

ARCH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eleventh day of the One Hundred Ninth Legislature, Second Session. Our chaplain for today is Senator Lippincott. Please rise.

LIPPINCOTT: Lord, we come before you today and acknowledge the institutions that you created to keep your people safe and orderly: the family, the church, and the government. Each institution you designed to keep us protected so that we may enjoy freedom in order to have opportunities to make right decisions. Your people will have the freedom to choose their paths so others can observe their character and bring glory and honor to you. As Solomon ask, we too ask for wisdom in administering justice. And as you commanded, Joshua, we also humbly ask for strength and courage as we toil with matters before our assembly today. In the power of the name of Jesus Christ, we pray. Amen.

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

STROMMEN: Please join me in the Pledge of Allegiance. 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 eleventh day of the One Hundred Ninth Legislature, Second 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: There are, Mr. President. A Reference report from the Referencing Committee concerning LB1124 through LB1165. In addition, a series of amendments to be printed from Senator Kauth to LB1166 through LB1260. That's all I have this time.

ARCH: Senator Glen Meyer would like to recognize the doctor for the day: Dr. Dave Hoelting from Pender. He's serving as our family

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physician. Please rise and be welcomed. Mr. Clerk, please proceed to the first item on the agenda.

CLERK: Mr. President, first item on the agenda: General File, LB400, introduced by Senator Wordekemper. It's a bill for an act relating to the Nebraska Workers' Compensation Act; provides for compensability of certain cancers in firefighters; creates rebuttable presumptions; defines terms; harmonizes provisions; and repeals the original section. The bill was read for the first time on January 17 of 2025 and referred to the Business and Labor Committee. That committee placed the bill on General File with committee amendments. At the time the Legislature left the bill yesterday, Mr. Pe-- President, pending was bill itself, the committee amendments, an amendment to those committee amendments from Senator Clouse, as well as a bracket motion from Senator Hallstrom. That's all I have at this time.

ARCH: Senator Wordekemper, you're granted a one-minute refresher.

WORDEKEMPER: Thank you, Mr. President. Colleagues, I'll-- I just want to go over a little bit of how we're-- we got to where we are with this bill. The original bill was introduced last session. We listened to some concerns from the, the league and some other stakeholders, and, and-- so that's where we ended up with AM702, the committee amendment. We addressed their physical, physical standards and clarification on the evidence standards. And then the next amendment, Senator Clouse-- and I'm sorry. On AM702 also, we had a misspelling of digoxin. We worked that out. Senator Clouse's amendment, we removed some-- sorry-- digoxin on that, and we also worked with the volunteers on that. And we're-- I'm committing-- continuing to work with Senator Hallstrom to make this bill better and come to a compromise. And I'd appreciate everybody's support on the committee amendment and Senator Clouse's amendment and LB400. Thank you, Mr. President.

ARCH: Mr. Clerk, next item.

CLERK: Mr. President, yes-- excuse me-- from earlier-- yesterday, the bracket motion from Senator Hallstrom was defeated. In that case, Mr. President, pending next is a recommit motion from Senator Hallstrom. Excuse me, Mr. President. Senator Machaela Cavanaugh had filed a reconsider motion on the bracket motion. Senator Machaela Cavanaugh, MO-- excuse me-- Senator Machaela Cavanaugh, reconsider the bracket motion.

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

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I filed this yesterday and then we adjourned-- well, we actually stood at ease for the last day of bill introductions, so I didn't get a chance to open on it. But I had yesterday hoped to have a moment just to speak, so I'm going to today. I rise in support of LB400. I've been a longtime supporter of this bill. This is my last term in the Legislature, and yesterday I introduced my very last piece of legislation, which is a constitutional amendment to codify the state's responsibility for the developmental disabilities community. And I'm very honored to have served in the Legislature. I started my-- my intention of running for the Legislature was to protect people with intellectual and developmental disabilities, so I was really happy to have the very last thing that I ever introduced in this body to be to codify our responsibilities to them. And I just want the people in the community to know that they will continue to have an advocate in me at least for the next 49 days. And I'd like to withdraw my motion. Thank you, Mr. President.

ARCH: Without objection, so ordered. Mr Clerk, next item.

CLERK: Mr. President, in that case, Senator Hallstrom would move to recommit the bill to committee.

ARCH: Senator Hallstrom, you are recognized to open on your motion to recommit.

HALLSTROM: Mr. Speaker, members, just want to make a few comments before we move forward here. Senator Wordekemper has shared some language with me. I don't want to raise false hopes at this early time, but I have shared that with the folks that are going to be most interested and be able to wordsmith it and take a look. I think it's a bare-bones approach, so there would definitely, even if it's acceptable, require some significant work. But in the interest of, of that, for the moment, I would like to be able to move on. We'll talk a little bit more, I think, Senator Wordekemper, about his approach and his suggestion during the morning. But we've got some other amendments pending. I think Senator Clouse has his amendment to restrict the volunteer firefighters' access to the, to the LB400 approach. I have an amendment to mandate the can-- Firefighters Cancer Benefits Act. So with that, reserving the right to refile the

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recommit to committee, I would withdraw that recommit motion at this time

ARCH: Without objection, so ordered. Mr. Clerk, next item.

CLERK: I have nothing at this time, Mr. President.

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

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans. My big concern with this whole debate-- and I do appreciate the, the debate and I do appreciate every party that has a vested interest in trying to come up with amicable solutions, but I, I find that we're doing this on the fly. We're doing this on the floor. And I think we're doing a lot of disservice to getting additional information not only from the stakeholders but from the municipalities that can crunch the numbers and give more concrete direction on the amendments that are being proposed, the amendments that are being proposed, that there are changes to the amendments being proposed. I don't think that's a good policy approach for any legislative bill that we put forward here today, tomorrow. We have so many other pressing issues. And I would just encourage everyone, if we could somehow set this aside, convene all the stakeholders briefly or maybe for an hour or two to hammer out some of the critical details. But to try to do it on the floor right now when we have so much other pressing issues and other legislative bills that require our attention, I, I ask that their minds come together and create a, a, a different time frame on trying to get these issues resolved. The other topic that I want to really review again today with you is one of the concerns that the League of Municipality raised, and I think-- I find it incredibly credible, legitimate, and this rebuttable presumption is going to be extraordinarily difficult to provide evidence for. Here's what the league said: creating a rebuttable presumption will result in an increasing number of unfounded claims difficult to defend since cancer is linked to family history, genetics, lifestyle, personal habits, and other factors not job related. And I must remind my fellow Nebraskans listening that the majority of our volunteer firefighters are extraordinary, but they have other jobs. They have other jobs to be able to provide for their families. And once again, a majority of them are ranchers and farmers. It would be extremely difficult for a city or village or their insurers to defend against unfounded, expensive claims since a rebuttable presumption requires

the mis-- requires the municipality to prove that the cancer was not caused by his or her work. Research shows that cancers are influenced by family history, genetics, aging, previous jobs, environmental causes unrelated to firefighting, as well as lifestyle choices, including but not limited to sun exposure, smoking, drinking, lack of exercise and poor diet. Municipalities and ultimately taxpayers should not be held liable to pay claims based on a rebuttable presumption for cancers that may have developed regardless of firefighter's duty. And, you know, this is so easy. If you're sitting at your desk and you just google it, up comes an article, "why cancer is hitting the Midwest harder than anywhere else in America." It talks about the Corn Belt spike. They call it the Corn Belt spike. Since the mid-2010s, cancer diagnoses in six states-- Iowa, Nebraska, Illinois, Minnesota, Indiana, Kansas-- have outpaced the national average. These states have a cancer incident rate roughly 5% higher than the rest of the nation. UNMC also documented that we're ranked number five in the nation for pediatric cancer rates. Young adult increased as well. And they go on and talk about disparities in race. But they really point to a few things-- and I hope the next time on the mic I can go over some of the environmental causes and what is being done to mitigate these in our state as well as the other Corn Belt states. Thank you, Mr. President.

ARCH: Senator Jacobson, you are recognized to speak.

JACOBSON: Thank you, Mr. President. Well, I second everything that Senator Raybould just said. That's the most frustrating thing about this whole debate, is when you start changing the rules in terms of finding liability, that's what has-- that's why this is so costly and is uncapped. And when you look at the number of people that are-- that would, that would, that would get cancer without having anything to do with firefighting-- and that doesn't matter whether-- if we pass this bill, all you have to do is be five years on the job and you cannot-- and the reason you got cancer was because of your job. That's what this bill does. That's why it's so wrongheaded. This is not a function of having the backs of firefighters. If you look at the firefighter-- the paid firefighters, pay package, benefits package, it's top of the line. Better than any other profession. Better than other public employees. It's an outstanding benefit package. When you have retirement, when you have a great salary, a retirement package, you have a, a, a health and plan-- health insurance plan, and you have disability, what are we missing? What is the missing link here that we're trying to solve for with this bill? I have not heard that. No one will tell me what that is. No one will

tell the league what this is. It's just a money grab. That's all it is. This is not protecting anybody. The health insurance is there. The disability insurance is there. The life insurance is there. The salaries are there. What is missing? And we can't find it. What's really happening-- I want to talk for a moment really to taxpayers that might be listening. Here's how this works and why you get frustrated and I get frustrated about unfunded mandates. This is obviously an unfunded mandate of epic proportion. So the people promoting this had spent-- the first day this bill came down, the Rotunda was packed with firefighters. The balconies were full of firefighters. They were all here to push this agenda. Then last weekend, there were emails being sent or text messages being sent to voters saying that X, Y, Z senator does not have the backs of firefighters, which is an outright lie. This is not a matter of having the backs of firefighters. It's a matter of having the backs of taxpayers due to paying claims that have nothing to do with the occupation of firefighting. That's what we're talking about. That's how politics works today, folks. You basically come to an election year and you bring a full-court press on an issue like this because you can intimidate sitting state senators up for reelection by misleading voters that you somehow don't have their back if they don't vote for this bill. That's wrong. And so if you're wondering as a taxpayer why your property taxes keep going up, it's because of tactics like that. So if you get one of those emails, understand who sent it to you and why they sent it to you. This bill-- at-- the league has talked with them, but this is not even just a league issue. I had a-- I had a-- someone who's not a constituent but someone who's a concerned Nebraskan taxpayer who sent me an, an email talking about the number of rural fire districts across Nebraska. And they're subject to this as well. This reaches everybody. It's a huge, uncapped taxpayer expense that we can't put a number on. So I'm just telling you, understand what's going on here. I remain opposed. I'll continue to speak on this. We're going to have to take it the full eight hours, and-- so we're prepared to do that. With that, thank you, Mr. President.

ARCH: Senator Hallstrom, you are recognized to speak.

