we can do, if any. I am very concerned about the trajectory that the state of Nebraska is on. I've said it before that we are on track to become the next Kansas, that went to four-day school days because of budget cuts, because of mismanagement by the legislature on the budget. We have been selfish this year, and self-serving. We don't deserve a pay raise, we don't deserve another term, and we don't deserve LB415 to be passed to harm--

KELLY: That's your time, Senator.

M. CAVANAUGH: --Nebraskans. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB398 with the emergency clause. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, I rise in support of the motion to recommit. I do think that that's a good thing to do at this point in time. And I don't know how this is going to progress, so I have an amendment that's up later. I thought I would give folks an opportunity to vote again on the compromise amendment that was crafted in this. And you might not know, but once a vote has been taken and you've had a second recon-- reconsider on it, you can't bring up that amendment-- exact same amendment again. So if you all recall Senator Strommen's amendment, AM1337, was adopted, then there was a reconsider, and then it was taken off, and so we weren't-- we wouldn't be able to put up that amendment again. So I brought a substantially similar but different amendment, and I addressed the one concern that I recall being raised after the amendment was adopted, which was on

page 1, line 7, where it says employee means to permit to-- employee means to permit work by an employer pursuant to an employment relationship. So my amendment, AM1415 [SIC], doesn't have that part. So it just says, employee means to permit to work. So it got rid of that redundant language that people didn't understand or didn't think was-- made sense. So fourt-- AM14-- I'm sorry-- 1415? 415. My eyes are not as good as I thought. Oh, that's LB415. Yeah, it's 1415 to 4-- AM1451 to LB415. So there you go. So you can take a look at that if you want to think about, you know, giving us-- giving it another shot to vote for the amendment that I think 30--some of you voted for last time, and then changed your mind. Something like 26 people changed their mind on it, if I remember, when it got it-- put up the second time. So after the intervening time, maybe people have come to their senses and thought, oh, my first vote was right, and so we should actually ensure that we're protecting workers and respecting the will of the voters and ensuring that this-- we are not fundamentally undermining or eroding what the voters passed. So if we get to it, I would certainly encourage you to vote for AM1415. If we don't get to it, I would encourage you to vote for the recommit and vote against cloture when we get there. So we're-- this session has been marked, I think, by a lot of conversations about what-- there's some confusion. And as I said when we were talking about minimum wage last week, that the Legislature does have the power to do what you are attempting to do here, but I don't think you should exercise it. The voters were very clear about this. And as Senator McKinney said on the very first round of debate, I think it was on this bill that the voters wanted this more than they wanted you here. And I think that speaks volumes. And I think that this body, this Legislature, has demonstrated that you like to stand up for small businesses when that's the argument that works for you. So you'll say this-- we have to pass this amendment or this bill to defend small businesses. But just yesterday, 33 of you all voted to shut down thousands of small businesses in the state of Nebraska, because you don't like their business model. I would guess some of them would be affected by this. And then there's, of course, the agricultural exception in this. That certainly would affect some of the businesses you're going to shut down by passing LB316 yesterday. But you pick and choose when you care about defending or standing up for small businesses, and so I, I guess that's up to you what you want to do. But ultimately, this, for me, is about the respect for the will of the voters. The voters voted. I'm gonna run out of time. Five minutes is not very much when you have to talk as much as I have yesterday. But this is about the respect for the will of the voters. And again, people might stand up and say some confusing

things in advocacy for this. But yes, you have the power to do it. You should not do that. There was a compromise worked out on this bill originally, on the original LB415, and the amendment hijacked that. The compromise amendment then was adopted by this Legislature, and was again hijacked and withdrawn. So, I'm giving you an option, if we get to it, to take up the compromise one last time and it is more faithful to the will of the voters than LB415 as it is currently drafted. So I would encourage you to vote for the recommit. We could send it back, and it, it can be worked on in the committee, and we can integrate those compromises into one cohesive bill for next year. Sending this back to committee does not kill this bill. It just puts it on hold for another year, allows this Legislature to actually work on it.

ARCH: Time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Wow, it's been so long since I last spoke. Just kidding. It's been five minutes. So I'm-- again, what do I talk about in this moment of severe, visceral opposition to LB415? Let's look at the numbers, legislative districts. Let's see here. Senator Ballard's district voted for this, 76% voted. That's really good. Senator Strommen's district, 66%, not as good as Ballard's, but still a pretty fair showing. Let's see here. Senator Riepe's district, 81.72%. Nice. In competition, close competition, but I think Senator Riepe wins. Senator Bostar, 81.28% versus 81.72%, so Senator Riepe outperform-- district outperformed Senator Bostar's. Let's see where my district is. Ooh, also outperformed my district, 79.21%. Come on, District 6. We could do better than that. You voted for me twice. Come on. And I'm sure some of my colleagues are wondering why you did that, but thank you. I think. Senator Meyers' district, 75.08%; Senator Armendariz, 79.32%; I realized I wasn't back in the queue. Senator Storm, 69.33%. Who else, who else do we have here? Senator Storer-- this might be the lowest, at a cool 59.7%, a healthy majority of the district, a healthy majority. That is impressive. Speaker Arch, 79.52%; Senator Bosn, 71.91%; so-- Senator von Gillern, 73.69%; Senator Juarez, oh, you are on the leaderboard. It's-- looks like Senator Juarez, Senator Guereca, and Senator John Cavanaugh-- oh. I'm sorry. I spoke too soon. Senator McKinney, I think, wins, with 92% of his district voting for this. It makes me almost wonder if the other 8% that voted that day didn't turn over the sheet. Like, maybe they all meant to vote for it. 92%, that is

amazing. And it looks like everyone who's on the committee's districts voted for it over 60%, 60% to 90%, so that's pretty impressive. Let's vote for M0139, colleagues. Let's just do it. Let's be bold. Let's show Nebraska that we do care, that we are listening to them, and that we've made mistakes this year, but we're here to make amends, and we're going to vote to advance M0139, which is advancing this bill back to committee. Let's do it. I think we can. I don't know how many votes it takes. I think 25, but it might take more on Final. It might take 30. I'll find out the answer to that. Yeah. At some point, I want to dig into some of the rules conversation that I've been hearing around town. And by town, I mean in this building, because it's the only place my life exists, right now. But I see my yellow light, which means my red light is not too far behind, so I will save my rules convo for another moment in time.

KELLY: That's your time, Senator.

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

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

DeBOER: Thank you, Mr. President. I yield my time to Senator Dungan.

KELLY: Senator Dungan, you have 4 minutes, 55 seconds.

DUNGAN: Thank you, Mr. President. Thank you, Senator DeBoer. Colleagues, I do rise in favor of the motion to recommit to committee. As has already been stated, I think that it's actually the correct thing to do. If we recommit this bill to committee, it gives us an opportunity to assess what changes have been made, what changes can be made moving forward, and frankly, to see if any changes are necessary at all. Because it is my opinion, as is the opinion of many others, there are no changes that need to be made to what the voters voted for. So with LB415, we see a continued thread through the entire session. And for those in the body who have heard us talk about minimum wage, or paid sick leave, or medical cannabis, or even some school choice bills that you've seen, there has been a consistent beating of the drum of us being frustrated with the continued efforts to walk back the voice of the people. And for those who watch consistently, you may be annoyed that we keep talking about it or you may think that you're hearing the same thing over and over, but the reality of the situation is this is not just a rhetorical device that's being used in order to push back on some of these bills. But

instead, it's the through line of the consistent efforts that have been made by colleagues of mine in this body. Day after day, month after month, we have seen bills that have been brought forward that seek to undermine the will of the people and walk back the vote of your constituents. And it's frustrating, I know, to myself, but it's also frustrating to the people that you represent. I'm not alone, I'm sure, in receiving countless emails or calls about why paid sick leave is important. I'm sure I'm not alone in hearing about it from friends and family and folks at home about what matters to them, and I hope that my colleagues are listening, because I think some people feel like when a, when a bill like LB415 is sort of progressing down the tracks, when it gets to where it is now-- oh, well, let's just go ahead and keep voting the way, the way we've been voting. You have an opportunity today, colleagues, to vote no on cloture. You have an opportunity to say to the voters and to the people of Nebraska that you are not going to walk back some of the decisions they've made. You are not going to say their voice doesn't matter. Voting no on cloture gives you the chance to stand with your constituents, and not just a few of them. Right? It gives you a chance to stand with the majority, the vast majority in most of these circumstances, of people who have told us, both at the ballot box and then, again, when they've gotten up and told us what matters to them, that LB415 is not what they voted for. There are many who I think were not wanting to see any changes made. But the original LB415, as I understood it, was the result of conversations and efforts that were made to address some questions that people had about the logistics of how the paid sick leave would work. And I was not necessarily supportive of some of those changes, but it was my understanding that the original LB415 came from a good-faith effort by people on both sides of the issue, to come together and say what actually would work and what can't work, at least in their opinions. But unfortunately, it has been amended along the way, and it has been amended along the way in such a manner that it steps back from the table where those discussions were happening. And instead, it flies in the face of the very thing that the voters voted for by limiting the amount of people who can actually benefit from paid sick leave, the amount of people who got together and who voted for this. It limits those folks' ability to actually benefit from the thing they voted for. We have seen in this legislative session an all-out attack on the workers of Nebraska. And I wish that was hyperbolic, but it's not. We have a continued effort to tell the hardworking people of Nebraska, hey, thanks for going to the ballot box, thanks for voting, but we're gonna take away the thing you voted for. And I'm against that. And so, I do stand in favor of the motion

to recommit. I do stand opposed to LB415. And my hope is, colleagues, that when this comes up for a cloture vote here in a little less than two hours, that you think about the emails that you got, that you think about the numbers that we read on previous rounds of debate and again, here, today, about how many of your constituents supported this bill, and you vote--

KELLY: That's your time, Senator.

DUNGAN: --to support those folks. Thank you, Mr. President.

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

CONRAD: Very good. Thank you, Mr. President. Good evening, colleagues. And good evening, Nebraska. I, hopefully, will have plenty of time to offer our closing arguments in opposition to this measure, brought forward by Senator Ballard and Senator Strommen, and I hope it does provide a last moment of gravity and reflection for members, before they cast their vote, to maybe think about the arguments again, and to maybe listen to the data again. And let me just start by saying that the passions that sometimes you see rise in the course of our work together and as a part of legislative debate-- sometimes, there's political theater-- I won't deny that-- by different members, at different times, for different reasons. But most of the time, there's not. Most of the time, when tension's high and passion's high, it's because we all really, really care. We deeply care about the people that we're trying to give voice to. We deeply care about the important issues that are before this body. Each of us sacrifice a significant amount of time away from home and community to be here because we love Nebraska, and we care. We may have different ideas about how to solve different challenges facing our state. We may have different ideas about the priorities that we should take up. But we do share a deep passion, love, and commitment to our beloved Nebraska, which is a state that's doing better than most of our sister states on a ton of different metrics, and that's something we've worked hard on together, generations before us have done the right thing, and it's paid off. There are areas where we have more work to do, and that comes with ensuring economic justice for working families. Working families are crying out from their kitchen tables. They're taking a part in citizen initiative drives to get some modicum of fair pay and fair benefits for hard work. We've seen the wage gap ever widen. We've seen tax treatment dole out special favors for the wealthiest and the biggest corporations at the expense of working folks. We see Nebraskans crying

out for economic disruption because they know they're working hard. They know they're playing by the rules and they can't keep their head above water for a lot of different reasons. And the fact that they don't have access to decent wages and decent benefits to keep pace with inflation just makes it harder for them to balance their budget at home, for them to provide for themselves and their family. And after petitioning this Legislature year after year after year for modest but meaningful sick leave or minimum wage benefits, they were denied by the political elite. So they took the precious right of initiative, they put it in their own hands, and they went out and they gathered tens of thousands of signatures. They talked to their neighbors. They secured ballot access. These are big deals. That's hard work. And not only did they get on the ballot, they persuaded the vast majority of their fellow Nebraskans to support their policy position, which they did in regards to sick leave, over 70%, in regards to minimum wage, almost 60%. And they are rightly aghast at what is happening in this Legislature this session, where the hubris and the arrogance and the disdain on display for both the will of the voters and the working poor is palpable. We have an opportunity here to take a step back from the brink, and we should. I urge you to support this recommit to committee motion. I urge you to respect the will of the voters. I urge you to ensure a modest but meaningful earned sick leave component stays in place for the 250,000 working Nebraskans who didn't have those kinds of protections on the job. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. I rise today in opposition to LB415 and in opposition to, you know, the process of trying to amend different things, like the minimum wage bill onto it, on this final round, as a last-ditch effort to catch a ride off a moving train. You know what I'm saying? I really believe that our role as lawmakers is to uphold the will of the people, not override the will of the people. And many proponents of these efforts in the Legislature to override the will of the people through the ballot measures that they passed overwhelmingly in Nebraska. Many proponents of these measures have stood up and pointed to examples where the Legislature in the past has changed or altered what the ballot language said, talking about, there's precedent for this, we're allowed to do this, it's legal. Yeah, it's legal, but I think that it is disrespectful to our constituents and to Nebraskans to take what they clearly passed, what they clearly understood, were able to read themselves on the ballot

