

Floor Debate January 23, 2026

Rough Draft

ARCH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twelfth day of the One Hundred Ninth Legislature, Second Session. Our chaplain for today is Pastor Justin Bossman from Crofton Congregational Church in Crofton, Nebraska, Senator Barry DeKay's district. Senators, please rise.

JUSTIN BOSSMAN: Please join me in prayer. Heavenly Father, we thank you for the ability to gather here today. We thank you for the freedoms we have in our state and in our nation. We especially thank you for the freedom of our democratic republic system that allows us to vote for people to represent us in this body of lawmakers. I thank you for their willingness to serve in directing the course of the great state of Nebraska. Lord, I ask that you guide these lawmakers as they consider the proposals before them. I ask that they would seek your wisdom and that you would give them your wisdom freely as they make tough decisions. As we are told in Proverbs, Chapters 2 and 3: For the Lord gives wisdom; from his mouth come knowledge and understanding; then we will understand what is right and just and fair every good path; for wisdom will enter our hearts and knowledge will be pleasant to our souls; discretion will protect us; understanding will guard us; blessed are those who find wisdom; those who gain understanding; for wisdom is more profitable than silver and yields better returns than gold; wisdom is more precious than rubies; nothing we desire can compare. Lord, I ask for protection and safety for these lawmakers as they serve and travel. Give them health and strength as they work. Be with them, guide them, watch over them. Bless them, bless Nebraska, and bless the United States of America. In Jesus' name we pray. Amen.

ARCH: I recognize Senator von Gillern for the Pledge of Allegiance.

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

ARCH: Thank you. I call to order the twelfth 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?

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CLERK: There are, Mr. President. On page 470, excuse me, 427, strike lines 3 and 4. That's all I have this morning for corrections.

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

CLERK: There are, Mr. President: A reference report from the Referencing Committee concerning LB1166 through LB1260, as well as LR311CA, LR312CA, LR316CA, and LR317CA. Amendments to be printed from Senator Spivey to LB441 and LB440; Senator Sorrentino, amendment to be printed to LB1125. Note that a report of registered lobbyists for January 22, 2025 [SIC] will be found in today's Journal, and agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website.

ARCH: Senator Machaela Cavanaugh would like to recognize our doctor for the day, Dr. Lillia Cherkasskiy of Omaha. Please stand and be recognized and thank you for serving. Senator Spivey would like to recognize a special guest, her son, Naasir Spivey, and he is seated under the balcony. Please rise. Mr. Clerk, please proceed to the first item on the agenda.

CLERK: Mr. President, first item on the agenda, LB400, introduced by Senator Wordekemper. It's a bill for an act relating to the Nebraska Workers' Compensation Act. It amends Section 48-1,110; provides for compensability of certain cancers and firefighters; creates rebuttal presumptions; defines terms; harmonize provisions; and repeals the original section. When the Legislature left the bill, pending was the bill itself, the committee amendment, as well as an amendment from Senator Hallstrom. Mr. President, it's my understanding Senator Hallstrom would withdraw AM1750.

ARCH: So ordered.

CLERK: Mr. President, Senator Wordekemper, I have MO283 with a note that you'd withdraw.

ARCH: So ordered.

CLERK: In that case, Mr. President, Senator Hallstrom would move to amend the committee amendments with FA923.

ARCH: Senator Hallstrom, you're recognized to open on your committee-- on the FA.

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HALLSTROM: Thank you, Mr. Speaker. Senator Wordekemper and I were able to visit yesterday and last evening on this issue, and it's my understanding that he is going to pass over the bill today to allow some time for some compromise discussions to take place. And pursuant to the Speaker's memo, if the bill is to reappear on the agenda, it will follow his prioritization of the bill. That is acceptable to me. With regard to FA923, Senator Wordekemper had asked me to withdraw the amendment that was previously up on the board. I have done so, but in order to have a placeholder in case we come back and are still at the same place with Senator Wordekemper prioritizing the bill, but it's still LB400 in its original form, my amendment is to the committee amendment, and I believe will be first in line when the bill comes back up. Hope that there's a compromise to resolve the issue short of that, but that's where we stand today. And I thank Senator Wordekemper for working on this issue so diligently.