HALLSTROM: Thank you, Mr. Speaker, members. I rise to talk a little bit about the status of where the bill is right now. We have pending Senator Clouse's AM1606, if I can read the bi-- the board correctly. And it is designed, as I understand it, to put some further restrictions on the ability of volunteer firefighters to obtain benefits under the LB400 workers' compensation rebuttable presumption

approach. I do not think that we should omit volunteer firefighters. The next amendment, to my understanding, that's up is AM1750-- which is my amendment-- which would address the current hollow vessel, the paper tiger that's on the books from Senator McDonnell from a number of years ago regarding the Firefighter Cancer Benefits Act. That bill, when it was brought, LB299, I think, in L-- in 2021 was supported by both the paid and the volunteer firefighters. It was a benefit that was worthy of their support. It's a benefit that the firefighters are deserving of receiving, but it hasn't been carried out in the manner in which it was intended. And the result-- the reason for that is because it's on a permissive rather than a mandatory basis. I, I will repeat, Senator Wordekemper has provided me with the bare-bones approach to a possibility that the cities and others interested, involved in this issue may, may take into consideration. I would note for Senator Raybould, I don't intend to, to draft this amendment on the floor. We will continue to talk in hopes that we can get that amendment if it's acceptable to all of the interested parties put together while we are continuing to debate and dialogue this bill. In the absence of that, we're, we're kind of to the point right now-- and I, I do have due respect for the time of the body and the other issues that we need to get to, but we've reached kind of the, the breaking point that, if we allow this bill to move forward, if that was the will of the body, and it's going to be filibustered on Select File if an agreement isn't reached. We got about four hours of floor time either way you, you slice or dice it. You know, and it's kind of interesting on the heels of Martin Luther King Day that we're trying to keep hope alive. And I'm more than interested to work on this, but we'll do so as we continue to talk and dialogue. I think as I've indicated with regard to my amendment, it would make mandatory the Firefighters Cancer Benefit Act, which provides some significant and meaningful benefits to both paid and volunteer firefighters. I'd kind of like to dovetail into what Senator Jacobson said in terms of some of the messages that are flowing out to the firefighters to send us the message of their position on the bill, suggestions that a particular senator is not sure that he or she supports firefighters with cancer. That's nonsense. That's hogwash. None of us are here for that particular purpose or to-- or espouse that position. I had a paid firefighter who-- I welcome his input, and his engagement indicated that he was very disappointed in my actions. What he probably doesn't know is that this bill in its current form is highly unlikely to have the votes necessary to be adopted. What he probably also doesn't know is that, under that suggestion, that this bill will not-- may not pass

as is that I've come up with a solution that does provide meaningful benefits to volunteer and paid firefighters. So I am trying to do something for the firefighters, not turning my back on firefighters because I happen to oppose or being with firefighters because if, if I happen to support the bill. So I will continue. I've shared the language with some of the folks that are most interested in this issue, and I'm waiting for some feedback in that regard. And we'll just continue to discuss the issue as, as matters come up. Thank you.

ARCH: Senator Raybould, you are recognized to speak.

RAYBOULD: Thank you, Mr. President. I wanted to continue my discussion about cancer and how prevalent it is in our state of Nebraska. And we seem to be leading the charge of having increasing rates. And I also wanted to add that I do appreciate Senator Hallstrom's efforts on trying to come up with solutions. I think-- there's no one in this body who feels like we want to turn our backs on our firefighters and all the many contributions they make to our state of Nebraska. Again, I like to quote Senator Hallstrom, that's hogwash. We care deeply about the work that they do and the sacrifices that their families make. But I do know that this puts some municipalities in a very difficult position of trying to, number one, make sure that they have reserves to be able to fund any of those cancer rates or the, the probability of X amount of firefighters, volunteer or full time, are going to come down with cancer. They have to rely on the actuarial statistics, but then they have to start to create the reserve. And as you can imagine, when one of these claims hits any municipality, it can be extraordinary. And guess what? It is considered another unfunded mandate with this heavy obligation to provide founded or unfounded claims and the pursuit of trying to get to the actual evidence. And as I started out this morning, I talked about the increasing cancer rates and how challenging it would be to pinpoint exactly what was the cause of that cancer. It's, it's extraordinarily difficult to do so. I just wanted to say that here are some of the, the cancer rates that are increasing in our state of Nebraska as noted by the University of Nebraska Medicine. I did mention that we have the highest pediatric cancer rate; we're ranked fifth in the United States. And they're saying that Nebraska counties have elevated atrazine or nitrate levels reported-- or, those counties that have higher, elevated atrazine or nitrate levels reported more childhood cancer than any counties with lower levels of these chemicals. And then UNMC study goes on to say that some adult health issues included increasing heart rate, nausea, headaches, and abdominal cramps, and cancers,

such as colorectal, thyroid, kidney, bladder, and non-Hodgkin's lymphoma. Nitrates have also been found to contribute to Alzheimer's and diabetes as well as Parkinson's. Children's health is affected by nitrates through their link to pediatric brain cancers and non-Hodgkin's lymphomas. I want to say that, as a person who has non-Hodgkin's lymphoma-- I'm not a farmer or rancher, and I wasn't a firefighter, either volunteer or full time. I know my father had Parkinson's disease. I know that he traveled all across the state of Nebraska when he was a meat supervisor for when he worked for Safeway, but this means that all Nebraskans are at risk. And so many folks in the Corn Belt are at risk for-- of these type of diseases. And Iowa has listed the potential risk factors in the Midwest. They talk about the agricultural chemicals, heavy use of pesticides, herbicides, and fertilizers like glyphosate has been linked to increased risks of non-Hodgkin's lymphoma and other cancers. Water contamination. Elevated nitrate levels in drinking water from agricultural runoff are a primary concern for kidney and bladder cancers. Environmental factors, radon. Naturally occurring radon gas is highly prevalent in Iowa homes and is the second leading cause of lung cancer. UV exposure. High rates of skin cancer are attributed to long hours of outdoor agricultural work. Lifestyle behaviors. The region has higher than average rates of binge drinking and tobacco use. So when we try to figure out how to best approach this, I think Senator Jacobson had-- Jacobson has said it clearly, what do the firefighters want? And I really applaud Senator Hallstrom in trying to dig down deeper and decipher that, but I, I do think that a lot of that stuff should be not on floor time but at another appropriate time and back in committee. Thank you, Mr. President.

ARCH: Colleagues, we will now move to the next item on the agenda, which is the State of the Judiciary Address. First, I would like to introduce some special guests. Seated under the south balcony, we have the honorable John Gerrard, president of the Nebraska State Bar Association, the honorable Tricia Freeman, past president of the Nebraska State Bar Association, Ken Hartman, president-elect of the Nebraska State Bar Association, and Sam Clinch, the associate director of the Nebraska State Bar Association. Please rise and be welcomed by your Nebraska Legislature. In addition, we have two other special guests for the State of the Judiciary Address, Doris Huffman, the executive di-- director of the Nebraska State Bar Foundation, and Pam Carrier, retired Lincoln attorney. Please rise, be recognized. The chair recognizes Senator Raybould for a motion.

RAYBOULD: Thank you, Mr. President. I move that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

ARCH: Thank you. The motion before you is to select a committee of five to escort the Chief Justice. All those in favor say aye. All those opposed say nay. The motion is adopted. The chair appoints the following committee members: Senators Bosn, Dungan, Hughes, Sanders, and Spivey. Will the escort committee please retire to the rear of the Chamber?

SERGEANT AT ARMS: Mr. President, your committee escorting the Chief Justice of the Nebraska Supreme Court, the Honorable Jeffrey Funke, and his Associate Justices of the Nebraska Supreme Court.

KELLY: Chief Justice Funke.

CHIEF JUSTICE FUNKE: Thank you, and please be seated. Seems odd to say that to you all in your Chamber, but. Thank you for having me. Mr. President, Mr. Speaker, members of the Legislature, thank you for inviting me to report on the current state of the Nebraska judicial branch to share some of our successes and to recognize points of emphasis for this new year. It is an honor to address this legislative body. I am joined by my fellow members of the Nebraska Supreme Court. May I introduce in order of seniority as to service on the court: Justice William Cassel of O'Neill, Justice Stephanie Stacey of Lincoln, Justice Jonathan Papik of Omaha, Justice John Freudenberg of Rushville, Justice Jason Bergevin of Columbus, and our newest member of the Supreme Court, Justice Derek Vaughn of Omaha. I began by thanking you, the members of our Legislature, for your support of the judicial branch and the work that we do. Last year's budget process placed enormous pressure on this body. You looked closely at the state's expenditures, you weighed the impact of the work being accomplished, and you saw the importance of funding the judicial branch. And for that, I am truly appreciative. This session will again give you the opportunity to address budgetary concerns. Please know that the judicial branch is working to assist you in that endeavor. Before discussing the budget, I would like to highlight some of our notable achievements over the last year. Many of these achievements were made possible by previous budget appropriations. Much of our mission focuses on the delivery of justice to the citizens of Nebraska and comes in many different forms. Our work involves operating courts, supervising adults and juveniles on

probation, postrelease supervision, and problem-solving courts, and serving our most vulnerable individuals by providing public guardianships. These efforts increase public safety and make Nebraska a great place to live and raise a family, all while saving taxpayer dollars. The work of the judicial branch is challenging and regularly involves issues which plague our society. Support from both the executive and legislative branches is necessary to ensure we continue to achieve our shared goals. The judiciary operates both a district court and a county court in all 93 counties in Nebraska. And we operate juvenile courts in Douglas, Sarpy, and Lancaster. The Workers' Compensation Court also falls under the authority of the judicial branch. In addition, our state has two levels of appellate courts. When combining the trial and appellate courts, we have nearly 150 judges serving the people of Nebraska. These judges are selected through a merit process made up of a local component comprised of lawyer and nonlawyer citizens who vet the applicants. The final selection is then made by the Governor. It is important to remember that the judicial applicants are Nebraska lawyers from the communities in which they serve. Oftentimes, they have chosen to forgo lucrative legal practices to join the judiciary and become public servants. In the recent past, we have seen a decline in judicial applications, which leads to lengthier times filling these essential positions. This is an issue of great concern which we must address together. Upon accepting a position on the bench, our judges work diligently to ensure-- ensure justice is accessible to all. Nebraska judges are constitutionally and statutorily tasked with holding law offenders accountable, civilly resolving disputes, and protecting the best interests of our citizens, including our children. Our judges often perform these functions under the burden of heavy caseloads and amid emotionally charged environments. Doing this work comes with grave responsibilities and frequently intense criticism, yet our judges remain steadfast and committed to the rule of law and the protection of our democracy. Their security and well-being remain a constant priority for the judicial branch. Despite these challenges, our judges and court staff continue to do their work with dignity and respect. The judicial branch employs more than 1,600 dedicated individuals who average more than eight years of service to the branch. Their collective experience directly impacts the service we deliver, the innovations we create, and our inherent adaptability as the third branch of government. It influences our deep institutional knowledge, understanding not just what works but why it works, allowing us to turn challenges into successes. Our courts continue to expand the use of technology and innovation to