and make sense of, and totally change the meaning of it. When I think about the role of the Legislature to maybe tweak or refine language or, or introduce a bill like this to change a couple things, I think that that would be appropriate if there was some kind of procedural reason to clarify something or have an exception for something so that it aligns with other statute and other aspects of current law. That's not what's happening with LB415. That's what's not happening with paid sick leave or the minimum wage initiative. That's not what the Legislature is doing. They're taking what the people said they wanted us to do and completely changing the policy. It's not a clean up. It's not a fix. It's making it harder for workers to access what they voted for. That's not implementation. It's revision. And I think that we need to be honest about that and say, you know, if you just want to revise it and say you want to change it completely, then say that. But that is not what the people voted for, and I think that's obstruction dressed up in technical language, and I also think that Nebraskans see that for what it is. This Legislature is being, you know, we're being watched by Nebraskans and everything that we're doing here is being interpreted as against the will of the people. That's the overarching theme of this whole session. And I think that we should take that seriously and be ashamed of that. Nebraskans see it for what it is. We've all heard from constituents who are burned out, struggling, stretched thin, people who have no cushion, no wiggle room, people who are just one illness, or emergency, or missed paycheck away from falling through the cracks, and that's who these initiatives are designed to help and those are the people who voted for these initiatives. And as Senator McKinney eloquently said, more people voted for the initiatives than voted for us. And now, after those very people did the hard work to make their voices heard, we're saying: Actually, we know better than you do. And that's the pattern and practice throughout the entire Legislature. Teachers deciding what their curriculum is gonna be, what books they're gonna have in their library, how they're going to run their sports teams? Actually, we know better than you. Business owners? Actually, we know better than you, on and on and on. I don't believe that. I don't believe that we know better than our constituents, and I don't believe that democracy should only count when it delivers outcomes that the 49 of us like-- I should say that 33 of us like. 33 people should not decide the outcomes of 2 million Nebraskans' lives to the degree that we do, especially when they have already cast a vote for these ballot initiatives to tell us what it is that they want. This bill assumes that voters got it wrong, but I think voters got right because I trust them. This bill assumes that voters were misled and didn't know what

they were doing. I assume they were paying attention. I do think they understand. It assumes that the Legislature has a better grasp on what's best for workers than workers do themselves, and I think that's a dangerous assumption and a dangerous precedent for 33 lawmakers to set for 2 million Nebraskans. And it's not just dangerous, it's insulting. It reinforces the cynicism that so many people in this state already feel about the work that we do, that no matter what they do, no matter how many signatures they collect or doors--

KELLY: That's your time, Senator.

HUNT: --they knock or voters show up, they're going to be ignored when power--

KELLY: Thank you, Senator Hunt.

HUNT: --decides to intervene. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President and colleagues. I rise again in favor of the motion to recommit to committee and opposed to LB415. To pick up on that exact same thread that we were just talking about with Senator Hunt, this really comes down to the constituents and the will of the people. And I understand, again, that it's probably annoying to some of my colleagues to continue to hear about this. But what I think a lot of our folks at home hear us saying is that we know better. And it's this paternalistic, sort of top-down attitude that is really, I think, disconcerting to the vast number of Nebraskans that I've talked to and that I've heard from about this issue. It's this idea that the populace or that people back in our districts don't know what they're doing. It's this idea that the people that vote don't have any idea or, or concept of the ramifications of their actions, and that was a debate we've had on this bill or on one of the other bills about, you know, what exactly we're saying. Are we saying the people didn't know what they voted for, or they didn't understand the consequences of what they've voted for? Regardless of the semantics, the implication is that we are smarter than the people who sent us here. And I refute that wholeheartedly. I'm a fan of the West Wing. I think a lot of people who are involved in politics are fans of the West Wing, or at least a lot of my friends are. And there's this conversation in one of the episodes, where they're talking about election years. And I think one of the characters, Josh, I think it is, says to Charlie, it's an election year, Charlie. All the voters are stupid. And Charlie

responds something to the effect of, no, Josh. The problem is, in an election year, voters all get treated like they're stupid. And that is, I think, one of the big problems. We go door-to-door and we talk to our neighbors and our constituents and our friends and our families, and we ask them to send us here, and we ask them what matters to them. That's what I ask. When I went door-to-door and I talked to constituents, the number one thing that I said every single time was what's the most important issue to you? What do, what do you care about the most, and let's see if we can have a conversation or a dialogue about that. Whether we agree or disagree, I, as your representative, want to know how you feel. But then, it feels like people get to this body and they say, I don't care anymore because I know better, or I've talked to a couple of people who represent larger industries or entities that tell me this might hurt the bottom line, so therefore, we're gonna make a decision that walks back what you said you wanted. And we expect the voters to be OK with it. And we expect the constituents not just to be ok with it, but to be thankful for it. And that's part of the problem, too. Senator John Cavanaugh reminds us that on the last round of debate that we had here, there was an amendment that had been a hard-fought compromise that not everybody agreed to, but it ensured that upwards, I think, of thousands of additional Nebraskans would have access to paid sick leave that was actually adopted-- it was harm reduction. It didn't fix the whole situation, but it made it a little bit better for those people. And then, out of some desire to be punitive or to exercise authority or something, you, colleagues, in the body, voted to repeal that sick leave, even from that small group of people who you just agreed to give it to. And I don't know if it was out of spite or out of might or what, but it's a problem. And people noticed it. I had a town hall last week, at the end of the week, on Thursday, and I think I had about 35 or 40 people show up. And again, the question that I kept getting over and over was about these, these walkbacks of the public's voice. I talked about it, they asked about it, and they're frustrated. So the reason I belabor this point, colleagues, is to remind you who you work for, and to remind you that when we come here, it's our job, not always to do things that all of our constituents agree with us on. Lord knows we all have constituents, including me, who disagree with decisions we make, and that's fine. But when the voters have spoken and when the voters have been clear, for us to then make a decision that blatantly flies in the face of what they've asked for and what they voted for, we cannot expect there to not be anger or frustration or consequences, and I hope the second house makes its voice heard. They've done a great job of it so far this year, and I

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hope they continue doing so. Because making their voice heard and showing this body, in the event that this bill passes that there are consequences for your actions, I think is one of the most important things they can do. Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I rise in support of the motion to recommit, mainly because 92% of the individuals in my district voted for paid sick leave, and I am a man of the people, and I try to do my best to live up to that, and also live up to the expectations of my community and of the people who sent me here to represent them. I do not believe that we should peel back or strip away what people voted on, on the ballot. I think we should honor that. We may disagree, and that's fair. We might disagree with it. Everything that was passed as far as ballot measures last election, I did not agree with. But it is what it is. If people wanted it, they wanted it, and I'm not gonna argue with them about that. But what I won't stand up for and what I won't do is try to strip away what they intended and their voice, because I think that, that's what matters. We always yell, there's a second house, and people say there's a second house. But this session, I feel like the impact or the influence of the second house has been diminished since Day 1. And if we're going to essentially strip away or take away the voice of the people, then we might as well open up that Chamber across, across the Rotunda and we should have a house of representatives, if we're just going to limit the voice of the people. And I'm, I'm really serious about that. If we're going to continuously come back to the Legislature and diminish what people are passing on the ballot, then we should have a house of representatives, like every other state. We should get rid of the Unicameral because it's not working for the people, like it was intended to do. Now, people would say, no, we shouldn't do that. The Unicameral makes us unique. We're the state of Nebraska, and that's something to be proud of. But what's not to be proud of is our, our, our districts and our people passing ballot measures in just overwhelming numbers, especially this one. I think this was, I think, the most successful ballot measure of all of them. And senators coming back to the Legislature and kind of-- not kind of, stripping away what they intended to do, that's not cool. That's not right. So if, if we are going to trend that way, I would suggest that somebody, next session, introduce a constitutional amendment to open up a real second house so we can have a house of representatives, because people want to diminish the voice of the people. Then we could be like every other state, since we want to

diminish our second house. Why should the people believe in us if they could pass something in, in those numbers, and it's just so easy for a bill to get introduced and for people to just disregard the, the will of the people. I don't think that's right. You might disagree with what they did. At least, at minimum, bare minimum, you could have did what I attempted to do, that people seemed to think I was trying to go against the will of the people. I wasn't. I introduced a constitutional amendment to ask the people, did they still want to keep the death penalty? I didn't try to take it away. I asked them, did you want to still keep the death penalty? Now, what could have happened was, Senator Ballard or somebody else could have just asked the question of the people, did they want to make some changes if you disagree-- some-- in some type of way? That would have been better, I think, but that didn't happen. So I'm just suggesting that, you know, support the motion to recommit. That probably won't happen, but at least vote red. And at bare minimum, if we're going to trend this way, we should open up the second house across the Rotunda, and have a house of representatives, and have, I think, maybe, 100 people over there, for--

KELLY: That's your time.

M. CAVANAUGH: --the people in our communities. Thank you.

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

HUGHES: Thank you, Mr. President. I just wanted to rise and talk about a future amendment on the list that I have. It is AM1449, and it would put the cause of action back into this bill. Basically, what that would do is if an entity, like a business, did not pay out that sick time and, you know, maybe just pay the fine and not worry about it, it just gives employees the right to, to go back and reason to, to sue that employer, where, on its own, no lawyer would probably take that case. So, that would put the, the language back in. I really don't think we're probably going to get to that today, but that bill will be coming back next year and I have been assured that we will get that as a piece to this. Timing-wise, we'll be fine. We will be back here, unfortunately, in like 6.5 months. So anyway, that is all I wanted to say on that A-- AM. And I yield the rest of my time. Thank you.

KELLY: Thank you Senator Hughes, Senator Rountree, you're recognized to speak.

ROUNTREE: Good evening, and thank you, Mr. President. Good evening, colleagues, and all of those that are still with us online and, and those that are watching on TV. I just rise in support of the motion to recommit to the committee. I've appreciated all of the conversation that we've had, not only on this bill but on all bills that we have debated here during this 109th Session. Just thinking about Senator Spivey's bill for the leave bank that we talked about last week, how that went, other items that we've discussed. And as with all of you, I get a lot of email. I just wanted to read this one letter, one email out from Victoria Keebler [PHONETIC]. Thank you, Victoria, for continuing to write. And this was as of May 13. Victoria said, Dear Senators, I am still a no on LB415. So they let me know they are watching and listening and staying engaged with everything that we say, everything that we do, because this has downstream impact. This impacts them where they live and impacts us where we live. She said, we voted on this and knew what we were voting for. That kind of dispels what-- a lot that we've talked about here. I have gone to work many times during my adult life while sick. Should I have not-- but I should-- I maybe should not have gone, but I couldn't afford to miss work also. She said, I agree with Senator DeBoer, in that you should put these before the people because we have lost so much trust in you. And I apologize for trust that's been lost in me. I-- when I ran, I said I wanted to come here and do the best job I could do for my constituents. I'm not going to make everybody happy, but I wanted to represent you. She said, I will say if you keep going against the will of the people, look for elections to look different because people will look and see if you listen to us. I have had to take time off work for my sick child. I've also taken some time off when my sister and mom were in the hospital at different times. Now she's not in my district, but that's representative of what I do get out of the district. As I've listened to others, what I have not gotten-- and I'm going to ask for those that are listening now, maybe in District 3, as I represent, down in Bellevue, Papillion, that middle part of Sarpy County, and in other districts. But what I've not gotten is the email communication from constituents that say, we are really happy about what you've done with the sick leave. I always look for fairness and equity, even when it comes down to reporting fair and balanced. And if that exists, my laptop is up and you can find me on the Nebraska Legislature. I'd like to be able to read that tonight while we're still discussing, to tell me that what we have and what we're presenting is really what you want, and not what you did back in the referendum. Sick leave. Sick leave is really important and sick leave is critical. I look back on my days as a substitute teacher in school,

and I was thinking about some of the paras-- paraeducators that were working. And they talked about the necessity of sick leave, but a lot of times they were working because their entire salary went for being able just to afford some insurance. It was very trepid, but they chose to do that because it covered the insurance. Sick leave was something that was really a bonus, if had. Again I thought about the-- in the federal government-- I see my time is running down. It's really short on this mic when you get up and want to talk. But in the federal government, we talked the other night about the Voluntary Leave Transfer Program. It's part of the FMLA, where we could contribute annual leave. They did not allow us to contribute our sick leave to another member who was going through but that precious annual leave we were able to contribute to those who were on that list that could receive that. We also had a leave bank that you could put leave in there for those-- the leave bank monitor would monitor that and be able to give that leave out to those who need it. People want to come to work. It was said that people will abuse the sick leave. Well, I want to tell you, it's been my experience that I've had to send people home because they did not want to stay home and take sick leave. And when I get back on the mic the next time, I'll talk a little bit more about the importance of the sick leave. But I will leave you with this, that when people have a good package, and I see my light is red, so thank you--

ARCH: Time, Senator.