ARCH: Senator Wordekemper, 8 minutes, 35 seconds.

WORDEKEMPER: Thank you, Mr. President. As you heard from Senator Hallstrom, colleagues, after meeting with the opposition and, and Speaker Arch, we've entered into an agreement to sit down and see if we can work out our differences. To allow this to happen, I've asked the Speaker to pass over this matter on LB400 so we can return at a later date and I'm thankful for everybody's consideration on this and work on it this week. Thank you, Mr. President.

ARCH: So ordered. Mr. Clerk, next item on the agenda.

ARCH: Mr. President, consistent with the agenda, LB417, introduced by Senator Bostar, is a bill for an act relating to education; provides powers and duties to the Board of Regents of the University of Nebraska to administer the Nebraska Promise Program; adopts the College Promise Act; changes provisions relating to the Quality Education Accountability Act and the national assessments; harmonize provisions; provides operative dates; repeals the original section; declares an emergency. The bill was read for the first time on January 17 of 2025 and referred to the Education Committee. That committee placed the bill on General File with committee amendments, Mr. President.

ARCH: Senator Bostar, you're recognized to open on LB417.

BOSTAR: Thank you, Mr. President, and good morning, colleagues. LB417 codifies the Nebraska Promise Program, established by the Board of

Regents, which provides tuition remission for eligible Nebraska resident students attending the University of Nebraska. The bill also establishes the College Promise Program which mirrors the Nebraska Promise Program and removes barriers for low-income Nebraskans seeking to gain new skills or further their education at a community or state college. Students with a family income of less than \$65,000 annually are eligible for a tuition waiver for up to 2 years at a community college or 4 years at a state college. Eligibility begins when a student first applies for and receives the waiver. Students must maintain at least a 2.5 GPA and meet attendance requirements. After federal financial aid grants and state scholarships are applied, any remaining tuition costs are covered. Each year, the Coordinating Commission for Postsecondary Education will certify the total amount of tuition waived. Based on that certification, the State Treasurer will transfer funds from the General Fund into the College Promise Fund, which will then reimburse community colleges and state colleges for the tuition waivers provided. LB417 recognizes that a 4-year degree is not the only pathway to success. The bill allows high school seniors to either retake the national college admission exam, potentially increasing scholarship eligibility through improved scores or to take a nationally recognized career readiness assessment that leads to a national career readiness certificate. This credential signals to employers that a student possesses essential workforce skills and enhances employability in high-demand industries. It is also a nationally-recognized metric used by industry site selectors, including the National Association of Manufacturers and American Council of Education, helping Nebraska communities attract and retain businesses. Nebraska faces an ongoing challenge in retaining top students and meeting the workforce demands of an evolving economy. Other states have seen strong results from similar investments. Wyoming and Tennessee fund college admission exams, exam retakes, unlocking millions of dollars in additional scholarship funding. Missouri funds career readiness credentials, which had nearly 39,000 learners earn national credentials over the past 3 years, and now ranks second in the nation for completed apprenticeships. Kansas also funds career readiness credentials with over 31,000 earned credentials. Over the same 3-year time frame, however, Nebraska has only 2,089 residents obtain the National Career Readiness Certificate. LB417 is a crucial investment in Nebraska's workforce and economic future, ensuring that every student, regardless of financial background, has the opportunity to succeed. The bill was heard by the Education Committee last year on February 18, and advanced to General File on a vote of 7-- 7 ayes and 1 absent. So there will be a