increase access to justice. Consistent with our constitutional mandates, we work together to increase uniformity in court processes and use of court forms so that accessing a court is similar in all parts of our state. I am truly proud of our judges and judicial branch employees, and I thank them for their great work. Probation is another function provided by the judicial branch. More than 80% of all probationers satisfactorily complete their terms of probation, leading to Nebraska's exceptional recidivism rate of 19%. The average annual cost to supervise an adult on probation is \$3,500 while the annual cost to incarcerate an adult is \$50,000. Adult probation completes more than 11,000 presentence and postrelease supervision investigations annually. Nearly 14,000 adults are supervised by probation on any given day. Our probation officers utilize evidence-based practices to facilitate positive behavioral change and improve public safety. We also rely on supportive interventions from community providers to increase accountability and assist with changing criminal behavior. One of these services is transitional living. In 2025, over 1,400 individuals access this service for safe, sober, and secure housing while they reintegrated into their community and navigated treatment and employment opportunities. Without transitional living, these individuals would likely be facing insecure housing and an increased risk of reoffending. Additionally, adult probationers have access to Nebraska's 17 reporting centers throughout the state. These centers offer court-ordered programming, which focuses on cognitive behavioral restructuring, relapse prevention, crime victim empathy, and employment services. Last year, in any given month, over 4,500 adults participate in a reporting center class. In 2025, probation launched a grant-funded project in Douglas, Hall, and Buffalo Counties, piloting a specialized model of supervising emerging adult individuals ages 18 to 25. Currently, no population is more overrepresented in our justice system than this age group. Nationally, only two out of five emerging adults at a high risk to reoffend complete the term of probation successfully. Nebraska's pilot project utilizes specialized probation officers to support young adults with education, employment, membership, and community engagement. After the first year of the emerging adult pilot, outcomes are looking promising. More than 60% of these probationers have not been in a violation status or arrested on new charges. Other states are paying attention to what Nebraska is doing. Both the South Dakota and the Massachusetts state probation systems are modeling their emerging adult probation practices on our work. With continued success of the pilot, it is our intent to expand this approach statewide. On a daily average, 1,300 individuals are

monitored under our postrelease supervision program. These are people in our communities who were initially deemed not suitable for probation and were sentenced by the court to serve time in jail or prison. After release from incarceration, individuals on postrelease supervision must comply with several court-ordered conditions, among those conditions are maintaining employment, participating in behavioral health services, and refraining from criminal activity, all while being intensely supervised by a probation officer. Less than 10% of those under postrelease supervision have been resentenced to the Department of Correctional Services because of a probation revocation. This program continues to prevent future crime and keeps individuals from returning to prison. Problem-solving courts continue to be an effective alternative to incarceration. Today, Nebraska has 35 specialty courts, including adult drug courts in every judicial district, four veterans treatment courts, three reentry courts, two DUI courts, one young adult court, and a mental health court. We also have two family treatment courts and a juvenile drug court. The average cost to supervise a problem-solving court participant is approximately \$5,000 per year. A portion of this cost is paid by program participants. Currently, 42 of our trial judges preside over these labor-intensive courts, the majority of which are judges from the district court. However, more and more county court judges and separate juvenile court judges are taking on this added responsibility. The judge's role in problem-solving courts is often reter-- referred to as the secret sauce and is vital to the success of these programs. The recidivism rate for those who successfully complete or graduate from these courts is 24%. In 2025, our problem-solving courts served nearly 2,000 individuals. However, more eligible participants can and should be served. To do so, we will need your commitment to provide additional financial resources. For example, Lancaster County Adult Drug Court has reached its maximum capacity of 90 participants. To increase that number, it would cost approximately \$300,000 annually for additional staff members and necessary treatment for the new participants. Currently, our budget will not allow for the needed increase, and suitable problem-solving court candidates are being turned away. Many of those turned away will languish in county jails or end up in states' already overcrowded prisons. The judicial branch continues to prioritize the work of juvenile probation as well. Last year, juvenile probation served nearly 2,400 youth on a daily basis. Our recidivism rate remains at an all-time low of 17%. In 2025, LB530 was adopted by this Legislature to reconsider the process involving juveniles being detained and supervised on probation. The main-- key-- a main

takeaway from that judicial oversight remains that-- judicial oversight remains a key component-- the main takeaway was that judicial oversight remains a key component to effective juvenile rehabilitation. As we're all aware, juvenile court are intended to rehabilitate juveniles as opposed to merely punishing them. The passage of LB530 lowered the age a juvenile could be securely detained and enhanced the method of detention by including judges in the decision-making process. This legislation also required juvenile probation to increase reporting and communication with judges, prosecutors, law enforcement, and other stakeholders. The legislation went into effect in September. We can-- we have executed that comprehensive implementation with minimal concerns. Additionally, the members of the judicial, executive, and legislative branches participated in a national convening on juvenile justice issues held in Omaha in February of 2025. From the convening, the Nebraska team focused on two priorities, which include a high-risk youth specialized supervision model and community prevention and early intervention. The first priority involves early identification of a high-risk youth. This is accomplished through the investigation and assessment process as well as implementation of a targeted team approach, which focuses services on addressing risks and needs of our youth. The second priority involves building community connections between schools, DHHS, and juvenile probation in order to share resources and increase access to real-- rehabilitative services. Our work is ongoing, but together we are improving our odds of success. Finally, through the implementation of our statewide initiative to enhance juvenile justice, we continue to prioritize research. Our research focuses on expanding resources in rural areas of the state, validating our intake detention instrument, and reviewing service rate structures. The Office of Public Guardian acts as a guardian of last resort for vulnerable individuals when no one else is available. From the time of its inception in 2015, the Office of Public Guardian has served over 1,100 Nebraskans. That office maintains a full caseload of nearly 400 individuals. Though judges and court staff oversee thousands of guardianship and conservatorship cases across the state, bad actors still prey on those in need of assistance. The Office of Public Guardian continues to focus on serving clients' needs as well as educating guardians as to best practices. Our Access to Justice Commission identifies barriers to equal access to the courts and recommends effective solutions. Last year, I spoke about the Self-Help Center pilot project located in the Douglas County Law Library. As you may be aware, nearly half of Nebraska's court users are self-represented litigants, or SRLs. One of the core

strategic principles of the commission is that all individuals have access to understandable legal information and resources so they can navigate the court system efficiently and effectively. I am pleased to report that, with the assistance of a grant from the State Justice Institute and in partnership with Douglas County judges and court staff, the Administrative Office of the Courts and Probation has made significant progress in developing case packets for the most common case types for self-represented litigants. These packets include step-by-step instructions, plain language court forms, and information about how to present evidence and testimony in courts. We're also developing training for our court staff to assist SRLs without providing legal advice. And we are supplying additional technology and equipment for placement in various libraries across the state so that SRLs have expanded access to the resources available on our website. The Access to Justice Commission is also developing a survey to enable court users to provide real-time feedback about their court experiences. The results of this survey will help guide and fine-tune the initiatives of the commission. Our language access program plays a critical role in ensuring that constitutional provisions of access to justice are available for all court users. In 2025, interpretation services in Nebraska were provided in 71 different languages at over 22,000 interpreting events. However, the cost of providing these services continues to increase significantly, partly due to the need to bring in out-of-state interpreters. As a result, we are working to increase local interpreter services by implementing a training program known as the Interpreter Certification Pathway. As I also mentioned last year, we have begun the work necessary to replace our outdated JUSTICE Case Management System. Over the last year, a strategic analysis of our current JUSTICE system has taken place. A request for information was publicized and presentations from vendors have occurred. We are not doing this in a vacuum. We have included judges, court staff, and members of the bar in this process. By this summer, we intend to submit a request for a proposal to solidify JUSTICE 2.0. It is anticipated that the new system will streamline court processes, incorporate electronic exhibit and retention, facilitate an electronic jury management system, simplify accurate data collection and dissemination, refine the process of collecting court fees and fines, and improve communication with court users. This endeavor is decades in the making, as JUSTICE was first implemented in 1994. By creating and growing JUSTICE program in-house, we have saved millions of taxpayer dollars. But the needs of the state now require the significant expenditure of tens of millions of dollars to

complete the modernized system. We have already put into motion several different funding options, including increased rates to search for court case information, legislation to create additional court filing fees earmarked for this project, and applying for grant funding. After completing our due diligence and exhausting other funding sources, we will work through-- work with you in fiscal year 2027 on legislation appropriation to finalize this project. Lastly, revisiting the 2025-2027 biennium budget has become a reality. In prior years, the judicial branch sought funding for our regular expenditures as well as for legislatively approved staff pay increases and implementation of four additional problem-solving courts. Although those efforts were supported by previous Legislatures, we were asked to use existing carryover funds, and no additional funds were appropriated. In 2025, we again asked for additional funds, but those funds were likewise not appropriated. We also faced proposed cuts to our general fund that would have negatively impacted the services we provide. Through your steadfast support, a majority of the judiciary's requested funding was approved. Our work has continued to provide proven results. Knowing that tax revenues were on the decline and additional funding would be limited, we took to further scrutinizing our expenditures. We found efficiencies which will allow us to absorb the exhaustion of our cash funds and reduce our need for a mid-biennium deficit appropriation. However, the vital services of the judicial branch will continue to require funding. Any growth in the number of people we serve will increase that need. We have worked extensively with the Governor's Budget Office. We trust that the proposed legislation to increase filing fees and reduce General Fund appropriations is a reasonable method to ensure our ser-- all services are not sacrificed and public safety is not compromised. In closing, I again extend my sincere thanks to you, the members of the Legislature, for your support of the judicial branch. Over the years, when the three branches of state government communicate well and appreciate the good work of each other, we are all successful. This year provides us another opportunity to find innovative ways to serve our beloved state. Your continued support of the men and women of the judicial branch will not only maintain but help improve our system of justice. As always, I look forward to working with you. Thank you.

KELLY: Will the committee please escort the Chief Justice and the members of the Supreme Court to the Chamber? Mr. Clerk.

CLERK: Mr. President, some items for the record quickly. Notice of committee hearings from the Banking, Commerce and Insurance

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Committee, as well as an amendment to be printed from Senator Hughes. That's all I have at this time.

KELLY: Thank you, Mr. Clerk.

CLERK: Mr. President, when the Legislature left, pending was LB400, as well as AM702 and AM1696.