ROUNTREE: --Mr. Speaker.

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

QUICK: Thank you, Mr. President. Good evening, colleagues. I'm still opposed to LB415. And some of the reasons are, is that the-- like everybody else has talked about, what the voters just decided, and that's been one of the reasons that I have stayed opposed to this bill. I've also received a lot of emails from voters, from people in my district who are opposed to not only the sick leave, but also the minimum wage bill. And you know, for me, I think we need to make sure that we're protecting those who are working out-- and whether they're young or they're old, I can tell you that young workers have, have just as much value as people of any age. I know that at some point, younger workers are still learning on the job. And yes, I can tell you, even from my own experience when I was growing up, before I got out of high school, I'd worked for several different farmers. I had driven, driven a tractor. I'd driven trucks, probably, actually before

I was of age to drive a truck. I was actually-- went out and helped a, a farmer with silage, hauling silage. And I can remember going down there, I, I probably was 16 at the time, but going down there and help-- helping him most of the day with his, with his work. I can remember him asking me how much I wanted to get paid. My grandfather at the time had told me, always go high, so I, I told him how much I wanted to get paid. I think I might have told him like \$10 an hour, and he says, I'm not paying you that much. But he did pay me a decent wage for coming down and helping him. You know, as my brothers, they also helped, helped some of the neighbors around. I can remember spending a whole summer helping a neighbor who had-- he'd, he'd become ill, so my dad farmed me out and I went over and, and worked for that neighbor while that farmer was-- and I helped his wife and his kids do irrigation and that type of stuff through the summer. I know one of my first jobs right out of high school-- well, I was still up, right in the summer of my senior year, I was windrowing hay for, for-- he did custom windrowing. And I would haul that windrower around to different hay fields and, and then cut the hay for them. So I can tell you from my own experience, knowing what, what I did as a youth, that people who are younger are, are really-- they deserve to, to have a good wage. They also would be deserving of, of the paid sick leave like, like anyone else. And so, for those reasons, I'm still opposed to LB415. And with that, if, I don't know, Senator Conrad would want some of my time, I would yield her some of my time.

ARCH: Senator Conrad, one minute, 30.

CONRAD: Thank you, Mr. President. Thank you, Senator Quick. One thing that I wanted to lift up that's concerning and related to this debate is how our budget and tax policy, on both the national and state level, impacts working families, and how it widens and exacerbates the earnings gap between working families and the most wealthy. So it's been well reported in national and local news, including news reports on my friend, Senator-- Congress-- or my friend, Congressman Flood's town hall in my hometown of Seward yesterday, but they were talking about the quote-unquote big beautiful bill and how it would end up actually having a 2% earning loss for the bottom 10% of earners in society, and the top 10% of earners would gain 4% in their income, if that measure were to become law. That's the en-- the nonpartisan Congressional Budget Office scoring on that measure after it passed the House, which, of course, it also is a monumental shift in budget and tax and huge increase in deficit and huge cuts to safety net program. Closer to home, we see this repetition with cuts to human

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services and then we also see significant amount of tax cuts being paid out.

ARCH: Time, Senator.

CONRAD: Thank you, Mr. President.

ARCH: The Legislature will now stand at ease until 6:15. Colleagues, when, when we resume, I will be asking you to check in, so please return promptly by 6:15. Thank you.

[EASE]

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

ARCH: The Legislature will now resume. Senators, we are on Final Reading. I would ask that you please check in. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Bills read this afternoon were presented to the Governor at 3:59. Additionally, LR19CA, read this afternoon, was presented to the Secretary of State at 4:05 p.m. Your Committee on Enrollment and Review reports LB306, LB306A to Select File, LB306 having E&R amendments. Amendments to be printed from Senator Raybould to LB258; Senator Raybould, motion to be printed to LB258, Senator Hardin to LB3-- LB538; Senator Hallstrom, amendment to be printed to LB306. That's all I have at this time.

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

SPIVEY: Thank you, Mr. President. And good evening again, colleagues and folks that are still joining us and watching. I rise in support of the motion to recommit to committee, and have appreciated the continued conversation around just workers rights, working people, ballot initiatives, and echo a lot of the sentiments that was said earlier, before our recess. I wanted to just reiterate that I do believe that people are watching us, and not like in a facet-- facetious way, but they are actually paying attention. They are watching the videos, they are reading articles, and there are a lot of concerns. Over this four-day weekend that we had, I tried to disconnect. And I went and I went to Target, I spent time with my kids, and actually, while in Target inside of my district, a woman recognized me and stopped me. And at first, I didn't know how it was going to go. She was like, are you Senator Spivey? And I was like, oh,

is this a good stopping, or do you have issues with some of my perspectives and votes? And she stopped me to say that she appreciated me, but her main question was why does this body, and you all, me included, because I'm a part of this legislative body, continue to believe that voters don't know what they voted for and are unaware? She was really concerned that on a number of fronts, the Legislature continues to make changes to specific initiatives and policy that the voters said that they wanted passed, that there continues to be changes on items that they did not want changed or that were not a part of what they voted for. And so, we spoke for probably about 15 minutes just about her concerns and what she's seen, and she was actively engaged. She has a group of friends that also watch, they talk about it, and I think that's really important to uplift, because we are conduits to our constituents. I think that, yes, we bring our own perspectives and leadership to our elected role. However, we are here to represent and to think about more than just our binary approach, that we really can be situated in what our constituents want and not just in our districts, but also that we are representing all of Nebraskans, as well. And so it was a really interesting conversation at this point in the session, and then coming into what feels like really hard last days of intense topics, and there's lots of feelings and perspectives and changes and things happening that we really should be situated in. I talked about this a little bit on Tuesday when we returned, of my two-and-a-half-year-old really coming from this place of inquiry. He is just a sponge and learning everything. And so he is, mommy, where are we going? What you doing? Why are you doing this? And then why? Everything is followed up with at least three whys. And that, really, again, made me think about my approach and how do I situate myself from a place of inquiry? How do I ask questions? How do I challenge myself and my thoughts around what I'm thinking and, and the ways that I'm voting, the policy that I am putting forward, the ideas that I talk about on the mic, how I listen to my colleagues and what they are saying, and then, how do I take that information, again, decipher it, and come from a place of inquiry. And so, I, I support the recommit because I think that there's an opportunity to really situate ourselves in the what are we doing and why. What is our role with this bill? What are our intentions? What have the partners said? What have our voters said? So what does that look like, and then why are we doing that? Is there a disconnector or "dis-alignment" in that? How do we acknowledge our dissonance? What does that like to move it forward? And so I appreciate the conversation. It feels very intentional. I know it's Final Reading and folks are getting exasperated and tired. However. I

think this is why we are here. This is what we signed up for, is to have the long days, to have long conversations, and to challenge and push ourselves on the why and the what are we doing. And so, I appreciate the recommit. I appreciate that intentional dialogue, even if it's a discourse. I think discourse creates stronger solutions and makes us better, especially when it's not rooted in personal attacks or feelings, but the facts. How do we stay rooted in the facts to make the best decisions for Nebraska today and the Nebraska tomorrow? I hope that we continue to talk about the impacts of our bills on working people, the difference that it makes or that we're not making, and what our constituents are asking us to do or not do, and how do we continue to honor that. So at this time, I stand up in support of the motion to recommit--

ARCH: Time, Senator.

SPIVEY: --to committee. Thank you, Mr. President.

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

PROKOP: Thank you, Mr. President. I rise in support of the motion to recommit and opposed to LB415, and I continue to be opposed to any efforts to erode the will of voters and to harm the Nebraska worker. And I would like to yield my time to my friend, John Cavanaugh.

ARCH: Senator Cavanaugh, 4 minutes, 30.

J. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Prokop. So I spent the last time on the mic talking a little bit about the compromise amendment we had on Select File. And you know, there-- didn't really get a chance to talk about that amendment before it was adopted. And then once it was adopted, you know, folks had a, a lunch hour. Not sure exactly what happened, but people had buyer's remorse, I guess, and changed their mind about affording. 30,000 more Nebraskans the protection of paid sick leave. So-- just so everybody understands where we're at, the, the voters voted at something over-- close to 70% for this, and I think every district in the state, but for a few, voted in favor. And they voted with no consideration for size of business. They-- the voters said we want people, if you have more-- one employee, you have to provide paid sick leave. They did put in a threshold at which the number goes up for how many hours you have to provide, but they had-- you know, you had to accrue it and earn it and things like that. And then, there was a specific provision in there for folks who work in construction industry, we'll say, people

who work from job site to job site, so they might be contractor-type situations, and they do what's called a multi-employer bargaining. So I know-- I, I hesitate to tell, to tell you guys, but this-- that's folks who are in trade unions. I know a lot of folks are going to shut down and say they don't want to hear that anymore, because we're talking about working people organizing to try and get benefits and build a better life for themselves, and that shuts a lot of you down. But there is a specific portion of this ballot language that took into consideration people who work for a living in construction trades. And those folks work in a different way than a lot of other people work. They work some job site for some short period of time, and then they go to another job site. And if you're working for one job site, you know, in this entire 60-day session, I haven't taken a sick day, because I didn't need one. Well my kids probably needed one, so I probably needed family leave, but my wife covered that, at this point in time. But some people do work for periods of time where they're not going to use their sick leave. And then in this particular field, they will move to another job site. And under the way that LB415 has changed the ballot language, those folks are going to have to either use their sick leave before they leave that first job site or they're going to lose it, and then they would start accruing at the new job site because of how this is structured. So there was a specific portion of the ballot language that contemplated this scenario, and LB415 walked that back and put those folks in a, in a worse position than they were under the ballot language. And there are a lot of different things people have interest in what they're doing here. You know, those-- people will say we have to protect agricultural production. We need to make sure that detassling doesn't-- you know, kids, kids doing detasseling are both getting paid a lower wage and they don't accrue any sick leave, so we have to do those sorts of things. But this was not a part that people were interested in. I'm gonna run out of time here. But anyway, so we negotiated. We worked for weeks and weeks to try to find a solution to fix that problem, and ultimately couldn't come to that solution. But the amendment that was adopted and then withdraw-- drawn by members of this body, did seek to make sure that more people could get covered. 28,000 people more would get covered under that amendment. And this Legislature voted before lunch to give those 28,00 people coverage back, and then after lunch, at the governor's mansion, if I recall-- everybody went over to the governor's mansion, and then came back and voted-- 26 of you changed your vote to take away sick leave from an additional 28,0000 Nebraskans. So, that was the amendment that I have that maybe we can get to. But nonetheless, I'm opposed to LB415. I support the motion to

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recommit, I respect the will of the voters, and I think that all of us should be a little bit more conscious of the will of the voters.

ARCH: Time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

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

FREDRICKSON: Thank you, Mr. President. Good evening, colleagues. Good evening, Nebraskans. I rise today, it's probably no surprise, in support of the recommit and in opposition to the underlying bill, LB415, for a number of reasons I think that have already been highlighted by folks, including, you know, the idea of the ballot initiative and what-- where the voters speak and, you know, et cetera, et cetera on that, but I, I was also thinking about this on my drive into work this morning. I was thinking about, you know, the agenda ahead of us today and the rest of the legislative session, and what else we have ahead of in the, in the coming final few days of the session. And I was considering, you know, the difficult votes that some of us have or that maybe all of us have ahead of us. And I kept kind of going back to sort of asking myself-- I was feeling a little, a little bit discouraged about where we are in the session, and I kept trying to go back to asking myself, you know, why, why am I here? Like, why, why did I run for this seat? And, you know, how do I want to more specifically use my time while I'm, while I'm in the Legislature and in this seat? And I think it's easy-- I certainly forget this a lot. You know, we're here for such a short period of time. You know, we have a minimum of four years here, but a-- you know, a maximum of, of, of eight years, unless we come back, like Senator Conrad did, and you know, that is such a short chapter in the long, long book of our lives. And whenever I have a bill in front of me that I might feel conflicted on, I like to sort of ask myself, you know, who does this bill help? Who benefits from this legislation if we were to pass this? And I also like to ask myself, like, does this bill-- does this create more opportunity for Nebraskans? Does this bill lift up Nebraskans or does it, does it kind of gatekeep? And I was thinking about that in the context of both paid sick leave and also of, of minimum wage. And you know, ultimately, I would consider restrictions on paid sick leave or even subminimum wage as a bit of gatekeeping, and minimizing or restricting possible opportunity for Nebraskans. I think it's easy to sort of minimize some of the folks who might be most impacted by these policies as, oh, that's just a high school kid who's living at home, trying to save up for college or

wants, you know, some extra gas money, maybe to buy a Labubu or something like that at the store. But the reality is these are Nebraskans who are, we've said this before, working two jobs, working three jobs. They have kids. They have families. And, you know, that, that, that's sort of like, the, the part that I kind of struggle with, is, you know, wanting to create opportunities for folks who might historically not have those. So I will remain opposed to that. I will yield any additional time that I have to my modest but meaningful colleague, Senator Danielle Conrad.

ARCH: Senator Conrad, one minute, 45.

CONRAD: Thank you, Mr. President. And thank you to my friend, Senator Fredrickson. I think anybody who knows me would reject that description, but appreciate the, the common refrain in messaging. And friends, I, I just want to reiterate a couple of things. Number one, this is a kitchen table economics issue. Nebraskans understand this clearly. They knew what they were voting for. The measure that they voted for already had a differential for small businesses versus large businesses. This isn't a giveaway to anyone. People have to earn modest but meaningful sick leave with their, with their labor. And the citizens didn't ask the Legislature to do anything. They didn't direct us to do anything, they didn't delegate us to do anything. All we need to do is allow the will of the people to be fully effectuated, which, by the way, when it comes to sick leave, hasn't even fully taken effect yet. And we know from the experiences of our sister states that those who've adopted similar policies have not seen dramatic negative impacts on business. That's why hundreds of Nebraska businesses, large and small, supported the citizen initiative for paid sick leave, just like citizen leaders, labor groups, faith groups, and Nebraskans all across the state and the political spectrum. The business community doesn't speak with one voice in opposition to meaningful benefits or fair wages, and we need to make sure to correct that record, as well, because it's good for families and it's good for the bottom line. And when families have the honor and--

ARCH: Time, Senator.

CONRAD: --dignity of fair work, it saves taxpayer dollars. Thank you, Mr. President.

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

BOSTAR: Thank you, Mr. President. And I rise in opposition to LB415, and if Senator Conrad wants to continue, I'd yield her my time.

ARCH: Senator Conrad, 4 minutes, 50.

CONRAD: Thank you. Thank you so much, my friend, Senator Bostar, for the time and for sharing your perspective. Colleagues, I wanted to make sure to just dovetail upon some additional information and then share kind of some, some general perspectives and thinking. Other senators have mentioned this, as well, but everywhere I go in my community and across the state, Nebraskans are frustrated with what is happening in their beloved Unicameral this year, in this house, the people's house. We have always held ourselves with so much pride about how we do things different than the broken mass nations that have taken over our national politics and our nation's capital. We pride ourselves on centering the people. We pride ourselves on nonpartisanship. We pride ourselves in figuring out the best solution for the most people. And that's why year after year after year after year, when citizens utilize the precious right of initiative or referendum, the Legislature respected it. They respected it as a co-equal authority to legislate, granted to themselves through our constitution. And so to see this dramatic shift and change, where all of a sudden, the Legislature acts like it's an advisory opinion, it's not. They didn't ask us to put in arbitrary caps or carve-outs on sick leave or minimum wage. They didn't invite us to do so, and we shouldn't do so. And it impacts real families, hundreds of thousands of people that are doing everything right. How many times have we heard friends in this Legislature talk about the working poor and say, oh, they should just get a job. These folks do have a job. In fact, they have multiple jobs, in many instances, and they're working harder than ever, and their wages are getting eat-- eaten up by inflation, and they don't have access to good benefits, and that makes them go to work sick. That makes them send a kid to school sick, because they can't give up those wages. And every time businesses don't do their part, and we don't have fair wages and good benefits, that falls back to the taxpayer in terms of food stamps, in terms of childcare, in terms of Medicaid and healthcare. So what our citizens have done with minimum wage and with sick leave is quite simple. They have asked us to update these policies to match modern family life, to align with the approach that many of our sister states take on ensuring a good and fair balance for work and life and value for the taxpayer. The arguments we're hearing against sick leave and minimum wage are the same arguments we've heard since their inception decades ago, almost 100 years ago, and those negative predictions have yet to come to

fruition. We don't need to thwart the will of the voters and undercut or carve out or cap access to basic sick leave, which is good for families and good for businesses. We don't need to carve out or cap access to minimum wage increases that keep pace with inflation. And I know my friend, Senator Raybould, passed out a measure-- or an article today, about, oh, perhaps we should feel lucky because we're not doing a complete do-over or wipe-out like they are of the will of the voters in Missouri, in regards to sick leave and minimum wage. But what this article leaves out is important, because Missouri also completely carved out critical rights to reproductive freedom and abortion that citizens put on the ballot and won, and their Legislature stomped and told them to go home. And that's the danger, Senator Raybould and others, when you start to pick and choose what parts of the citizen initiatives you want to honor and which ones you don't, you always end up in the wrong position. I may not agree with every single decision in citizen initiative, but I respect it. And that's all we need to do with this measure, and I encourage you to recommit this measure to committee. Respect the will of the voters. Let the citizen initiative play out. It's good for the economy--

ARCH: Time, Senator.

CONRAD: --and it's good for democracy. Thank you, Mr. President.

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

JUAREZ: Thank you. Good evening, colleagues. Good evening to everyone online and those watching us on TV. I wanted to start out by saying thank you to my colleagues for the leadership examples that they show on this floor. I really appreciate the knowledge and wisdom that they've shared with me as a freshman senator. It is really amazing the support that they really want to show for the workers in Nebraska. And I just am so pleased to work with them and advocate with them on behalf of the workers in our state. And I was taking a look at some of the emails that I received previously, on the minimum wage laws. And, of course, everyone is expressing how they want us to advocate for them. And what really stuck out for me on one of the emails I read was somebody mentioning about workers who are retired, you know, retirees who re-enter the workforce to support themselves. And I laughed because I was like, that's me. They're talking about me, because before I got elected to this job, that's exactly what I've been doing since I came back here in 2014. I've always had a part-time job. And I thought, well, I know that I'm advocating for everyone in this state, but I thought, that really hit me that as a retiree, I have to admit

that I am advocating for myself. And I wanted to mention, as you'll see in this email that I received, the attention that they gave to those of us here on the floor about our salary, too. And I thought that was cute that it was mentioned. It says-- this is from Patty [PHONETIC]. And she says, please pay attention to what the voters, your constituents, overwhelmingly supported at the ballot: an increase in the minimum wage and to provide all workers with paid sick leave. LB415 with amendment, LB258, undermines the will of Nebraska voters and devalues the labor of workers whose wages have not kept up with the cost of living increases, and it's a blatant snub to workers who lose wages due to illness. This is still telling these workers that they don't matter. She says, for what it's worth, I think an increase in your salary is way overdue. And she advised me to vote against LB415, that it's the right thing to do for your fellow Nebraskans. And I received, of course, another email about introducing a subminimum wage for our youth workers, and definitely, how that's not appreciated, that implementing a lower wage for young workers not only devalues their labor, but also sets a concerning precedent for wage standards in our state. Young workers contribute significantly to our local economy and deserve equitable, equitable compensation for their efforts. Allowing employers to pay them less solely based on age is discriminatory and could lead to exploitation. Moreover, this approach fails to address the broader issues of wage stagnation and income inequality that many Nebraskans face. I strongly urge you to stand with Nebraska workers. Upholding fair wage standards is crucial for the prosperity and dignity of all of our citizens. And I got that email from Roxanne [PHONETIC]. And I really appreciate the feedback that I receive from the voters and how they want us to value their contributions, who they are, how hard they work each day just to try to survive. And I have to say, in my closing, as a retiree, I got to support this minimum wage revamping that I hope that we do. And I also wanted to say to Governor Pillen, if you were going to veto a bill, these are it. Thank you, and I yield the rest of my time.

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

JACOBSON: Thank you, Mr. President. Well, I rise in opposition to the recommit motion and in support of LB415. I would challenge everyone who's talking about emails they got. Did they get any emails from employers in your district who said vote against-- or vote for LB415 with the modifications? And I'd be curious to how many people would truthfully answer that question for me. I really doubt when voters go to the ballot box that they were thinking about all the scenarios that we talk about on the floor as to why this bill should be modified. Did

they think about the employer that had less than 10 people and hadn't paid sick leave, hadn't paid minimum wage-- or the minimum wage at a lower rate? And their business model worked, because they had people who wanted to come to work for them, they were living in a small town, they had much lower cost of living, and they wanted a job. That was important to them, to have a job. When we start interfering with employers and dictating what they have to offer for benefits and what they have to offer for minimum wage, we're, we're going well beyond what I think is a democracy. Employers have-- always have the opportunity to quit their job and go to work for someone else. And, and to be able to retain those workers, you may have to pay a higher wage, you may have to pay sick leave, you may have to pay-- provide other benefits, but that should be the decision of the employer, not, not the voters, who have no, no dog in this fight. They can always leave the job if they don't like what they're being compensated. That's always baffled me that that attitude gets taken. And I can tell you that I can point to businesses in my district that we bring everything the way it was proposed through the ballot initiative and they'd probably be closing their doors. If not for the rec-- record-keeping, it would be for the actual cost of the benefits. So when we have money come in from out of the state who fund these campaigns to get the initiative on the ballot, and then spend money to push this initiative and then send it to the Legislature and say, OK, here we are, and, and make this happen the way we brought it in, they haven't thought about these things. They just haven't. If I ask the businesses would you vote for this, the answer is no. People that voted for it were the people that were going to directly benefit from the minimum wage bill, from the paid sick leave bill, and so on. So we need to think about-- we talked yesterday about small businesses and how we've got to be concerned about small businesses. Yes, we do. Only the different-- the issue there was medical mari-- medical marijuana and how we're going to put-- by, by restricting the sale of, of the Delta products that we're, we're taking the, the, the money out of the pockets of small businesses. And we're all concerned about that, but we could care less about small businesses that deal in, in other, more legitimate businesses who, who need to pay workers more, only because the government said they had to-- or the voters said to the government, you have to do this. That isn't freedom. I, I, I get very frustrated with this, that when you look at practical situations, to say there weren't rampant problems in other states, well, describe that. Because I'll guarantee you there were small businesses that have gone out of business that had, that had initiatives like these imposed on them. If we move this number down to 5 or to zero, I'll guarantee

you there are small businesses that would not be in business, and then those workers lose their jobs and have to try to find a job somewhere else. So we need to think through the holistic part of this and what you're doing to small businesses. And this isn't good. So with that, I would encourage your red vote on the recommit and your green vote on LB415. Thank you, Mr. President.

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

GUERECA: Thank you, Mr. President. Good evening, colleagues. Well, dinner was good, but it gave us the energy to go into this debate. So-- gosh, where to start? There's this whole concept of, did the voters know what they voted for, or the voters did know what they voted for and well, but maybe they didn't, they didn't quite get it, so let's, let's put some basic guardrails. Right? Let's just-- commonsense guardrails. Well, I don't know. Maybe I was brought up differently. But when over half of the workforce-- it works for an employer with under 10 employees? That's not what the common voter voted for, what the average day Nebraskan voted for. If on the way in, you said, hey Nebraska voter, you're going to vote for that paid time off? Well, it's going to-- but get this. I got this shiny idea over here. And then half of your friends, half of your neighbors, half of the people you went to school with, half of the people you pray alongside of, aren't gonna get paid sick leave? No. That isn't common sense to me, folks. But again, I, I could be wrong. But I guarantee you, if we go to South Sioux City, if we go to Chadron, if we go to Broken Bow, if we go to west Omaha, if we go to south Omaha, if we go across the street and said hey, let's deny half of the people a right that an overwhelming amount of the citizens of this state voted for, they'd be like, are you nuts? I'd bet all the money in my pocket that that's the reaction we would get, folks. And I hear a lot of great arguments, but we are a capitalistic society. We absolutely are. However, we, as a society, get to dictate the, the rules in which you have to play if you want to make money off of our citizens and off of our residents. 100 years ago, the game was different. But we, as a society, since then, have said, you know what? No. You have to give weekends off. We established OSHA to acquire a bare minimum, a bare minimum of working conditions, of how safety had to be enforced for you to work inside this country, inside of this state, to be able to make money off of our citizens, to use our infrastructure, to use our roads. That's basic. So yes, when 70%-- and this isn't coming from the elected representatives. This is when 70% of society says, this is the bare minimum by which you have to play to come into this state and make money. I don't know, folks. Not much wiggle room there. And I-- I've

heard a couple times, all this concern over, over bookkeeping and payroll. Well, you know, I, I do run a albeit small organization with less than 10 people. But my basic payroll package that I pay-- I'm not going to shout out the company, but that's-- tracking software is already-- it's a part of the basic package. So I, again, that-- that's not gonna be too much of a lift. But folks, people want to work, but peo-- people also want to have a little bit of dignity. So again, I guarantee you, when the voter walked in, they imagined the single mom working in the diner. They imagined their uncle who works at a little fabrication shop, and they wanted to make sure they could take care of themselves, and their kids, and their family, without having to worry about making rent and ends meet. So, I encourage, colleagues, vote--

ARCH: Time, Senator.

GUERECA: Thank you.