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

MOSER: Thank you, Mr. President. And good morning, colleagues. Good morning, Nebraskans. So this discussion is not about the appreciation that we have for first responders and firefighters. We greatly appreciate their work. But the idea of giving a presumption of their cancer being caused by their job is, I think, unfair to the employers. The discussion was going along, and Senator Wordekemper said, well, that these fire and first responders are responsible people and they're not going to try to game the system. They're just, you know, trying to get what benefits they have coming. And I, I would take that as an accurate supposition. However, most of these people are going to hire an attorney, and quite often those attorneys are hired on a contingency basis and they're not going to worry about what's actually the cause of the cancer or the disability that they have so much as they are that they only get paid if they get a settlement. And so if we tip the scale of justice toward the firefighters, then the people who represent them are going to represent them to the best of their abilities to get them a settlement, and-- so reason is not necessarily as important as the law. And if the law says that the employer is presumed to be guilty, that's going to cost-- that's going to cost a lot more money than if it was just 50/50 based on the evidence and the, the work that they do to figure out exactly whose fault the disability or the settlement is, is based on. So again, I, I-- I'm not trying to disparage the idea of compensating firemen, firefighters, but they do get a good compensation package. And as I said yesterday, I found a quote from the Mayo Clinic, and they said that about half the male citizens in the-- well, males in the U.S. are going to have cancer before they die in their, their life, and women about a third. And that's without regard to whether they're a fireman or not. So half the people who are males who would be firefighters are probably going to have cancer anyway. So if we gave a presumptable-- "presumptative" argument that those are all caused by their employment disre-- dis-- without consideration of-- that they have a 50% chance of getting cancer

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anyway, I just don't think that's fair. So thank you. Appreciate that.

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

STORM: Thank you, Mr. President. Good morning to my colleagues. First, I want to start by recognizing my father, Vernon Storm. My dad is still living, 81 years old, and spent 47 years as a volunteer fireman. In 25 of those years, he was the fire chief in the town that I grew up in. So I have the utmost respect for firefighters. I have the utmost respect for Senator Wordekemper. And I want to make that clear to everybody. And, and-- I mean-- I also have respect for all first responders, police officers, EMTs, anybody who's basically "choosed" the-- a life to serve the public, you know, I have, I have respect for. However, I also have respect for the taxpayers of the state. And the LB400 is the classic example of an unfunded mandate. If you read the fiscal note on this bill, the state acknowledges that this bill's likely to have a fiscal impact but not-- but cannot predict how much. And that is just for the state. State has 75 state employees that are considered firefighters. So they do, they do say there will be an impact just for those 75 people in the state of Nebraska. It doesn't take into account all the local municipalities and what it's going to cost them. I did a little bit of research this weekend and came up with-- there's 17,218 firefighters in Nebraska. That's volunteer and paid. 478 departments. Each one of those fire districts collects property taxes to fund their, their, their fire district. And if this bill becomes law, every community that is served by our fire department will now have an increase in their workers' compensation insurance policy. This increase in coverage will now be passed on to the taxpayers in the form of an increased property tax or sales tax at the local level. That's a guarantee. There will be an increase. And how many is-- how many people's insurance has actually gone down? It continues to rise, go up dramatically. Insurance cost is, is a huge issue. LB400 makes the presumption that firefighting by its very nature causes cancer and that firefighters will be entitled to benefits unless the employer can prove that cancer is not due to firefighting. That means that all these municipalities are going to have to prove that that firefighter who now has cancer wasn't caused by their line of work. And this bill says firefighting causes cancer. So the burden of proof is now on the municipality. And from what I can assess, this is new territory in the worker-- workers' compensation world. If this bill passes, I can guarantee two things will happen. First of all, this will be a tax

increase on all Nebraskans. Your property taxes will go up. How much is to be determined. And whenever I hear people say, we don't know how much this will cost you, wait and find out-- it's usually worse than what anybody thinks. And you, you got to remember too: we're the fourth highest state in the nation in property taxes. You know, whenever you look at property taxes, Nebraska's right up there with Illinois, Massachusetts, New Hampshire, Nebraska. It's, it's, it's crazy, you know? And secondly, I'll guarantee that a new precedent will be set that other sectors of employees will push for the same benefits. So police officers, teachers, paramedics, anybody else that serves the public is gonna push for workers' compensation benefits, where the burden of proof is now put on the municipalities. And this is gonna open a can of worms like we've never seen before. But I do-- I, I gotta make it very clear here. I am pro firefighter. And there's several people in this body that feel the same way I do. And it-- it's very difficult when you come up with a bill like this. And it, it, it tends to seem like it's pitting people toge-- against each other. It very much isn't. I very much respect fi-- Senator Wordekemper, all firefighters. But as an elected official, I came here to do what was-- what I thought was right. And I'm also here for the taxpayer. I think that's very important to take into consideration. Thank you.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB400 and thank my friend, Senator Wordekemper, for bringing forward this measure which I am a proud cosponsor of. I want to take a moment to provide a few points for the record and try and recenter the debate into what is actually in the bill and before us and do perhaps a little law school 101 as to what a rebuttable presumption is and is not. But I also want to take a moment-- and I would be remiss if I had not had the opportunity to address this previously, because I've been listening very, very carefully to the debate. And I just want to make sure to express my perspective from some perspectives I have heard throughout this debate thus far that I disagree with. I don't think that firefighters are takers. I think they're heroes. I don't think firefighters are coming hat in hand to their Legislature for a money grab. I don't think firefighters are in the best position to know what the risks and hazards they are walking into for every call that they respond to. That's why a common principle, such as a rebuttable presumption in this instance-- which is familiar to law in many instances-- has been adopted by over 20 of

our sister states, with nuances in terms of the substance of those policies. But there's a clear and emerging trend based on science for what we know about the inherent and unique risks associated with the arduous and incredible task that first responders take on as hazards to their health and welfare to keep our communities safe. Rebuttable presumptions are typical in law. There's nothing new or unique or strange or scary or unexpected about this. We see this in criminal law. We see this in family law. We see this in tort law. And we see this in retirement. For example, it has been the public policy of Nebraska since 1969 that we give a presumption for death and disability benefits as a result of hypertension, heart or respiratory defect and disease to police officers and firefighters. It hasn't bankrupted the municipalities. It hasn't clogged the courts. It's a long-standing presumption that we have had on the books that works well to actually acknowledge the unique, inherent risks associated with the task of being and serving as a first responder and helps to make the systems work better. Rebuttable presumptions are about efficiency. They're about where we start the tennis match when both sides go back and forth presenting evidence. They're not a zero-sum game. They're not a game over. They're not all the eggs in the basket. They're a starting point. It establishes a baseline for a legal argument. And then if there are environmental factors, if there are behavioral factors, if there are unique aspects that the other party wants to bring forward that undercuts the rebuttable presumption as established, they have the full right and ability to do so, and they do do so. That's how it works in an adversarial system. That's how it works in courts. A presumption is made because it assumes that facts are true. And people are entitled to their own opinions, their own beliefs, but not their own facts. And the facts are undeniable. Firefighters and first responders see a higher risk and incident of cancer because they put their life on the line all day, every day to benefit each of us. That's why we should make the system work better for taxpayers, for first responders, and to ensure a robust process can continue to play out as the unique and individual circumstances of any case would permit. This is a reasonable proposal.

KELLY: That's your time, Senator.

CONRAD: Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Murman would like to announce a guest under the south balcony: Calvin Hewitt, his grandson from Fort Worth, Texas. Please stand and be recognized by the

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Nebraska Legislature. Continuing in the queue. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. Well, I'd like to also just weigh in on the legal part of this. And I would just tell you from a simple google search, I would tell you that it states every legal case imposes a burden of proof on the person seeking relief. The normal burden of proof in a civil case is a preponderance of the evidence, which asks, is the evidence sufficient to show that it, that it is more likely than not that the person is entitled to the requested relief? If not, the person seeking relief loses the case. OK. Sometimes the law also imposes what's called a rebuttable presumption, which is a legal presumption that affects the burden of proof. A rebuttable presumption requires a judge to reach a conclusion-- a certain conclusion before hearing any evidence unless the evidence later convinces a judge to reach a different conclusion. But aren't judges supposed to remain neutral and undecided until after all the evidence is presented? So the point is, is that, when you look at the bill, the bill states in it very clearly there shall be a rebuttable presumption that a cancer experienced by a firefighter arose out of and in the course of employment if the cancer is diagnosed during the course of the firefighter's employment. It also addresses, when they retire, there will be a rebuttable presumption that was due to their employment as a firefighter for five years after they retire. Now, I'm not an attorney-- and many listening aren't either-- but I think this is pretty plain English. OK. This completely turns upside down how the legal system would work. The legal sys-- system right now is saying you need the preponderance of the evidence. We've talked many times in the debate about how firefighters-- full-time, paid firefighters, many of them have full-time jobs outside of being a firefighter. OK. It could be anything. Many of them are farmers who are exposed to chemicals and all the other risks of farming. But if-- with a rebuttable presumption, we can't consider any of that as being a source of, of your cancer. Your age, being a chain smoker, all the other life things you do, we can't consider that. All we're going to consider is, were you employed as a firefighter? That's why this is wrong. That's why this is going to cost cities and municipalities millions of dollars because, like Senator Moser said, it's not the firefighter that I'm concerned about. When that family-- if there's a death, that family is probably going to have an attorney that's going to get involved and they're going to know what this law is and they're going to automatically file a lawsuit against the

municipality. That's what they do. And they will win. And the city will have to pay, the village will have to pay, the rural fire district will have to pay. There are about 1,700 volunteer firefighters across the state. There are about 5,000 paid firefighters. You run the math. What's the exposure? Particularly when you consider how many people in the nor-- normal course are going to get cancer in their lifetime. Again, I've never been a firefighter. I've got cancer. Look at all your friends, all your other family members. How many have been exposed or how many of them have cancer, have been contracted with-- have, have gotten cancer along the way? And they're not firefighters. This is changing the law to make it simple for attorneys to file a suit and receive dollars from cities, villages, rural fire districts almost automatically. I mean, read it yourself. It's in the bill. That's the concern with this, with this bill, is it changes the burden of proof that will bring an onslaught of unfunded mandate for all of these, these taxpaying entities. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President and colleagues. I do rise today in favor of LB400 as well as AM702 and I think also in favor AM1696 if that's what it takes to get this bill passed because, colleagues, we need to get LB400 done. And I-- I've been listening to this debate and I've been listening to the back-and-forth now for a couple days, which, a-- as has been indicated by the opposition to this bill, is clearly a filibuster, and they've just been trying to take time on this. And I haven't felt the need to engage too much simply because I'm for LB400. If we are going to be taking some additional time here today, though, I thought it was important to also stand up and, and clarify a couple of things as well, similar to what Senator Conrad said, about how this bill works and also why this bill is important. I find it really interesting that everybody who's opposed to LB400 has to stand up and spend the first two and a half minutes of their five minutes explaining that they like firefighters, but. I stand with fire, but. And so it's sort of this qualified apology as they stand against LB400 because they know that our friends in fire understand the importance of LB400. And they, they, they know that for the last week and a half there has been a Rotunda full of firefighters not saying LB400 is something they would sort of kind of like to have but LB400 is a necessity to protect our friends in firefighting profession who have cancer. And I, I just want to resituate the conversation that we're having about LB400 because