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

RAYBOULD: Thank you, Mr. President. Good evening, colleagues. I'm, I'm grateful for all the comments we've heard tonight. I know this has been a long debate and, and a challenging one. You know, we have been repeatedly accused of undermining the will of our voters. And to me, this is nothing more than a prolonged narrative of what they're trying to have you believe. I can tell you with 100% certainty that every single senator here understands the impact of your vote, understands your voice, and what you intended. I did present a handout tonight, showing you what the state of Missouri is doing and has done, what the state of Alaska is doing and will probably complete, what other states are doing. They're pulling back on some of their CPI increases to minimum wage. They're pulling back and rescinding paid sick leave when they see the impact it has on businesses and their inability to deliver on a commitment to the voters who voted for this. We have heard from so many small businesses, and I've repeatedly asked my colleagues, please don't listen to anything I say to you. Talk to the daycare centers, talk to the dog groomers, talk to your local coffee shop, ask them how they're doing, talk to your local grocer. You know, we've read letters from these small businesses on how they struggle, and how they want to hire young people, because young people need this work experience. But my colleagues who have been talking for so long on this, they haven't told you that in the past, they have supported a wage differential for those aged 17 and under. Senator Conrad has never mentioned that, but she has advocated for that, as well as Nebraska Appleseed has advocated for that, as well as the Nebraska

AFL-CIO. And there's a reason. A 14- and 15-year-old cannot handle so many hazardous equipment, chemicals, you name it. Their hours are restricted. And that's a real reason why they're not permitted to, to handle these hazardous types of equipment. The important thing is we give them this opportunity. And I'm sorry that you impugn that this is meant to keep young people out of the workforce. It's the exact opposite, as someone who has been in the business work for all my life. It's an incentive for businesses to keep hiring 14- and 15-year-olds. For those Nebraskans out there listening, we have kept to our promise. We have kept to the promise of increasing minimum wage. It's gone from \$9, and next year it will be at \$15. We will have the high-- we will have the 18th highest minimum wage in the entire United States, even though our cost of living in our state of Nebraska is the 10th lowest. I don't think it's-- in my world, that is something to be proud of. We have been successful in executing on the minimum wage, whereas in Missouri, they're capping it at \$15. Other states are capping at \$15. And we're offering paid sick leave to more people than ever before. And I, I know people say, well, you're not offering it to everyone. This is a step in the right direction. And I think it's something that should be acknowledged by everyone. We're moving in the direction. We are not like Missouri that rescinded it completely. That is not us, and that's not who we are, and that is not what we're doing as a Legislature. As Legislatures, we're elected by all of you out there listening. You elected us to come and do our job. We have to find that balance between business and labor. We have to find the balance of creating economic vitality for our state, while maintaining a great workforce. You've heard me say that businesses are faced with a workforce shortage. We have to be competitive. We have to be competitive on wages, we have to be competitive on benefits, and we have to be flexible. We care about our Nebraska working families, and these two bills help our Nebraska working families. Thank you, Mr. President.

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

WORDEKEMPER: Thank you, Mr. President. I rise opposed to LB415. There was a point that I was in support of LB14 [SIC], and that was a round or two ago, when AM1337 was adopted onto this bill. I believe that was a good compromise that supported workers, and it also supported small businesses with the limits that we put on it. And I, I think that was a good compromise, and I think that was the right thing to do to support what the voters voted for. And at this point, I'm no longer in support of LB415, because that amendment was pulled off shortly after

it was adopted. And I will yield the rest of my time, Mr. President, to Senator Dungan.

ARCH: Senator Dungan, 4 minutes.

DUNGAN: Thank you, Mr. President. Thank you, Senator Wordekemper. I just wanted to make a couple more points because I know we're getting further on in the day here. To the points that Senator Wordekemper made, and, and to respond briefly to Senator Raybould, I understand her concerns about small businesses, but, in fact, there were hundreds of small businesses here, in Nebraska, that signed on to support paid sick leave. We know over 200 different businesses signed on, saying that paid sick leaves was what they were wanting. And I think that I just have to respectfully disagree with exactly what Senator Raybould said. When we're talking about youth workers in particular, I've heard from youth workers, who have said to me that they are concerned that the bill, LB415, is going to hinder their ability to be in the workplace, to make a, a wage that is close to-- not a living wage, but close to a living wage. And, you know, we talk about these youth workers who are allegedly getting paid less because they have jobs that involve dangerous equipment or doing things that are, that are going to be problematic for them, as kids. But the reality of the situation is they are already banned from doing those jobs, either by law or by policy and practice, and so it's not as though the youth workers are going to be missing out on this work because of the minimum wage. They're going to be missing on that work because they're not going to be doing it anyways. And I went through my emails. I actually searched LB415, LB415, to rise to the challenge that Senator Jacobson gave us, to look for our emails and, and respond truthfully about the ones we got in support of LB415. I didn't get a single one. And maybe the folks who reached out used a different tag, so if somebody out there emailed me in support of LB415 or telling me to vote for it, I apologize. I can search through my email again and find it. But in my brief search through my emails of LB415, I found countless people who reached out to me, saying they wanted us to fight this bill, for a number of reasons. And, you know, one stuck out to me in particular, I talk a lot about how we don't always need to talk on behalf of people, but sometimes amplify their voice. Somebody reached out to me and said, I'm the mother of a 17-year-old who is just beginning to enter the job market, and I've seen firsthand how difficult it is for young people to find decent-paying, entry-level work, let alone jobs that offer any real protections or benefits. LB415 only makes that worse. I voted in support of paid sick leave for all workers, because I believe no one should have to choose between

their health and their paycheck, especially our most vulnerable and lowest-paid workers. And that-- to that exact point, it is not easy to get a job. I don't know the last time that anybody in this body was unemployed. It is not to find a job right now. When you talk to young folks who are trying to get into the job market, they will tell that they are sending out a number of applications to a wide array of work, and they're not getting responses. So, you know, this sort of narrative that, again, I think we have in this paternalistic fashion of, oh, just jump out of that job and get a new one if you don't like it, it's not that easy. And I understand that it's, it's a much easier and simpler narrative to spin that the youth, the youth these days are all lazy. It's not true. They are working their butts off, and they're trying to get employed, and it's really difficult to do so. So, again, colleagues, I would encourage you to actually understand the real-world implications of LB415 and how it affects workers, but this narrative that businesses support it and employees don't when it comes to LB415 is incorrect. There are plenty of employers out there who voted for this, who want this to be the law of the land, who see LB15 [SIC] as a walking back of their voice and what they wanted to see passed. So colleagues, again, I appreciate the debate today. I think we're having some good back and forth on this, but I encourage you to stand with the people who voted--

ARCH: Time, Senator.

DUNGAN: --and be opposed to LB415. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. President, members. Been a while since I've been on the mic on this issue, so I'll just kind of recap as we close in on the motion for cloture. Some of the issues that I've made, there's been a lot of comments, mostly from the opponents that-- suggesting that the supporters of this bill suggested in some measure that the voters didn't know what they were voting on. I think it's pretty clear and I don't, I don't believe that there's been any indication that any of the supporters have made such an allegation, but we have our rights, with this being brought into play by virtue of a statutory initiative to make changes to that. I've indicated on the mic before that when the rules were put together by the people in the constitution, with regard to what applies when they have a statutory initiative as opposed to something that affects and amends the constitution, that the petition signature requirements or requisites are much lower, much easier to attain, but there's a tradeoff. And

that tradeoff for having to only get approximately 89,000 signatures for a statutory initiative, as opposed to a 125,000 for something that affects the constitution, that trade-off is-- and by the way, was placed into the constitution by the people, I think, in 2004, as I recall-- was basically that the recognition was that the Legislature, in fact, is authorized, duly authorized, to make changes to statutory initiatives, which is what we are exercising that right under LB415. And there's been a lot of discussion, even though it's not on the board, about LB258 today, and that would apply similarly. So the signature requirement is much less, in recognition of the fact that we do have the right to take action as we are. And I think what we're doing, as Senator Raybould has suggested, is a nice balancing act between the interest and, and needs of the employees and those of the small businesses. What we all too, too often overlook when we're talking about, whether it's minimum wage or paid sick leave is the fact that the question, particularly on minimum wage, since a lot of people have talked about that today, is would, would the young-- the youth prefer to have a \$10 or \$15-an-hour job? I don't think that's the right question. The right question is would you rather have a \$10 or a \$15-an-hour a job versus no job? And the answer to that one is pretty clear. And if the burdens that are particularly on the smaller businesses, as Senator Jacobson has recounted on a number of occasions when he was on the mic, are such that the truly small businesses may not have that job, may have to cut hours, may have take different steps with regard to those youth that are maintaining jobs and retaining jobs, then our assignment here, I guess, is to try and balance out those interests as best we can. And I think that's the nice balance that LB415 strikes, and I will be supporting LB415 when we get to that particular element of what's on the board. Thank you.

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

BALLARD: Thank you, Mr. President. I just want to take a moment to thank my colleagues for the conversation, but also thank all those individuals that, that worked with me on LB415. This is a labor of, of love that we-- that started out as a cleanup bill that was working with business-- the business community, the employment law experts, the Department of Labor, trying to, trying to make this initiative language workable for businesses large and small. So just kind of step back on what LB415, the underlying bill, does. It clarifies owners, operators, and employees that work less than 80 hours and independent contractors are exempt from the initiative language, it creates definitions of paid time off and payment of time off for separation of employment, and it looks at the accrual caps for PTO plans. It is

making sure that if you have a paid time off plan that your-- works for your company, that you can keep it, that it's better than the-- that's better than the initiative language, you can keep that paid time-off program. So LB415 was a-- something that we worked on with many stakeholders and the Business and Labor, Business and Labor Committee, trying to make it-- make the initiative language workable for, for all Nebraska businesses. But again, I, I appreciate Senator Strommen's amendment that looked at small businesses and making sure it's workable, this initiative language, workable for them. I think Senator Jacobson did a very nice job of articulating why this is important for small businesses across the state, that they-- that workers are able to maintain the quality of life but still have the initiative language that is workable for them. So with that, I'd just like to thank all my colleagues, all the stakeholders that are involved in LB415. And I will-- I hope that you'll vote green on the-- on LB415. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I think I'm going to be last, if the timing is true. So first, I encourage your green vote on the recommit, but I would encourage your red vote on cloture. Only a few folks who were in favor of this bill spoke, and I understand that timing and punching the light and all that kind of stuff makes a difference in terms of whether you get a chance to talk. I've been on the receiving end of not getting to talk before. I would just sort of draw your attention to the ideas and issues that were raised by the proponents of this bill when they had their limited time to talk. So Senator Hallstrom, again, said no one ever in this debate said the voters didn't know what they were doing. We handed out transcripts, references, the last time we were having this conversation, to show that that's exactly what people have said. But to go to that well again and say people are maligning us as we talk about this as your argument in favor-- that's your closing argument of why people should vote for this, is that you never said the voters didn't know what they were talking about. And what's really happened is the people who are opposed to this have stood up time and again, and said, the voters knew exactly what they were doing and we should respect the voters. And to get something like this on the ballot requires the collections of signatures of I think it's 7% of voters who voted in the last statewide election, which, as Senator Hallstrom just said, was 89,000 valid signatures. To get 89,00 valid signatures you need almost twice that. You have to qualify 5% of 38 counties. There are not that many urban counties, folks. They're by-- depending on how you define it,

there's probably 4 or 5, which means that a voter in Hooker County-- 5% of voters in Hooker County is something like, I don't know, 6 hundred people or something like that. Not even a whole sheet, right? And 5% voters in Douglas County-- to qualify Douglas County is tens of thousands, right? So there is already a disproportionate representation for rural communities here. But the point is, the voters have spoken. The advocates for this, again, go back to the well of saying, the constitution allows us to do this. Yes. And as I said when we talked about minimum wage, the constitution says you can, it doesn't say you should. And in fact, it speaks to the very fact that the threshold went up-- it went up in the last 25 years. Went up from 25 votes to 33 votes of this body have to vote to change the will of the people. The reason the voters did that is because they do not trust the Legislature. The voters pass things by ballot because the Legislature has failed to act. That's exactly how this ballot initiative came to be. The voters voted for this overwhelmingly because this Legislature ignored them. And what we're about to do here, what 33 of you are about to, is ignore the will of the voters. And you will hide behind all of those other arguments, those straw man arguments, and say the voters didn't know-- though you don't want to say it out loud anymore, you mistakenly said it before-- or that it wasn't that many people, or that this affects small businesses. I, like Senator Dungan, looked up, I don't think I've gotten any emails from, from anybody opposed-- or in favor of this bill. And I would certainly ask those of you who did get emails in favor this bill, I would like to know who those were from. Were those from constituents or actual small businesses or other interested-- interest part-- parties? I'm out of time here. We're going to get to a vote. But the fundamental question is, do you respect your constituents? The ones who put you here also voted to enshrine this in our, in our statute, and you do not know better than them. And they did not ask us to make these changes. They asked us to leave it alone. They asked us to protect workers, to help families, to help children by making sure their parents can take time off from work, to make people's lives a little bit easier, to make families have a little bit more of a chance to raise their kids, be healthy, make a living, get by. That's what this ballot initiative was for, that's what voting against LB415 does. It helps thousands of Nebraskans.

ARCH: Time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

ARCH: Mr. Clerk, you have a motion on your desk.

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

ARCH: Senator Ballard, for what purpose do you rise?

BALLARD: Can I get a check-in, and a, a roll call vote in regular order?

ARCH: Senators, this is a reminder we are on Final Reading. Please check in. There has been a request for a roll call vote. Mr. Clerk, please call the roll.

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 voting no. 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 voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. 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 voting yes. 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 33 ayes, 16 nays to invoke cloture, Mr. President.

ARCH: The cloture motion is successful. The next vote is the motion to recommit to committee. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 15 ayes, 34 nays to recommit the bill, Mr. President.

ARCH: The motion to recommit to committee is not successful. The next vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

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CLERK: 42 ayes, 3 nays to dispense with the at-large reading, Mr. President.

ARCH: The at- large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB415]

ARCH: All provisions of law relative to procedure having been complied with, the question is, shall LB415 pass? All those in favor vote aye; all those opposed vote nay. There's been a roll call vote requested. 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 voting no. 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 voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. 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 voting yes. 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 33 ayes, 15 nays [SIC - 16], Mr. President.

ARCH: LB415 passes. Mr. Clerk, next item on the agenda.

CLERK: Mr. President, Final Reading, LB89. Senator Hunt would move to recommit the bill with MO192.

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

HUNT: Thank you, Mr. President. I rise today in continued opposition to LB89 and the agenda that it represents, and to share with you why what's happening in Nebraska here is not happening in a vacuum.

Because while we debate this bill, while we debate about whether the state should ban a handful of trans people from playing school sports-- children, we do so against a backdrop of a national campaign to target and marginalize an already vulnerable population. Just this morning-- this afternoon, I guess, at 5:58, I got a New York Times alert about a notification that President Trump is threatening to withdraw large-scale federal funding, was his term, from the state of California, if they allow a trans girl to compete in sports in California. Maybe some of you got that notification, as well. The new-- the U.S. Department of Justice is investigating California now for allowing a transgender high school athlete to compete in a track and field meet-- a teenage girl, a child. They are investigating a child for running, jumping, and playing sports with her friends. And the President of the United States has threatened to withhold federal funding from an entire state because it won't ban one transgender girl from participating in high school athletics. Federal funding, that's funding for education, for school lunches, for programs that keep kids safe and supported, all of that is being threatened over one single child athlete. What we're doing here is not about fairness, it's not about Title IX, it's not even about sports. It's about fear and control, and making scapegoats out of the most vulnerable people in the country, kids, because it's politically expedient to do so, and because Senator Kathleen Kauth gets attention for doing so. That's what LB89 is doing here in Nebraska. We also keep hearing this line from, from members who have stood up and helpfully shared the stories of their own girls, their own children, female children, many of whom are athletes. And we keep hearing this line that girls don't want to play sports with trans girls. And I reject that. I reject that because it's not true. I, too, have a child. I, too, have, you know, my house full of teenage girls sometimes. And that's a very cruel thing for some of you to say, and it reflects so much more about your own world views than what young people today actually think. Most kids are not as hateful and cynical as some of the people in this room. These kids just want to play with their friends. They want to belong. They want to do the same activities that their friends do, whether that's, you know, orchestra or band or speech, or yes, sports. And they do accept each other for who they are, in ways that adults in this room are not capable of. You know what I do hear from high school students, many of whom are often sitting around my kitchen island, hanging out in my house? They're worried about affording college. They're scared of gun violence. They're exhausted from working jobs while they're in school to support their families, something we've talked a lot about today. They're not worried about the gender of a classmate on their track

team. They're not worried about what's between the legs of the person next to them in the bathroom stall at school. It has nothing to do with their lives, and those people are their friends. But this Legislature has made it clear that instead of addressing the real material concerns of young people in Nebraska, we're going to use our power to punch down, that we're not going to listen to them, that we're going to legislate cruelty because it polls well, because it gets you donations, because it gets you to go on Fox News, it lets, lets you be friends with Congresspeople like Nancy Mace. It gets you attention that you like. And what we're doing with LB89, it's not protecting anyone. We're not making schools safer. We're not making sports more fair. We're singling out a tiny, tiny number of trans students, most of whom are just trying to survive in the face of increased scrutiny and hostility and ostracization from the adults like us, who have the power to make laws to change their lives, and what we are doing is using the full weight of government of the state to tell these children that they don't belong. And it's working. Trans students are dropping out. Is that what you want? Are you happy with yourselves now? Their families are leaving the state. Are you pleased about that? Coaches and school officials and teachers and administrators and school districts are being put in impossible positions. They're being forced by the law to have conversations with kids and families that they know well, that they love and support, under threat of being out of compliance with the law, under threat, in some cases, of losing federal funding for letting a girl run with her friends. This bill doesn't solve problems. It creates them. And now we're watching this play out at a national level, with the Department of Justice targeting California. We should all be horrified by the idea that a president, that any president, can use the federal government to investigate children for playing school sports, that they can use threat of pulling large-scale federal funding from an entire state if they let a child run with their friends. LB89 brings that kind of authoritarianism here to Nebraska. It signals that we are willing to prioritize political theater over actual governance, that we are willing to criminalize difference, that we will twist Title IX, which was meant to expand opportunity for everybody, into a tool of exclusion. I want to be very clear. This bill is not about sports and it's not about protecting women. It's about exploiting women's sports as a proxy to attack transgender people. And what makes me so sick is that we're using bills like this to target kids. We know that Senator Kathleen Kauth thinks that being trans is a mental disorder. She's talked about this at length. She thinks you're sick in the head if you're a trans person, whether you're 8 years old or 80. But instead

of bringing a bill to target adults, she's punching down at the most vulnerable people in our state, these kids who just want to play with their friends. And if you don't see that, you're a dupe. If you don't see that, that this is not about fairness-- if you still think it is about fairness, I encourage you to look at what's happening nationally. Look at these investigations. Look at the threats from Donald Trump and the Department of Justice to pull funding. Look at the demonization of a single teenage girl by the most powerful man in the country. And then ask yourself, who really needs protection? This isn't about a level playing field, it's about using the power of the state to marginalize people who are already receiving so much hostility from those in power. And I want to talk about what happens when we pass legislation like this. What happens, not in theory, but to real people. And you can look up at them in the balcony. You can talk to them out in the Rotunda. And many of you have had the opportunity to do that over the years that we've had bills like this before us, since Senator Kauth came into the body and decided to hijack the serious, important work that we do with her social issues that are a distraction, that have lowered the IQ of this body and the quality of work that we are able to put out. You've had the opportunity to talk to these people throughout those years, and I know for a fact that many of you have refused to do so. Instead, you support bills like LB89 that send the message to kids that they don't belong here. They don't belong in the field, they don't belong in the track or the court, on the team. They don't belong in the school. They don't belong in the bathroom. And what are they supposed to conclude? Them and their parents and families, other than they don't belong in the state? What kind of message is that for a government to send to a child? Senator Kathleen Kauth, you can hate trans kids as much as you want. And don't you dare stand up on the microphone and say that you don't, because you have said that you think it's a mental disorder and you think these people are sick in the head. You can think that, but what business do we have as a government to send that message to them, with the power of the state behind it? That message we're sending to the teammate who just wants to play with her friends, to the parent that's already navigating a world that's hostile to their child's very existence, to the kids sitting in the classroom or the kids up in the balcony, watching adults debate whether or not they should be allowed to play sports with their friends, when they're right there in the building? We talk a lot in this Chamber about protecting kids, but--

DeBOER: Time, Senator.

HUNT: --the truth is we only mean certain kids. Thank you, Madam President.

DeBOER: Thank you, Senator Hunt. But you're next in the queue, as well.

HUNT: That's right. I am. We only mean certain kids, the kids who don't challenge our worldview, the kids who don't ask us to stretch our understanding. Honestly, if your gender is so fragile that a child can't try it on without breaking it, then what are you afraid of? What does that say about you? That's not the way the world works. Every child deserves protection. Every child in this state deserves dignity, and we do not get to pick and choose whose childhoods are worthy of that. We know that this bill is not the result of a groundswell of concern from Nebraska families. There is no grassroots organization that has united en masse to ask us to discriminate against children. It's not coming from our schools or coaches or athletic directors, either. They protect the kids that Senator Kathleen Kauth wants to ostracize. It's coming from a national political strategy, a top-down effort to manufacture outrage and divide us. When you talk about culture war issues, why do you think they pick on gender? Why do they pick gender? Why do they pick on race, class, all these things? It's because it keeps us divided. There's a handful of us in this body who remember what it was like before Senator Kathleen Kauth came in here and made everything about gender, about trans sickness and mental illness. And you can see the outcome that that has had for the division that we have in this body and in Nebraska. And that cruelty is the point. It's not a byproduct, it's the point. It's about making trans children, trans people, a problem to be solved, a threat to be contained, and when you use that messaging over and over and over again-- you're mentally ill, you are a threat, you're dangerous, you're preying on people in the bathroom, this and that-- it's not surprising when the outcome of that messaging shows up as violence against these kids, against these people, as depression in these kids, and sadly, too often as suicide. And I heard many of you standing up on the mic in the last 64 days, talking about how social media is making kids kill themselves. Well, look up on the board. This is another cause, as well. We know the statistics. We have seen the data about trans youth and mental health. We've seen how family rejection and social stigma and legal discrimination drives these kids to the brink. And instead of trying to make their lives easier, safer, or more hopeful of caring for them, even if you don't understand them, we're adding to that burden, again, with the full weight of the state behind that burden, behind that hostility. And for what? To win a

primary, to get a talking point on a mailer, or to look tough on an issue that is controversial? We're being asked to pass a bill that solves no real problem but does harm real people. That should be a deal breaker for every one of us, every one of you who came in here talking all the time about, oh, I campaigned on reducing property taxes. This is the biggest issue facing Nebraskans. Why don't we work on that? This type of thing should be a deal breaker for you. Back in the day, a bill like this wouldn't even make it out of committee. Even if members agreed, even if the majority of members in the committee said, yeah, I don't know, I don't understand trans people, either. I think it's weird. You can think that, but there was a time in this body where people would recognize this for the divisive topic and the unserious topic that it is. We cannot legislate people's identities. That's not the business that we're in. And if you are not fighting to fully fund our schools, to increase access to mental healthcare, to reduce poverty, and to ensure that girls have access to equal facilities and opportunities, then please don't pretend this is about protecting girls and women. This is about scapegoating. It's about punching down and choosing fear over facts. I would ask you to sit with the reality that good intentions that many of you may have do not erase harmful outcomes. You don't get credit for kindness and good intentions when you're legislating cruelty that is measurable that we know the way this affects these children. Nebraska is better than this, our kids deserve more than this--

DeBOER: Time, Senator.

HUNT: --and I will continue to stand up against this bill. Thank you, Madam Chair.

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

J. CAVANAUGH: Thank you, Madam President. It's always hard to follow Senator Hunt. It's very powerful. She made a lot of good points. And I-- obviously, I would, I would start by reiterating what I said on Select File, which is that I think a lot of you are not thinking about the people that this bill adversely affects. The families, the parents, the children that this bill causes harm to. And I would encourage you to think about that, because I do think that you all know better, and you have a heart, and you recognize those things. And so I would just encourage you to, to think about it. And I know that we can't go out into the lobby and talk to folks right now. Had an opportunity to talk to some folks before we came back from dinner, but

they're up in the balcony here. I'm sure they'll wave to you, and I'm sure they'd be happy to talk to you, whenever you have an opportunity. But I know the heartfelt, emotional plea is not what is reaching people on this issue. I know that there's fear of political retribution or maybe you're, you're just fundamental misunderstanding of other-- the human condition. So I want to take my one chance to talk on this bill to talk about some of the technical problems with it. So LB89 came out of the Government Committee, and it is a pared-down version that addresses sports, as a result of the amendment that was adopted on Select File. There are a number of portions of it, but the one part I want to talk about is the doctor's req-- the doctor's note. And it says, this is on page 5, a student shall provide to such school or post-secondary educational institution confirmation of such student's sex on a document signed by a doctor or signed under the authority of a doctor. So, I know a lot of folks will dismissively say, sounds simple enough. They'll say everybody has their seventh grade physical where they have a genital inspection. I'm not convinced that's true, but I know-- I've heard you all say things like that. But the things to consider here are, and in my short amount of time I'm going to have to talk about this: this bill defines boy and girl, and it defines them differently than male and female, or man and woman, I guess, sets apart separate definitions for that. It does not define doctor. There are many, many types of doctors. Technically, I'm a doctor. I've got a Juris Doctorate. Sen-- Senator Dungan does. I don't think we have any medical doctors in the body. But there are many other people. PhDs also carry the honorific of doctor. This bill does not specify what type of doctor you mean. It does not specify what level of inspection or certainty those doctors should undertake. It does not specify that the doctor has to adhere to the definition of sex that you put into this. It just says that they have to answer that question or that the paperwork does. So in your rush to get this done, to get something, to check a box, you haven't even done it well. So, there are other parts about this doctor's note, if it works the way that you think it works. If somebody goes to a medical doctor and they give the school a note signed by that medical doctor, is the school protected from liability if somebody comes up and says, I need you to prove that that player is a girl, and then the school releases medical information to the opposing team's coach? Is that an exception under the HIPAA? Is that an exception under liability for the schools? I don't think the bill answers that question or what-- contemplates how that situation is going to be undertaken. The introducer of the bill's contemplation is that people just won't ask anymore, which is simply not true. People continue to misgender and attack people based off of

their appearance and their confusion. So that's the problem. I'm going to run out of time, but the other one I wanted to talk about was the financial barrier. Sports are a good thing. Everybody talks about how important sports are to kids. But we are erecting a financial barrier to kids participating because they're going to have to go to a doctor to get a note, an additional hurdle of paperwork, cost, copay, that kids are going to undertake before they're going to have the opportunity to play soccer, to run track, to run cross-country. So we are erecting hurdles for kids, every kid. This is not just the trans kids who you're trying to hurt. This is a hurdle that you are erecting to every kid--

DeBOER: Time, Senator.