we're talking about people that have put their lives on the line, that have gone in to fight fires. They've done this in-- as their career. And they get cancer as a part of their job. And, and we know from decades and decades of studies and science that it is one of the professions that you are most exposed to carcinogenic substances and that your likelihood of getting cancer because of your job as a firefighter goes up exponentially compared to almost any other profession. And we've talked a lot about what it takes then to get the workers' compensation to pay appropriately-- which is what it's for-- when an individual experiences cancer as a byproduct of their employment. Senator Wordekemper has done a lot of amazing work on this bill, and I think we should defer to his expertise and his personal background. But he explained on the mic, I think two days ago maybe, the story of somebody who had gone through the process of fighting to have workers' comp actually support them as they were struggling to fight their cancer. This bill does not upend the law. This bill does not cause everything to be turned upside down. What this bill does is it, based on science and data, creates a rebuttable presumption in those circumstances where you're a firefighter, retired firefighter, firefighter and you develop cancer, that it was because of your job. Now, I, I could not disagree more with Senator Jacobson on a couple of these points, respectfully. It is a rebuttable presumption. And what he just said on the mic about how you can't take into consideration somebody smoking or exposure to other carcinogens is patently false. I don't think it's intentionally false, but on page 6 of the AM702-- which is what I'm, what I'm working off of right now-- it says, the presumptions provided for under this section may be rebutted if the employer or agency against whom such a claim for benefits is made can show by a preponderance of the evidence that the cancer experienced by the firefighter resulted from accident, exposure to cancer-causing substances, or any other medical cause not arising out of and in the course of the firefighter's employment. What this changes is who we think needs to be doing that work. And colleagues, I don't think it should be a firefighter dying of cancer spending their last months, their last days battling to try to get some money to continue to pay for their cancer treatment. I also could not disagree with Senator Jacobson more that this is a money grab. These people are fighting for their lives because they've put their lives on the line and they're trying to make sure that the courts appropriately, appropriately compensate them for the work that they've done based on workers' compensation, which is designed to do this. So colleagues, I do believe that this is a moral imperative. I also believe it is legally workable. The

rebuttable presumption, all we're asking is that in the event that that can be rebutted that it be the city or the employer or agency that is able to push back on that, not the firefighter who's dying of cancer. And I think we owe it to the individuals in that profession to give them this rebuttable presumption, which has been done in other states. This is not a novel legal concept. And I think it's worth it. I do not believe it's going to upend everybody's budgets on the city and the county level. I understand that there's a sky-is-falling argument, but I don't believe that's the case. We have to support our friends in fire. Thank you, colleagues.

KELLY: Thank you, Senator Dungan. Senator Raybould, you're recognized to speak. This is your third time on the amendment.

RAYBOULD: Thank you, Mr. President. I want to jump right in and somehow deal with some of the legal arguments, but also I want to end up talking about the quality of our water in our state and the state of Iowa and also in the other states known as the Corn Belt states. You know, I hope our colleagues have read the bill on LB400. And, you know, they list numerous cancers. And oddly enough-- I'm just going breeze through a few so you get the gist of it, but they talk about the hazardous work. We don't dispute this. Scientific evidence has proved this, but scientific evidence also shows that the state of Nebraska and other Corn Belt states have an increasing number of cancers and new cancers. Here are some of the cancers listed in the bill. It's overly broad and generalized, and I don't know how a municipality or their legal defense can come back and defend against this numerous list of cancers. Bladder cancer, brain cancer, breast cancer, colon cancer, esophageal cancer, Hodgkin's lymphoma, kidney cancer, leukemia, liver cancer, lung cancer, lymphatic cancer, a basal cell carcinoma, multiple mye-- mylenoma [SIC], lar-- laryngeal cancer, pharyngeal cancer, and they again reference non-Hodgkin's lymphoma, ou-- ovarian cancer, pancreatic cancer, rectal cancer, stomach cancer, and the list goes on. But oddly enough, all those cancers are what UNMC and the researchers in Iowa have shown that are also related to the quality of water. And this is what I wanted to spend my last time on the mic. The state of Iowa had a symposium just last year giving direction to the legislatures in 2026 on issues that they should focus. And they said, number one, it's the quality of water. To differentiate, Iowa, most of their drinking water is surface water; Nebraska, it's groundwater. The issues are the same. They talked about water quality, cancer, and conservation efforts in Iowa where a key topic was talking about action items, what they should be doing as legislatures. And basically, one of the

legislatures said cancer is the biggest issue coming up before their legislative session in the state of Iowa. He raised a big sign up in front of all of his colleagues, and it-- on the sign it said, it's the water. And there is no surprise. Reports list Iowa as the state with the second highest rate of new cancer, new cancer incidence, which would mirror a lot of the cancers that are represented in LB400. And one of just two states in the nation with increasing rates of new cancer. You know, I read earlier before-- or, the UNMC has documented that brain cancer, pediatric brain cancer is, is one of the increasing cancers in our state of Nebraska, where we're ranked the fifth highest in the number of pediatric cancer. Iowa went on to say that there is enough evidence linking water quality and agricultural chemicals to cancers for lawmakers to craft policy to address those issues. I want to talk about water issues in our state of Nebraska. And I'm sorry, I'm going to use this as a qui-- quick prop. It's a 2024 Nebraska State Revolving Fund on clean water and drinking water in our state. We're no different than Iowa. We have aging infrastructures, we have communities, and every one of our 93 counties requesting funding to help them with their aging infrastructure, reverse osmosis, systems that are failing and that need to be replaced because those are some of the devices that help remove some of the toxins in our groundwater. I bet you guys have no idea what the cost facing the state of Nebraska is. In the state of Nebraska, clean water drinking funds for the State Revolving Fund request-- just for clean water-- \$1.3 billion. Billion with a B. Obviously, we know that this is a priority for our state of Nebraska. Drinking water, State Revolving Fund request for funding to help with their water infrastructure: \$1.5 billion. Billion. For a total of \$2.8 billion in our state of Nebraska. If anything, for us to use our statutory authority for water infrastructure improvements, that would be the case. But I also want to say, that's a priority issue. We're acknowledging that cancer rates in our state of Nebraska are increasing. Iowa simply says it's the water. Thank you, Mr. President.

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

HALLSTROM: Mr. President, members. Just like to respond a little bit. I'm, I'm glad to see that Senator Conrad and Senator Dungan have joined the discussion and debate on this issue rather than leaving it solely up to Senator Wordekemper, which had been the case prior to that time. One thing that Senator Conrad noted-- and I'll couple it with some statements that Senator Wordekemper has made on this bill--

I think Senator Conrad said something to the effect that it's undeniable that firefighters can track cancer to a greater degree or extent than the general public. Senator Wordekemper on a number of occasions has suggested that the scientific evidence and studies is overwhelmingly to that effect, that firefighters do contract cancer more regularly than the general public. If that is the case, then I would submit-- and Senator Jacobson has referenced the recent Scottsbluff large workers' compensation award settlement that occurred-- that there should be ample evidence to satisfy and sustain the existing burden of proof that applies under our current workers' compensation statutes. And if that is the case, I would also submit that it's not going to be very hard to find an attorney who will take that case and sustain the burden of proof. I think what-- I-- I'll, I'll pivot a little bit here to Senator Clouse's amendment and just reiterate what I have said before. With all due respect, I am going to oppose the Clouse amendment. I've indicated yesterday on the mic that there's some people I've talked to on the floor here who have suggested that this might be a good idea because if you narrow the population that's subject to, you're going to reduce the cost, but it's still an unfunded mandate for the municipalities. On the other hand, just as many people have told me that it's a bad idea and we don't want to throw volunteers under the bus. They're deserving of the same type of treatment or benefit if the body is inclined to make this type of change. The next amendment that we have up, as I've talked about on a number of occasions, is my amendment that would take a look at amending and mandating the provision of firefighter cancer benefits under the existing act. I think if you look at that-- and to be perfectly transparent, when that amendment comes up, both the existing LB400 in its current shape and the amendment that I will propose a little bit later during this discussion are unfunded mandates. But there is a clear preference from the munic-- municipalities that if there is going to be an unfunded mandate-- and we can argue as to whether or not work comp benefits are in fact an unfunded mandate-- but it is a cost. It is a cost that's to be incurred at some point by the municipalities, that they prefer the approach under the amendment that I propose, AM1750, rather than the approach under LB400. So that basically tells you that AM1750 in the eyes of the municipalities is the lesser of two evils. And by definition, I would suggest that LB400 is the evil of two lessers. I am continuing to have the interested parties take a look at Senator Wordekemper's language in rough draft form. He's clarified that a little bit with some additional intent language, which I appreciate. One of the issues that I have some concerns just from my own

individual analysis of, of what he's trying to do is that when you look at the current system of work comp, something that you're all too often addressing is that the plaintiffs goes out and gets their favorable doctor's opinion; the employer goes out and gets their favorable doctor's opinion. And as I understand, the pro-- pro-- provisions of Senator Wordekemper's proposed proposal is that some type of claim of cancer contracted in the workplace would be provided by the employee, presumably from, arguably, a plaintiff-favor-- favorable doctor. And then within 180 days, the employer has to have a medical opinion provided or the rebuttable presumption arises by operation of law. I would suspect that we will have the dueling doctors' argument that we always have and that the fingers will be pointed that both of them went out and got a doctor that routinely is more favorable to plaintiffs than, than defendants.

KELLY: That's your time, sir.

HALLSTROM: Thank you.

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

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. So I just want to make sure to clarify the re-- for the record on some of the dispersions cast by my friend, Senator Hallstrom, in regards to how the debate has been structured. Senator Hallstrom, while new to this body, is no novice in the legislative arena. He spent the majority of his career working as a hired gun to oppose thoughtful changes to the workers' compensation policy of Nebraska against injured workers, and he did that credibly and tenaciously and with consummate professionalism. But he knows, as well as I know as senior member of this body, that when a contingent of senators is conducting a filibuster, typically people don't help them do that if they have a different point of view on the measure before us, which is exactly what myself, Senator Dungan, and other proponents of this measure have orchestrated in context and in deference to Senator Wordekemper as lead on this measure. He's fully capable of explaining the public policy behind this measure and he understands and I understand and other senators understand we're not going to jump in all day every day to help Senator Hallstrom and his contingent carry a filibuster against injured, harmed, and ill firefighters. Period. Additionally, looking at the amendment before us-- and I rise in continued support of the measure-- the presumption itself can be overcome by a preponderance of the evidence, not the heightened burden of

reasonable doubt we see in criminal law, not even the heightened burden we see in regards to other aspects of civil law, like clear and convincing. Again, what a presumption in law does is it helps to structure in an efficient manner how evidence is received and presented. That's it. That's It. It's not unique to Nebraska law. It exists in other areas. It's not unique to how our sister states handle this in regards to workers' comp. Again, well over 20-- almost 25, I think, to some degree or another-- of our sister states with very diverse demographics and political cultures have recognized this presumption because it's good public policy. My friend, Senator Raybould, has talked about some ca-- correlations in regards to cancer incidents in Iowa, for example. And I'm glad that she brought those up, but she failed to note that Iowa actually has a very strong presumption for cancer in firefighters in their workers' comp program. Additionally, I have heard throughout this debate from opponents of assisting firefighters with cancer have a more equitable process in the workers' comp system that we should oppose this measure and punish firefi-- firefighters because they had the audacity to utilize their First Amendment rights to organize, to pe-- to petition their government for change, to send emails to their representatives sharing their personal experience and stories about why this is good public policy from their perspective. We shouldn't punish that activity. We should welcome it. It is the right of all Americans and Nebraskans to talk to their elected representatives about issues that impact their lives and their health and their family and their community. I have heard that we should punish firefighters and oppose this measure because it-- they may have a higher incidence of behavioral health issues. But we leave out the fact that their job alone is high stress and brings trauma. I've heard that we should punish firefighters on this measure because they have second jobs. Let that sink in. They're putting their life on the line and they still need a second job to make ends meet. I've heard that we instead rely upon private philanthropy like pancake feeds to take up the needs of our first responders. I disagree. We should capture that same generosity of spirit on display in our communities to help neighbors--

KELLY: That's your time, Senator.

CONRAD: --in need and bring it to the halls of power in this measure. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. I appreciate Senator Conrad's comments about our constitutional rights and, and utiliza-- using those. But, but when you're using that to send emails that are false and misleading, then the taxpayers need to know that. They need to know the false and misleading emails that are being sent out. There are senators being criticized for saying I support firefighters, but. I'm one of those. I do support firefighters. OK? I'm not turning my back on firefighters. But I have a responsibility to taxpayers. So I don't know what the hatred is for elderly people that are getting thrown out of their houses because they can't afford their property taxes because evidently we have a better use for their money than they do. That's what I don't like. How can you turn your backs on taxpayers who are struggling to get by so that we can give a certain segment of the population additional benefits above and beyond what others could even imagine to have? That's my concern. What about the taxpayer? Does anybody care about the taxpayer? Does anybody care about the property taxpayer? It's time to think about them. We talk about we're trying to help a firefighter that's dying of cancer. Money is not going to help that, folks. I've got cancer. I may very well die from cancer. There's noth-- there's no amount of money that's going to help me. No amount of money. If I die from cancer, I'm going to die. There's nothing you can do. I've got health insurance. They will give me all the medication I can, but getting money from workmen's comp is not going to help me, nor is it going to any firefighter. So that's a false and another misleading comment that's made to get you-- get your sympathy. I've asked again: if you have a great salary, if you have health care, if you have disability insurance, you've got all the other insurances, what do you-- what more do you want? What is it that you want? I guess I want my family to be able to work the workmen's comp system with the presumption-- with a rebuttable presumption to help my attorneys get money from municipalities and rural fire departments. I'm going to go back to Purdum, the nine residents in Purdum that have the 37 million-- or, 37-member fire-- volunteer fire department. How many of those 37 are likely to get cancer and potentially die of cancer? And is the city, the, the, the, the village of Purdum, gonna be responsible for paying that family? Evidently. For whatever the reason might be. Health related, age, other lifestyle. Evidently. I mean, we need to have an ag-- something here that makes sense. And we also need to under-- when is enough enough? I could walk through all the benefits that the paid forces get today. There are other people that live in this state-- could only wish to have benefits even close to that. Farmers are exposed to every bit the same number of the risks that

firefighters are, and they do it every day of their lives. They basically show up for work every day. We've already talked about firefighters. Less than 20% of their calls are fire related. Most of them are emergency response, which is not a cancer risk or an additional cancer risk. I mean-- and we can talk about uniforms and the-- their, their gear. How many times have we heard everything causes cancer? I-- you probably can't drink a Diet Coke without exposing yourself to cancer. But how much does it, does it expose you? We need to think about the taxpayer, folks. It's time to think about the taxpayer. Those of you that hate the taxpayer and want to stick them more, vote for this bill. Thank you.

KELLY: Thank you, Senator Jacobson. That was your third on the amendment. Senator Dungan, you're recognized to speak.

DUNGAN: Question.

KELLY: The question's 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. Record, Mr. Clerk. There's been a request for a call of the house. The question is, shall the house be placed under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Murman, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. The question is, shall debate cease? The vote was underway. Senator Dungan-- 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 voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting yes. Senator DeBoer. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting yes. Senator Hardin voting no.

Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting yes. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKinney voting yes. Senator Fred Meyer voting yes. Senator Glen Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop voting yes. Senator Quick voting yes. Senator Raybould voting no. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting yes. Senator Storer vot-- voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is 28 ayes, 19 nays to cease debate, Mr. President.

KELLY: Debate does cease. Senator Clouse, you're recognized to close on the amendment.

CLOUSE: Yes. Thank you, Mr. President. Just a reminder of what this amendment does is it just simply clarifies what a volunteer is in terms of years of service, the amount of training that they're required to attend, the number of calls or percentage of calls that they attend. And then also a couple of cleanup things on language on the digoxin versus dioxin. Just some cleanup. And then some dates. So that's what this amendment does. Thank you.

KELLY: Thank you, Senator Clouse. Senators, the question is the adoption of AM1696. All those in favor vote aye; all tho-- 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 voting yes. Senator Brandt voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Clouse voting yes. Senator Conrad voting yes. Senator DeBoer. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting yes. Senator Hardin voting no. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting yes. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKinney voting yes. Senator Fred Meyer voting no. Senator Glen Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop

voting yes. Senator Quick voting yes. Senator Raybould voting no. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is 25 ayes, 20 nays on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted. I raise the call. Mr. Clerk.

CLERK: Thank you, Mr. President. Senator Wordekemper, I have FA258 with a note you'd withdraw.

KELLY: It is withdrawn.

CLERK: In that case, Mr President, Senator Hallstrom would move to amend with AM1750.

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

HALLSTROM: Mr. Speaker, Mr. President, members, this is the long-awaited amendment-- at least I've been waiting for a long time for it to come up. AM1750 has to do with what I have-- and I apologize. I think I've talked about it ad nauseam, but will continue to talk about it because I think it really is the nub of the issue. We are at a position where I think from the various votes that have been taken that have run across the board that, if this matter goes to cloture, there's a very good possibility that LB400 will die and wither on the vine. As a result, I am one that's standing up to say we want and need to do something for the firefighters. I know there are those of you who would oppose LB400 who may disagree with me because it's still a-- an unfunded mandate in your eyes, and I appreciate and respect that and I've admitted that on the microphone. But at the end of the day, this is the amendment, and I think procedurally and strategically, my preference, if this bill is to move at all, is that this amendment be where the bill stands for purposes of our future discussions should any of them bear fruit or be meritorious with regard to the proposal, for example, that Senator Wordekemper has put forward. So I, I really think it's important and significant strategically if we are going to keep hope alive, as I suggested earlier this morning, to get something done on this bill that is meaningful and beneficial for the firefighters who have brought LB400 and particularly in light of the status of LB400 right now, which now with the Clouse amendment-- which I opposed and-- for

the reasons that I stated, which are, simply put: I don't think that volunteer firefighters deserve to be treated differently than paid firefighters if we are to go forward with LB400. The substance of my amendment, as I'll indicate again, is that we have in law the Firefighters Cancer Benefits Act that was passed in 2021. Senator McDonnell was the sponsor of that bill. And on Select File, it was changed from a mandatory requirement for the municipalities to a permissive benefit that could be provided. As I've indicated before, the effect of that in practice has been that not a single municipality has stepped forward to offer that benefit and to pay the premiums that are required to have that insurance policy in place. Very well-intended, very meaningful and deserving benefit for both paid and volunteer firefighters in that it provides a series of benefits. One of them is a lump sum benefit of \$25,000 for each diagnosis, payable to a firefighter upon acceptable proof to the insurance carrier or other payer of a diagnosis of likely terminal cancer. Another lump sum benefit of \$6,250 if cancer is treatable. And those two combined lump sum payments for differing types of cancer can be up to a total cap of \$50,000. There's also a disability benefit component of the Firefighters Cancer Benefit Act which provides \$1,500 per month for up to 36 months. And at the back end, there's also a significant \$50,000 death benefit. So all in all, well-meaning, well-intended, deserving benefit, a meaningful benefit that has not been put into practice, notwithstanding the fact that we passed a, a law to that effect. So I think that's beneficial. I think the other thing-- and we've had some back-and-forth on the, the effectiveness or the cost of Senator Wordekemper's legislation, LB400. I'll revert back to my Groundhog Day the movie. I'm going to go through and, and-- repetition breeds understanding, I think. So I'm just going to read again. And, and keep in mind, these comments from supporters of the original Firefighters Cancer Benefits Act, their comments were not drafted by the municipalities. This was not the municipalities making a, a scare tactic or a case for how, how expensive this particular alternative mandated benefit, which is why the Firefighters Cancer Benefit Act was put forth beg-- to begin with, is because the rebuttable presumption, as you've heard from the municipalities, is way too expensive. And I quote from Senator McDonnell, the insurance benefits proposed in LB299 are the same type of benefits which have recently been extended to firefighters in Georgia and New York. He goes on-- and I quote-- in fact, as others today will testify to, the prohibitive cost of insurance premiums and placing similar coverage in workers' compensation makes it financially impossible for cities, villages, and fire districts to

afford it. Then we go on with a volunteer firefighter representative, and he states, so those states that have a presumption in the Workers' Compensation Court, those premiums are sky-high for workers' compensation for those firehi-- firefighters-- sky-high premiums for that presumption that would be tacked on. These seven states-- those that have adopted a similar Firefighters Cancer Benefit Act-- have passed it and have recognized that the cost: about \$150 to \$200 a person annually to have this insurance package. The cancer insurance package that Senator McDonnell has introduced in LB299 is that much less: 150-- about \$150 to \$200 compared to those states that have given a presumption of cancer being contracted while in the fire service. So I think that kind of--

KELLY: That-- that's your time, Senator.

HALLSTROM: Thank you.