J. CAVANAUGH: --who goes to public school in the state of Nebraska. Thank you, Ma--

DeBOER: Thank you, Senator John Cavanaugh. Senator Fredrickson, you're recognized.

FREDRICKSON: Thank you, Madam President. Good evening, colleagues. I, I rise in support to LB89. And, you know, I don't know that I have much more to say about this that hasn't already been said in, in the multiple rounds of debate that we've had around this. But I, but I do want to rise, because I think it's important to establish a legislative record. And I think in the future, when people look back at this period of time in our country's history, and they look at what we're doing as a country and they're studying what's happening in American history at this time, I think it's important to have a record that there was a resistance to, to actions like LB89. Because the reality is, Nebraskans and colleagues, that there will be a time, someday soon, when the fog of this will lift. The masses will move on, we won't be obsessing about this topic, and we'll be onto the next craze. And all of us are going to be left with the rubble. We'll be left with how we voted. And Nebraskans will be left with what we decide. Colleagues, I, I cannot think of a time in history where action like LB, LB89 was taken that is looked back upon favorably. I can't think of one time in American history that we look back on action like this favorably. And I, I would ask that you all think really hard about that. I believe in my heart that most of you want to believe that you are solving some problem with this bill. And I believe in my heart that most of you believe or want to believe that this bill is not harmful to people, but I can assure you it is. I know there are a number of you in here who realize that this bill does not

do what it purports to do. It's a political football, it's using a community as a pawn, and it's doing so at a time when, frankly, the house is on fire. And it's essentially saying, don't look over here. Let's talk about this. And real people, real Nebraskans, are the collateral damage of that type of activity. At some point in the future, maybe it'll be in our lifetimes, maybe in our kids' lifetimes, you'll have to think back to moments like this and ask yourself, are you proud? Are you proud of what you've done? Because if anyone in here can truly look in their heart of hearts and think that this type of action is not something that is-- I, I, I don't even know what the word is for it, to be honest. I believe we want to protect women. I think we also know that this is not the way to do that. Thank you, Madam President.

DeBOER: Thank you, Senator Fredrickson. Senator Dungan, you're recognized.

DUNGAN: Thank you, Madam President. Colleagues. I rise today in favor of the motion to recommit and adamantly opposed to LB89 for a number of reasons. As has already been stated, we're not going to have a lot of times on the mic to talk today because we only have an hour of debate, so I want to dive into a couple of the things that we haven't had a chance to discuss in great detail yet. Our friends who are in the balcony today and our friends who are out in the Rotunda know and understand the support that I think they have in this body. What I think has gone unanswered at certain times by the proponents of this bill is how it's supposed to work. This bill is such a Frankenstein cobbled together, let's slap some tape on it and see if it makes it across the finish line bill, that a simple read of the pages shows that it doesn't make any sense at all. It is unenforceable, unintelligible, and so unconstitutionally vague that I don't understand what it's suppose to do. What happens if you're in the middle of a basketball game and it's the, the second half of the game and the opposing team is there and they're mad that they're losing. And one of them goes up to a school official and says, you know what? I think that's a trans woman on the team. What happens then, Senator Kauth? I see Senator Lippincott's up in the queue next, and I imagine he's going to yield you some time. So I hope you answer that. How is this enforced? There's no enforcement language in this at all. I think you said on the first round of debate that you expect this to be intent language. And there's some piece in here that talks about the fact that schools are supposed to promulgate rules to enforce this. But what happens then? Let's say you're in the middle of that basketball game. Senator DeKay, I don't know if he's in the room right

now, he's a high school ref. He knows how complicated these things can be. Somebody comes up to the ref and says, I think that's a trans woman. Do you stop the game? Do you demand papers? Do you make individuals show you their medical documentation? Let's say you don't do that. Is the, is the school then subject to lawsuit by violation of this statute? There has to be consequences for laws. You can't just have a law in place and then say, we expect there to be somebody who follows this, but there's no consequences. So is the school then subject to lawsuit by that parent? If they are subject to that lawsuit, is it incumbent upon the school to disclose through the pendency of that case protected information? Medical information? How do they defend themselves in that lawsuit? What does a person who's intersex do? There's this weird little paragraph that you've put in there, saying that somebody who's intersex will be given ADA accommodations. What does that have anything to do with what team they play on? Who makes that determination? Are the doctor notes subject to public records? Who do they have to provide it to? Does the coach have to carry it around with them? Is a doctor subject to medical malpractice for what they write on that note? Who gets to see that note? Is the school going to be held liable? Are teachers going to be held liable? Are the principals going to be held liable? There's no answers to any of this. We had-- how many amendments? I'm not on the committee. There were 6 or 7 amendments that had to keep coming because the definition was such a moving target of what was, in this bill, defined as a boy or a girl, and that underscores how complicated this is. This isn't easy. And so, I'm curious, I'm curious how this works, I'm curious about the enforcement mechanisms that aren't contained in that. I'm curious about are there going to be gender inspections or sex inspections done in schools? Are school nurses now being drafted into that position? These are questions that people who are teachers have for you. And these are questions that have never been answered, at least not to the satisfaction of those who have to enforce it. I've said it before, I'll say it again, this bill is problematic for a number of reasons. The fact that we're even having this debate, yet again, in my third year in a row, is harmful to folks, but there are logistical and systematic problems with this bill that have not gone answered. LB575, which was defeated by this body, had more clarifications and parameters in place, defining what would or wouldn't happen than this bill does. So colleagues, if your concern is enforceability, if your concern is an understanding of how these things actually work, and if your concern is about passing legislation that even if you disagree with it, actually works, then I would encourage you to vote against LB89, because this bill--

DeBOER: Time, Senator.

DUNGAN: --doesn't make sense. Thank you, Madam President.

DeBOER: Thank you, Senator Dungan, Senator Lippincott, you're recognized.

LIPPINCOTT: Thank you, ma'am. I support LB89, a bill that protects fairness, safety, and opportunity for our female athletes. This isn't about exclusion. It's about ensuring our daughters, sisters, and friends have a level playing field to compete, succeed, and shine. LB89 recognizes a simple scientific truth: Biological males and females are different. These differences, as outlined in the bill, impact athletic performance in profound ways. Let's look at the evidence. A 2020 study published in Sports Medicine found that males, on average, have a 10-12% higher muscle mass and a 15-20% greater strength than females, even before puberty. After puberty, testosterone levels surge in males, amplifying these advantages. The study notes that male athletes can generate up to 30% more power in explosive movements like sprinting or jumping. And these are not small gaps, they're game-changers. Consider this real-world example. In 2018, a high school track meet in Connecticut saw two biological males identifying as female win first and second place in the girls' 100 meter dash. The female competitors, who trained tirelessly, were left in their dust. One of those girls, Selena Sol, said she lost opportunities for scholarships and recognition. This is not fairness. It's a setback for women's sports, undoing decades of progress since Title IX. LB89 addresses this head on. It requires athletic teams to be designated by biological sex, male, female, or co-ed. Female teams will be reserved for biological females, ensuring they compete against peers with similar physical capabilities. The bill cites that testosterone suppression in males does not level the playing field. A 2021 study in the Journal of Clinical Endocrinology and Metabolism supports this, showing that even after two years of testosterone suppression, biological males retain significant strength and speed advantages over females. This means that allowing biological males on female teams risk not just fairness, but also safety, especially in contact sports like wrestling or rugby, where physical disparities can lead to injuries. Now some might argue that this bill excludes certain athletes, but LB 89 is not about shutting doors, it's about opening the right ones. Co-ed or mixed teams remain available for all, ensuring everyone has a chance to compete. The bill also protects schools from legal backlash as Section 6 prevents complaints or investigations against institutions that uphold these fair

policies. This clarity shields our coaches and administrators, letting them focus on nurturing talent and not navigating lawsuits. Think of the stakes. In Nebraska, high school sports are a path to college scholarships, and with over \$1 billion awarded annually across the United States for athletic achievements, female athletes deserve an equal shot at those opportunities. LB89 ensures that a girl who trains relentlessly for the shotput throw or her 400-meter relay is not outmatched by a biological male's inherent advantages. It's about rewarding her grit, her sweat, and her dreams. Parents have watched their daughters practice until dusk. Coaches, you've seen your determination. Athletes, you felt the thrill of hard-earned win, and LB89 protects that journey. It says to every girl in Nebraska, your effort matters, your talent counts, and your future is worth fighting for. I urge you to support LB 89, stand with our female athletes and together we can preserve fairness, uphold science, and ensure that women's sports remain a beacon of equality and opportunity. Thank you, sir.

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

ROUNTREE: Good evening. Thank you, Mr. President. Good evening, colleagues, and all those that are watching online and television. I've said a lot in the previous two rounds of debate. I still stand to say that I love all of God's people, and I will always be here to serve all of God's people. I just want to read this quick letter-- or an email I got from Bridget Johnson [PHONETIC], here in Lincoln, Nebraska. It just say, Senator Rountree: I have worked in law enforcement for 22 years. I'm a big believer in laws that help protect the people, deter criminals, and prevent discrimination. These laws help raise our communities up to higher standards. However, when government officials introduce unnecessary legislation that is harmful and promotes discrimination, like LB89, it cultivates the very opposite. It makes it acceptable to bully and harass already marginalized communities. When a government promotes this type of behavior, violence, discrimination, and hate becomes the norm. She thanks us for recognizing that Nebraska is better than that. Nebraska is better than that. I've gone to war-- after serving a 30-year honorable career in the United States Air Force, I've gone to war with transgender members. It did not matter. They performed their job with the greatest of excellence. I'll go to war with them anytime. I know they're under assault now being excluded from our military, but I will go to war with them any day, because they love this country, just like you and I love this country. And so with that said, I want to yield the remainder of my time to Senator Juarez. Thank you, Mr. President.

ARCH: Senator Juarez, 3 minutes, 10.

JUAREZ: Thank you. So I wanted to read some letters that were provided to me to show I am against LB89, and I do recommit to committee. And I just wanted to share some personal stories here. So this one says: Dear Senator, sports are a huge part of my life. I have ran cross-country for my school, and I'm currently in track and on my 10th season of soccer. I don't always look forward to the school day, but I love going to practice at the end of the day. This bill will affect about 10 people. Is ruining these athletes' lives and stopping them from doing what they love to do worth telling people they don't have to be afraid of something that is less likely to happen than being struck by lightning? I would be devastated if I was told I couldn't play sports just for a silly reason. Being different is a very silly reason, I hope before you vote on this that you think about the people this affects, the people who just want to play a game. Sincerely, a kid who just wants to play in sports. The next letter I want to share is from a parent. Today, my son came home from district track meet that he had from 8-4. He ran in the 800, 1,600, and 4 by 4 relay. He did not even have his first race until after noon-- till after 12. Despite it being a long, hot day, he told me of the fun he had with his teammates. He told me about the coaches having clothespins with affirmations on them that were there to clip on their teammates without them knowing. He beamed as he told about the camaraderie and fun he had with his team. When you pass legislation that denies trans kids the right to play sports with their classmates, you deny them the healthy benefits, the mental, emotional, and social benefits, the educational and career successes, as well as the community impact. My trans son is a boy and will always want to be-- only to participate on the team that matches his gender identity. And remember, other students and parents would not be happy to have a student who they know as a boy playing on a girl's team. This leaves trans children without any options. My son has not enjoyed middle school, but sports have made it more bearable. He has built his confidence, determination, self-esteem, and social support. This bill takes that all away from him. I heard in debate on LB89 over and over from Senator Kauth and others that just one student being harmed is one too many. They had no evidence of any young person in Nebraska being harmed. Yet you know countless families like mine who are harmed by this bill. Children who are just trying to go to school--

ARCH: Time, Senator.

JUAREZ: Thank you.