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

STORM: Thank you. I rise in opposition to AM1750. It's still an unfund-- unfunded mandate. You know, it's-- to-- every municipality, small city would have to buy this policy. Once again, I'm here for the taxpayers. You know, we can't continue to burden Nebraskans with higher taxes. We're a high-tax state. This is an unfunded mandate. And I wanted to go through and, and kind of look at LB400 and, and read some of this so people understand what-- what's in this. And it says, with respect to a firefighter, the following substances will be deemed for purpose of subsection 2 of this section to be known carcinogens that are reasonably associated with the following cancers. The number one is diesel exhaust. So how many of you been exposed to diesel exhaust? How many people that have other jobs that are volunteer firefighters are gonna be exposed to diesel exhaust? Are farmers exposed to that, you think? So the-- they say that's the number one thing of-- for bladder cancer. Then we go down to-- and talking about breast cancer. Diesel exhaust. Once again, how many of you exposed to diesel exhaust? Then we go down to colon cancer. Number one carcinogen they have listed on here, diesel exhaust. OK? Then we're gonna go down to esophageal cancer. Diesel exhaust, number one. Then we go down to leukemia. Number two on their list is diesel exhaust. Then we're going to keep-- flip the next page. We're going to go to melanoma. Number one cause for that, they say on this-- in this bill, diesel exhaust. OK? Then we're going to go up to nasal cancer. Number three on their list, diesel exhaust. All right. Then we're going to go down to rectal cancer. Number one on the list,

diesel exhaust. OK. Stomach cancer, number one on their list, diesel exhaust. Testicular cancer, number one on their list, diesel exhaust. Uterine cancer, number one on the list, diesel exhaust. So when you have a, a person that gets cancer that's a fireman or a volunteer firefighter, they're going to go to a lawyer. They're going to look at this bill. They're going to say, were you ever exposed to diesel exhaust as a firefighter? And what do you think they're going to say? Yeah. I drove a fire truck. I stood by the fire truck. I stood by a generator. Guess what? There's diesel exhaust. OK? Then, then they're gonna make the municipality prove that that diesel exhaust that they-- when they stood by the fire truck didn't cause them cancer. And how easy do you think that's gonna be for the municipalities to deve-- and the, and the cost to defend themselves against that? Once again, like I said on this, this whole thing puts the burden of proof on the municipalities, and it lays out all the known carcinogens, makes the assumption that every firefighter's gonna get cancer. We've heard wearing bunker gear causes this cancer. We've heard all that. And the number one they're-- thing they're going to point to is diesel exhaust. And that, and that doesn't even get into the volunteer firefighter aspect of this. Like I said, if you're a farmer, if you're a truck driver and you're volunteer firefighter and you get-- and you get cancer, you're going to say, well, I-- it's diesel exhaust. So this is what is so scary for the municipalities and should be so scary for the taxpayers of this state. Because you're going to pay for all these claims of anybody that was a firefighter or a vara-- volunteer firefighter-- if they meet the criteria. And that's why I'm in opposition of this. And I'm once again in opposition of AM1750 because it's an unfunded ma-- unfunded mandate. Thank you.

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

CLOUSE: Thank you, Mr. President and colleagues. I rise just to talk a little bit about how this is being impacted in my particular district and, again, as my experience in 20 years on the Kearney City Council and as mayor. And I can tell you that if we think it's divisive in this body, you ought to take some time to talk to our city manager, talk to our fire chief, talk to our folks and find out that it's just as divisive in those communities. And hopefully you've talked to your communities as well. I, I struggle with this because I really haven't been told what the cost is to our community. What, what is the actual impact on the city's budget? What is the impact of doing this? Because, you know, in the city of Kearney, our number one

revenue is sales tax, number two is NPPD lease payment, and number three is our property tax. It's one of the lowest in the state's Class I cities on our property tax. We're very proud of that. But in 20 years that I've been on the council, I don't ever recall this type of issue coming to us from our volunteer fire department. We are the largest predominantly volunteer fire department in the state. And so when you talk to our fire chief, obviously he's concerned about protecting the volunteer fire department. That's his issue, and he knows that and he has to take a stand to support them. And he understands too that, over the years, we provide literally hundreds of thousands of dollars to our volunteer fire department, our paid volunteers just because of how much we appreciate and support them. And I think that would be read and acknowledged by them. Then you talk to the city manager and our risk manager, and they're struggling to find out how we would pay for this. And we talked-- a few of us was talking earlier this morning about the impact of the closing down of the Lexington Tyson facility and the impact it's had on sales tax. And that's why I mentioned earlier the number one source of revenue for Kearney is sales tax. So we're seeing sales tax drop. We're seeing revenue from keno drop. We're seeing a lot of the, the lottery proceeds-- the-- it, it-- it's just a myriad of things that are hitting some of these communities in a negative way. And then we put this on top of it without having a good feel of what that cost is. So when Senator Conrad mentions a, you know, thoughtful change-- thinking about this, I can tell you that I don't think there's any more-- anyone more thoughtful about it than I am. And I am just totally torn on the direction we need to go with this. When I talk to the villages, obviously the village fire chief, he's, he's supportive of it because they're predominantly-- in fact, most of them are all volunteers. But then you talk to the village city clerk or city administrator and they're struggling too, as how do we pay for it? Not that they don't want to, but the challenge is how do they pay for it. And many of these villages are already at the top of their levies. So it's, it's a real challenge. And I just want everyone to understand that it goes a lot further than the issues that we're having with this body. And I would encourage you to talk to your, your fire departments, talk to your cities, and, and get a good understanding of-- if there's a way to compromise-- and I'm always a firm believer in compromise-- how do we work through that and how do we get to that point? But right now, without even knowing what the cost is-- you know, those clear on one side of the issue will say the cost is astronomical, and others will say, well, it's a co-- just the cost of doing business. And, and so we really need to figure out and

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determine what that cost is. So I just encourage everyone to think about this. And we'll keep having more discussion on it, but I am giving a very thoughtful consideration. Thank you.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. Before I get into some additional points of substance and the debate, I do want to note procedurally that this amendment is inappropriate. Senator Hallstrom is borrowing a good idea that our mutual friend, Senator McDonnell, brought forward in a prior biennium. So that doesn't carry forward to any biennium. If we want to have this proposal squarely before the body, it needs to be introduced. It needs to be subjected to a public hearing. Some members have asked that we object procedurally to what Senator Hallstrom has put forward. I don't believe that's the appropriate procedure. I do think that, if this amendment were to be adopted, we would have to work closely in consultation with the Speaker to refer and reset this to committee for public hearing in accordance with our rules. Senator Hallstrom, if he wanted to bring forward this thoughtful proposal based upon what Senator McDonnell brought forward in prior biennium, he could have introduced it. Yesterday was day ten, which concludes the bill introduction component in our session. Senator Hallstrom has been working on this issue in relation to opposing Senator Wordekemper's bill since the bill hit the floor. So Senator Hallstrom had full notice that, if he wanted an alternative proposal before the body, he needed to introduce it as a standalone bill, subject it to public hearing-- which is critical and required in our process-- and can't just willy-nilly grab good ideas from past biennium and stick them on the board. There may also be procedural issues as to whether or not it is germane and as to whether or not it complies with the special considerations in the rule in regard to when matters touching upon retirement must be introduced in the biennial as well. So I also do want to note for the record that I like it when opponents of a measure say the quiet part out loud. And I am grateful to my friend, Senator Jacobson, for literally having the candor say he wants to make it harder for firefighters battling cancer and their families to work through the workers' comp system. He, he said it plain as day. And I'm, I'm grateful for the clarity and candor because it does indeed talk about what the crux of this matter is. How do we structure a thoughtful process when a firefighter has cancer in terms of presenting evidence? Over 20 of our sister states, almost 25 of our sister states have looked at the science, have looked at the

data, and said, in these narrow instances, for these types of cancer, guardrails as to times and terms of services, when these specific conditions are in play we then, by simple preponderance, shift the burden to the employer to say, no, this cancer did not arise out of the course of their employment-- which, by the way, saves money for taxpayers across the board. When firefighters save our homes and buildings and attend to our health and our family and our lives, that too saves money. I also want to note for the record, and has been a consistent point of rhetoric from opponents to this measure, that this is an unfunded mandate. Friends, look no further than the recorded vote that we had very recently on LR18CA that literally prevented unfunded mandates from this body at the local level. And my friends leading the opposition to this charge voted against it. So if they were serious about prohibiting unfunded mandates, they would amend the constitution to do so, not punish firefighters with cancer. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. You can hear from my voice that I'm under the weather, but I'm going to succumb to temptation and speak on this before I return to the quarantine of my office. Isn't it inspiring to be able to listen to your Nebraska Legislature and see such a clear, a clear view into somebody's character from the things that they say on the microphone about our heroes, our first responders who are dealing with deadly illness like cancer? I don't know about the argument from opponents like Senator Raybould that seem to be, well, everybody gets cancer. Cancer's on the rise. We're all probably gonna get cancer. I-- well, yes. And for, for me, that's all the more reason to help these first responders who are dealing with it at a much, much higher rate than the general population because directly as a result of the public service that they provide to us. Well, everybody's going to get cancer. Yeah, and we should help everybody. The measure that we have before us with LB400 is an opportunity to do that to some of our first responders, and I don't know why we wouldn't take that opportunity. Or things like Senator Jacobson said that if you, if you have cancer, money won't help. You know, that's really spoken like somebody who will never have to worry about money in his life. That's spoken like somebody who doesn't have to worry about paying his medical bills, which I'm sure are numerous. How-- of course money will help. Of course any assistance with, with hospital bills, with payments is going to help, and that's what this bill could possibly bring to these families, many of whom of course

are working class, are working two jobs, as has been stated on the floor here. Although-- all the better reason to support this bill. And then finally what Senator Storm says-- and, and others have chimed in as well-- what about the taxpayer? I, I support first responders, but. I support firefighters, but. But, but, but, but, but. What about the taxpayer? I'm here first and foremost for the taxpayer. Well, nobody has anything to say about supporting the taxpayer when we are opening an ICE facility in McCook as a landfill for people that has no rehabilitative purpose, as we see ICE disappearing people off the streets to our neighbors in the North, in Minneapolis, sending kids to El Paso without their parents. None of you stand up when we're talking about doing this in our own backyard in Nebraska and say, well, I stand for the taxpayer. This is gonna raise property taxes because it's gonna bring a lot of expenses to our state. That's not when you wanna stand up for the taxpayer. What about this morning on the Davos in, in Brussels where they're talking about-- Jared Kushner just gave a presentation about New Gaza, how they're going to build all these high-rises and make this Disneyland for American tourists on the graves of Palestinians in this war-torn region in the Middle East? I bet none of you are going to have conversations around your kitchen table saying, oh, we really got to stand up for the taxpayer. This is not what I want my tax dollars going to. Only, colleagues, when somebody stands to be helped do you all of a sudden stand up for the taxpayer and aren't able to come up with the funds for anything like that. How many of you supported aid and recovery for the first responders after 9/11? Do you remember-- I know there was a big media push-- I know Jon Stewart, for example, the talk show host, was a big leader in this. There was a media push for Congress to do something to help the firefighters after 9/11 because they had a 140% increase in rates of cancer after responding to that disaster. That is a, a large-scale example, of course, of the services that firefighters provide and the great risk that they take. But I have no doubt Senator Storm, Senator Jacobson, Senator Raybould, all of you in opposition to this-- Senator Hallstrom-- were in great support of those measures from Congress to help those firefighters. This is smaller than that. This is nothing compared to something like that. But it's a way of helping people in a way that is quite affordable to taxpayers and is more importantly the right thing to do. This is a look into your character that you have given the opportunity to Nebraskans to see that you have exposed yourself as really so characteristically inconsistent. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. I would just like to briefly address Senator Hunt's comment. I, I feel that she has misinterpreted my comments. I've tried to present a tremendous amount of growing scientific data and research that shows a direct correlation between an increasing incidence of cancer rates that have touched so many Nebraska families all across our state of Nebraska. And my concern i-- with this bill is, who is that body that makes that final determination where-- when we're seeing that those increasing cancer rates are tied directly to our nitrates and phosphates and other environmental hazards that we are all exposed to, and primarily through our drinking water? The other thing is some of those cancers are the very same cancers that are listed in LB400. So who makes that determination? What is the actual cause of that cancer? And so I do not support Senator Hallstrom's bill because it is so overly broad and general. So I'm hoping Senator Hallstrom would yield to a few questions. And I don't see him. Oh, there he is. OK.

KELLY: Senator Hallstrom, would you yield to questions?

RAYBOULD: OK. So I have, like, seven questions about this new amendment that-- number one, I think I echo what Senator Clouse mentioned. It hasn't been fully vetted with the League of Municipalities or the firefighters, how they feel about this, who's going to pay. So-- OK. First question-- and I might just cut you off if-- I have, like, five other questions. Or I can just get back on the mic as well. What type of insurance coverage is this that you are proposing in your amendment?

HALLSTROM: Under the existing law, it's, it's a little bit of a hybrid insurance benefit. There's a death benefit, \$50,000 life insurance policy coverage. There's a disability component to it, in that there's \$1,000 per month for up to 36 months. And then there are also some lump sum payments depending on the severity of the cancer. If it's treatable, there's \$6,250 a month. And if it is not-- if it's-- then you've got a \$25,000 lump sum payment up to a cap of 50 for the combination of the severe and the less severe types of tra-- cancer.

RAYBOULD: Thank you. Have you brought this up to the League of Municipalities? Have they had a chance to, to crunch the numbers? And

then what have you seen is the, I guess, the, the premium that needs to be paid? And who has to pay that premium?

HALLSTROM: Yeah. What-- what's been done-- I think there's been seven states-- New York and Georgia, were two that as of 2021 had this type of Firefighter Cancer Benefits Act program in place. The estimates from the testimony at that time which they had received from insurance companies that were in the marketplace was \$150 to \$200 per firefighter. What I have indicated in, in-- or, found out in dealing with the insurance industry is that they would propose to try and make this a statewide program so that each individual municipality was not looking for a standalone policy or a rider to be attached to existing coverage, which arguably should even further reduce the per firefighter cost. As far as the payments, right now, Senator McDonnell had had a bill that would have had the State Fire Marshal reimburse the municipalities for premiums. The way my amendment is currently drafted, it would be-- the expense would be borne by the municipality, but certainly some things that people have talked about are whether or not the firefighter, if this is an add-on insurance coverage, maybe they should pay some, some portion of the cost. I'm open to discussing that. It's not part of the bill right now.

RAYBOULD: So you mentioned that it's \$250 per firefighter. Is that an-- per month or on an annual basis or--

HALLSTROM: \$150 to \$200 annually.

RAYBOULD: Annually.

HALLSTROM: Yup.

RAYBOULD: And then in the states that you have researched, are-- the-- do those states pick it up? Is it like a rider to the workers' comp policy? I mean, I'm kind of curious how insurance treats something like that. And, and-- of course, I am concerned if the League of Munal-- Municipalities had a, had a chance to review and actually crunch the numbers.

HALLSTROM: Yeah. I'm, I'm not sure whether they've done that. I would have to dust off-- I know that the volunteer firefighters had arranged for an insurance representative to go out and canvass the state. But because the poli-- because the law was permissive in nature, there were no takers at that time to actually implement the benefits package.

RAYBOULD: So can you-- tell me exactly who makes that determination.

KELLY: That's time, senators.

RAYBOULD: Thank you.

KELLY: Thank you, Senators Raybould and Hallstrom. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. It is interesting to get a few more people in the queue to continue with the filibuster, but I would tell you that-- I'll just kind of start a little bit in reverse order. Senator Hunt said that I said that the money isn't going to help. It is not. If you die, you're dead. OK? You're not going to be spending any money. All right? You do have all of your other benefits that you've had along the way. And your health insurance is going to pay for your care. I don't need workmen's comp to pay my health insurance. That's why it's separate. So again, why don't we just go give everybody money? Let's just take the taxpayer money-- those that can pay, let's just-- we'll find a place to send it to somebody who we think is doing a noble purpose. I would think that food and eating is important. So why aren't we doing something for farmers just out of the goodness of our hearts? Shouldn't we do that? Shouldn't every farmer that dies of cancer, should we not have something for them? Do we hate them? What's wrong with this body? I mean, if we have an endless bottom-- bottomless pit of money that we can commit, let-- let's, let's do that as well. I want to talk a little bit to Senator Conrad's unfunded mon-- mandate and that we had a bill and I voted against it, and that's exactly right. I voted against the unfunded mandate bill because what it did was it said if the Legislature passed a bill that was an unfundated mandate to a political subdivision that they could send the bill to the state and we would pay it. With what? What will we pay that with? This unfunded mandate, no taxpayer should be subject to it, including the property taxpayer and the income-- or, the income taxpayers and the, and the sales taxpayers where the funds come from the state. So that unfunded mandate bill was not ready for prime time. It needed many, many guardrails on it. It was, it was, it was-- we have a-- we have a bill out there that-- we passed a bill that said there will be no cell phones in schools. So should we expect that the schools are going to send us bills for a basket to carry-- hold the cell phones in or some kind of safekeeping area and someone to go out and collect the, the-- those and then the-- then would they send that bill to the state because it's an unfunded mandate? I mean, who decides what the

unfunded mandate is? So that's why that bill had a lot of problems. She has also mentioned that Senator Hallstrom's bill should probably have a committee hearing. I don't really disagree with that. I, I-- it's a new subject, it's a major change, but therein lies the problem. This bill had an interim study, and the other party was not able-- they set it on a date that they were not able to attend. How can you have an interim study without all parties present? That's what needs to happen. This bill is a ram-it-down-your-throats, take it or leave it. Legislature, we want you to intervene and, and demand that cities, villages, and rural fire districts be on the hook for an unprecedented amount of claims that you will get. Virtually anyone who got cancer while they were a firefighter is going to file a claim and see if it sticks. And the cities are going to have to hire attorneys to try to defend that. That doesn't make sense to me. This isn't something, oh, I hate firefighters. It's just that anyone that's out there are going to-- are-- would do that. This is about fairness. We have paid firefighters that make significant incomes, have substantial benefits, and they choose to do that job and negotiate it for those benefits. And they're happy with that job. But every year, we get a new request, something new that we want to add on as a benefit, and we want the Legislature to push that to the political subdivisions to pay. I, I can't support that. That's why I'm opposed. So with that, it looks like my time's about done. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. President. Just a couple things to note. Senator Conrad has been espousing the fact that there's 20 to 25 states, and I quote, in one manner or another that have this type of law. There's quite a bit of difference between the, the laws among the states and, and-- depending on your point of view, sometimes you want to just pound the, the, the gavel in the podium and say, by gosh, other states are doing it. Other times, you want to say, we don't care what other states are doing. I've introduced a bill, LB455, which has to do with confidentiality of first injury reports. 42 states have that type of law. Not heard Senator Conrad espouse that when she opposes my bill. 42 is more than 20 to 25. So if that's the, the gold standard, then perhaps we can, can talk some more on LB455. I'm a cancer survivor too, at age 52. Glad that the cancer to this point has not come back, but I never really understood exactly where the cancer came from-- family history, genetics. I had a diesel-fueled automobile in college, and I fortunately only filled it

up with regular gas once, but I was subjected to diesel fumes. Is that something that may have contributed to it? Certainly could have, but we don't know. We just don't know. So what-- again, as we come in on the noon hour-- and we'll probably have this bill up again on the agenda first thing tomorrow. Again, I'm, I'm going to be transparent. I am going to encourage you to adopt this amendment, put us in a position where my amendment becomes the bill. Give us some additional time if it's to the body's will to move the bill forward in that basis-- on that basis. And if the bill is on Select File, we'll have some more time to talk. The supporters of the bill can determine if they appreciate and support the bill in its form once my amendment is adopted because it does strike all of the existing provisions of the LB400 and becomes the bill. And then we can talk from that perspective in terms of whether or not there's an alternative or a better alternative. I've indicated that the insurance industry has suggested-- and I think it's a positive change to the existing law and to my amendment by making it a statewide type of program. I would certainly entertain that as a Select File amendment. Senator Raybould has raised the prospect of whether or not there ought to be some sharing of the expenses if it is in fact an unfunded mandate, a less costly, a less onerous unfunded mandate, if you will, than LB400 in its current position. Perhaps that's something to consider also, and I would certainly be open to that. I would certainly look for input from the volunteer and the paid firefighters in that respect if that's something that they'd be interested in to at least get the Firefighter Cancer Benefits Act program and benefits off the ground instead of just having a hollow vessel or a paper tiger that's on the books but doesn't provide any benefits to anyone. So with that and in the interest of trying to be done before the clock strikes 12, I would close for the moment.

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

CLERK: Thank you, Mr. President. Items for the record. Communication from Senator Lippincott. He has chosen LB548 as his personal priority for the session. Senator Lippincott, LB548, personal priority. Amendments to be printed from Senator Ibach to LB807 and Senator Storer to LB400. Notice of committee hearings for, for the Revenue Committee as well as the Judiciary and Natural Resources Committee. Name adds: Senator Spivey, name added to LB153; Senator DeKay, LB730 and LB946; Conrad, LB1049; DeKay, LB1059; Conrad, LB1078; DeKay, LB1081, LB1096; Conrad, LB1116, LB1184; DeKay, LB1198, LB1219; Conrad, LB1222 and LB1226; Senator DeKay, LR305CA and LR317CA. And Senator Prokop name withdrawn from LB1253. Notice that the

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Floor Debate January 22, 2026
Rough Draft

Referencing Committee will meet in Room 1524 upon adjournment.
Referencing, 1524 upon adjournment. And finally, a priority motion:
Senator Jacobson would move to adjourn the body until Friday, January
23 at 9:00 a.m.

KELLY: The question is the motion to adjourn. All those in favor say
aye. Those opposed, nay. The Legislature is adjourned.