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

GUERECA: Thank you, Mr. President. I'll start us off with a quote. Nebraska does not need redundant solutions and bureaucracy in search of problems. Now, those are the words that our governor used when responding to McKinney's-- Senator McKinney's bed bug bill failing. Now, I disagree with him that in that case, that was a redundant solution of bureaucracy in search of a problem. However, colleagues, I can guarantee you that LB89 is a redundant solution in bureaucracy in search of a problem. So, why do I say that? There's roughly 500,000 athletes that compete in college athletics. According to the person in charge of the NCAA, roughly 10 of those are trans. Well, the President already took care of that with executive order. All right, so that's not a problem. What about, what about here in Nebraska, right? We're the Nebraska Legislature. We're here to deal and protect our girls and women here, in Nebraska. OK. Roughly 350,000, according to the last census, kids between the ages of 6 and 17; of those, roughly 53% play sports; 48% of those are girls. That's 91,400 girls that every year, participate in sports. Great. That's, that's healthy. We want to see that. Well, let's protect those girls. OK. In the entire 8-year history of the process set up by the NSAA, 8 trans kids applied. 8 applied. We do not know how many were approved. That, colleagues, is 100% a problem in search of a solution. And you know what? I-- and this I know for a fact. I guarantee you that there are more pissed-off dads at games than there are trans kids playing sports. And as my colleague, Senator Dungan, pointed out, the-- how would this bill is going to be applied is a mess. Like, what, what happens from the point of pissed-off dad walking up to coach, to ref, and saying, no way, that's a-- you know, that, that's a trans kid or-- that's who we're going to encumber, that 91,400 kids playing sports, because a pissed-off dad is going to say, hey, no-- because dads are dads. Parents get pissed off. Problems in search of solutions. So colleagues, I, I hope we all got some great quotes and campaign literature, and protected women. But in reality, all we did was went after a very marginalized group of kids and encumbered the rest of them. I yield the time-- the rest of my time to Senator Spivey.

ARCH: Senator Spivey, one minute.

SPIVEY: Thank you, Mr. President. And good afternoon to the folks that are joining us in the rotunda watching online that are impacted. I want to spend my time and the time that I do have just talking to the folks that directly have the lived experience. I think this body has made up its mind, and I don't like to try to convince people of other

folks' humanity or to help-- to try to make sure people understand how oppressive systems work when they're not ready to listen and open to that. So instead, and hopefully I have time again on the mic, I want to read some stories of some folks and their testimony, but really just want to send love, support, and my commitment to continuing to dismantle systems of oppression that are impacting specifically, in this instance, our trans community and our young people.

ARCH: Time, Senator.

SPIVEY: Thank you, Mr. President.

ARCH: Mr. Clerk, for items.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB48 as correctly engrossed and placed on Final Reading. Second, in addition, your Committee on Enrollment and Review reports LB150, LB150A, LB298, LB298A, LB303, as correctly engrossed and placed on Final Reading. That's all I have at this time.

ARCH: Returning to the queue, Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good evening, colleagues. As a mom, as a civil rights attorney, and as a state senator, I rise in continued opposition to LB89 and in support of Senator Hunt's motion to recommit this measure to committee. Friends, I want to reiterate for the record that very recently, in deep red states, courts have recently rejected measures almost identical to this, that narrowly seek to define sex based on a political ideology and not a science, in terms of a discriminatory impact for trans citizens in their states, intersex citizens in their state, and citizens who have various and different medical issues. So I do just want to lift that up, as well. Additionally, I reject the paternalism and patriarchy inherent in this bill and in this discussion. I am a woman and a mom and a state senator and a lawyer. I know very clearly what Nebraska women need from this body in order to have security, and it's not a discriminatory ban against a handful of kids in regards to extracurricular participation. If you truly cared about standing with women, where's the bills on your agenda to increase access to childcare? Where's the bills on your agenda to narrow the gender wage gap in Nebraska? Where's the bills on your agenda to actually recognize the fact that Nebraska women consistently have one of the highest percentages of rates working outside of the home and Nebraska

women have an undeniable burden when it comes to caretaking for young children, for partners, and for aging parents, but you just cut their sick leave and you're trying to cut their minimum wage, which widens the wage gap. If you cared about standing with women, you would address the maternal health desert that are present and persistent and growing in Nebraska. If you cared about standing with women, you would support reproductive rights, including birth freedom-- a little shout out to the momnibus and my friend, Senator Hansen, for his good work in that regard. If you truly cared about standing with women you should make-- you would make sure that women have access to education and employment and opportunity, which we know by the statistics we're still lacking, even though we've made gains and are working harder than ever. I have two children who play sports. They're much more athletically talented than I am, and it has been a joy to watch them participate. I don't know if they'll end up winning medals or scholarships, but I know that it's taught them a lot about fitness, a lot of about friendship, and a lot about life skills, which are the experiences that you and your families have shared as well. If those experiences are important to you and to your family and your children, why would you deny those to other children? And where, in the record, is any sort of actual data or information that children in Nebraska have lost out on medals or scholarships or access to teams? Where in the records is information that Nebraska athletes have been harmed or injured? Why do the legislative findings speak in platitudes and have no citation? Where is the enforcement component in this legislation? What is the reference to the ADA? How does this measure relate to the governor's executive order? Does this measure still comply with our Supreme Court decision in Exon? These are real and important issues. I don't need a paternalistic nod or a distraction from this Legislature to help lift women up in Nebraska. I need policies that matter to their lives and their kitchen tables and their families. So while some colleagues say, look over here, look over here, we're protecting women, they're undercutting women with--

ARCH: Time, Senator.

CONRAD: --every other vote. Thank you, Madam President. Thank you, Mr. President.

ARCH: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB415 and LB89-- excuse me, LB415. Returning to the queue, Senator Machaela Cavanaugh, you're recognized to speak

M. CAVANAUGH: Thank you, Mr. President. I do still have 5 minutes to try and appeal to my colleagues, before LB89 is passed. One of the issues that I have had with this legislation is if you're looking at the Final Reading copy, on page 2, line 27, it says, studies have shown-- and dot, dot, dot. It doesn't matter what the rest of it is. That-- we're putting into statute what should be in an opening statement in introducing a bill. There's an entire page of, of words that we are putting in, into statute that have no business being in statute, even if you support the underlying purpose of this bill. And that frustrates me, and I just wanted to say that. This bill, this-- just this bill, if we had done the regular hours of debate on it, we would have spent 24 hours between the committee hearing and debate on this bill. Because we did shorter debate on this bill, we've spent 17 hours on it. But we could have spent 24 hours, 24 hours, an entire day on a bill that impacts less than 10 kids in our state, but will harm so many more. I had a conversation with Senator DeKay, and I appreciate him having the conversation with me, about athletes and girls on girls teams being accused of being a boy because they have masculine features and that's going to happen. It is. And even if there is a lawsuit or isn't a lawsuit, it's still going to do damage to that child, to that student. And it's going to happen because we passed this and people are going to be emboldened and they're going to harass girls, actual, in your view, girls. And that's what this is going to do. And that is sad. This has been very difficult to live through. As Senator Conrad said, I am a mother. And I have many of you who will vote for this today come up and talk to me about my children. And I don't get the impression that any of you think that you should be in charge of making decisions about my children and their healthcare and what bathroom they use. I've generally got the sense that you all think that I'm competent. But you want to legislate away parents' rights, and this is just another way to do it. And you want to harm kids. And you-- I guess I shouldn't say you want to harm kids, you are harming kids. You think that's not your intention, but that is the outcome. You're harming children. This has been so difficult. And I'm pissed about the ballot initiatives. I'm going to say that. I'm pissed about all of the ballot initiatives, because first of all, we should have done it in the Legislature. Second of all, all the people that spent all the money on ballot initiatives, and didn't spend money and didn't volunteer and didn't show up for candidates to put them here to help us kill this bill. I'm mad at you. I'm very, very mad at you. One more person. All we need is one person in this body to care enough about the harm that you are causing. I can see that I'm almost out of time so I will end how I always end. To the people that are

watching, to the people outside, and the people in the balcony, you are loved. You matter. You are worth fighting for, and I will never stop fighting for you. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. And again, good evening to the folks that are joining us that are here advocating, wanting to hold us accountable, to be better for all Nebraskans. As I stated earlier, I wanted to lift up space and really create space again for the people with lived experience. Throughout my career, I work in the spaces of creating just communities and how do we support working families and people that are traditionally pushed to the margins and I think it's important to not co-op that space. But be alongside them, and, and not necessarily in allyship, but being true comrades. Like, you have to lose something and be willing to lose something with them. And that's where I hope my colleagues-- some of my colleagues continue to be, and others will hopefully join us to create a better Nebraska. So I wanted to uplift a testimony from someone from District 28 that testified. And again, I want to share these stories, and, and really, as I know we're coming up on time, end with holding space for the people that are most impacted. I was born and raised in Houston, Texas, and went to Carleton College in Northfield, Minnesota, and found my way to Lincoln, Nebraska, for work. I fell in love with this great state. And I can honestly say that there is nowhere I would rather be in the world than right here in Nebraska. As a matter of fact, my goal is to live in Lincoln for the rest of my life. I'm an Omaha girl, but we'll let them live with the Lincoln comment. I feel proud telling people I live in Nebraska because of the phenomenal community I've been able to build here. In 2023, I was named Lincoln's Young Citizen of the Year. In 2024, I worked to establish the Nebraska Commission of Asian American Affairs with Senator Sanders. And I'm a current student at the University of Nebraska College of Law. I volunteer on three boards of directors and serve on the U.S. Global Leadership Coalition's Advisory Committee for the state of Nebraska. I say all these things not to brag, but because I want you to humanize and qualify who I am and understand my dedication to all Nebraskans. And yet, I feel like nothing I do will ever be good enough because all some people care about is my gender identity. I go to school, I volunteer, I pay my taxes, and so it feels a bit strange for me to be sitting here before you, all asking that you don't advance a bill that would prevent people like me from using the bathroom and corresponds with my gender identity. We know at this point we've had the hearing, there has been an amendment that has been adopted that is less harmful, but it's

still important to uplift this story. When you think about trans people, I wonder if you think about everyday people like me who give everything their all and just want to exist without persecution. This includes our queer and trans youth who just want to go to school and play sports, because these are the same trans youth who will grow up to be trans adults, just like me. I'm committed to living in Nebraska. No hateful, discriminatory, anti-trans policy will make me want to leave this state or change who I am. If anything, it makes me want to double down and make Nebraska even more welcoming to queer and trans people like myself, especially our youth. Trans people like me want to receive a quality education, work somewhere they love, volunteer their time to help others, and ultimately build a community that is safe for all Nebraskans. I'll say it again. I love Nebraska. I just want-- I just wish some of its people didn't hate trans people like me so much. Please vote no on LB89. Thank you. I wanted to read another story from someone who is not trans but works directly with trans youth who, who is a high school coach. I'm a Nebraska high school head coach and teacher. This is my 26th year of coaching and my 25th year of teaching school in Nebraska. They were born and raised in Lincoln. And I see my light is on, so I'm running out of time. They go on to say that LB89 is unnecessary, that the NSAA, the governing body for all high school athletics in Nebraska already has a policy in place for transgender athletes. This bill, LB 89, is unwanted legislative overreach. But more importantly, I want to remind you of the joy of playing sports. Trans kids and young adults want to play sports. And this bill makes it nearly impossible for them to do it as themselves. So again, I don't know how many folks reached out in support of LB89. I got folks who did not. And I, I just want to end and, and make space for the people that are here, that are navigating this with their lived experience, that this body and this policy doesn't define who you are and the joy and abundance that--

ARCH: Time, Senator.

SPIVEY: --you deserve. Thank you, Mr. President.

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

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

ARCH: Senator Kauth, for what purpose do you rise?

KAUTH: Cloture and check-in, please. Roll call vote.

ARCH: Members, a reminder that we are on Final Reading. Please check in. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

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 voting no. 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 voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. 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 voting no. 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 yes. Vote is 33 ayes, 16 nays to invoke cloture, Mr. President.

ARCH: The cloture motion is successful. The next vote is the motion to recommit to committee. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote.

CLERK: Senator Andersen voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Bosn voting no. Senator Bostar voting yes. Senator Brandt voting no. 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 voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting yes. 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 yes. Senator Quick voting yes. Senator Raybould voting yes. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Vote is 16 ayes, 33 nays to recommit the bill, Mr. President.

ARCH: The motion to recommit is not successful. All provisions of law relative to procedure having been complied with, the question is, shall LB89 pass? Mr. Clerk, please read the bill.

CLERK: [Read LB89 on Final Reading]

ARCH: All provisions of law relative to procedure having been complied with, the question is, shall LB89 pass? Mr. Clerk, please call the roll.

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 voting no. 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 voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonwoski 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 voting no. 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 yes. Vote is 33 ayes, 16 nays, Mr. President.

ARCH: LB89 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB89. Mr. Clerk, for a motion.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 28, 2025
Rough Draft

CLERK: Mr. President, Senator Lonowski would move to adjourn the body until Thursday, May 22, at 9:00 a.m. All those in favor, say aye. Opposed, nay. We are adjourned.