committee amendment here coming shortly and I'll just kind of just briefly touch on what that is. I know Senator Murman will as well, but it'll be AM748 which will give the University of Nebraska flexibility to pause the Nebraska Promise Program in any academic year when the federal Pell Grant program may be unavailable. The amendment allows the Board of Regents discretion to offer Nebraska Promise waivers in those circumstances and requires the university to notify students in advance about whether the program will be available for the upcoming year. The amendment is supported by the university and is the product of compromise between myself, the Education Committee, and the University of Nebraska. With that, I would encourage your support of LB417, the underlying amendment. I, with a little bit of time left here, I will briefly touch on the fiscal note. It's a little complicated. So the fiscal note itself contains-- this bill would contain a cost to the state as it's currently drafted of \$2.7 million. There are other elements on the fiscal note which relate to what the university is currently spending on its Nebraska Promise Program. Those are not covered expenses under the bill, but that is representing what they've put down for what their, what their expenses for that program is. And so the breakdown would be for the-- there's a new fiscal note that came out, I believe, yesterday, so \$2,046,041 in-- well that's '27-28, \$1,986,496 in '26-27. That would represent the cost for the College Promise Program and the, the retakes of entrance exams, as well as certification exams, would be \$687,500. So a total of \$2,673,996 is the state cost of, of LB417. Obviously, we are in a, a, a deficit, and so my intent here is I would ask that the bill be advanced to Select, and if, if there's some kind of funding source that could be identified, maybe we could go forward. But, obviously, the fiscal position makes, makes passing this certainly on Final Reading challenging. So my request is to get it to Select and let's see how the, the whole session sort of unfolds from there. And with that, I would ask for your green vote. Thank you, Mr. President.

ARCH: As the Clerk noted, there is a committee amendment. Senator Murman, you are welcome to open on your committee amendment.

MURMAN: Thank you, Mr. Speaker. AM748 is the committee amendment on LB417. It is not a major change. It simply ensures that if for some reason the federal Pell Grant was not available that year, the Board of Regents would not be required to administer the Nebraska Promise Program for that year. In other words, if the Pell Grant had an issue, the university would not be on the hook for a sudden expense that they may not be able to afford. I see this as essentially a safety clause in case something happens on the federal level so that the university

will not find itself in a situation where it is struggling to comply with the law. With that, this is a pretty simple amendment for a good bill that was voted out unanimously except for one absence during the vote. So I urge your green vote on AM748 and LB417. And I will yield the rest of my time to Senator Bostar, if he would like.

ARCH: Senator Bostar, 8 minutes, 50 seconds.

BOSTAR: Thank you, Senator Murman. And thank you to the Education Committee who heard this bill last year and supported it. It's-- this has, this has been an initiative that I know that we've been working on and I've been bringing to the committee and working on for a few years now. And so I just thank you to everyone who's been really helpful along the way. Thank you.

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

HUGHES: Thank you, Chairman. I'm slowly jotting notes. I don't have all my things written down I want to talk about but I rise-- I do want to say I support the AM748 that talks about if the Pell Grant-- if federally that goes away, you know, it changes what we have to do down at the state level. I think that is a commonsense thing to do. So definitely support that. I do think extending the College Promise Act to our other state schools makes sense. Right now, of course, it's to the university system, but that would give other options for kids under that-- whose families are under that level of income, that option. But what I really wanted-- what I wanted to say, too, though, we are facing a budget deficit. And so I am a little concerned with the timing now and the money, cost of this, this year going forward with this. I don't know if it's something that we may need to push off or whatever, but I am concerned about that. But what I wanted to speak to, specifically, is talk about the piece of the Career Readiness Certificate/potential of taking the ACT over. And right now, just so that everybody is clear, our juniors across the state of Nebraska, for their assessment take, across the whole state, we take the ACT. Prior to that happening, there was a different assessment test. And we switched, gosh, I think it was in 2017, don't quote me, to doing the ACT, which was a win-win. We need an assessment. That's great. And kids then get one time to take this free test and see where they're at, potential for scholarships, potential, you know, what school they're going to attend. So we already do that. We also already offer seniors that are free and reduced lunch to get a second chance of taking that ACT at the beginning of their senior year for free at no

cost to them. That's already in play. In addition, some schools, and I'm going to use the Seward Public School, our juniors at Seward Public School, in the fall of their junior year, they take the ACT for free that the, that the-- that Seward Public Schools pays for. And then in the spring, they take the one that all students across Nebraska, and then that's paid for by the state. So already the Seward kids are getting two free ACTs, and if you are free and reduced lunch, potentially you could have a third free ACT the beginning of your senior year if you need to. So one thing, right now the cost of this CRT or retake of the ACT is looking around \$650,000. I think that probably is on the high end because that's assuming everybody would do it. One way to bring this down I think, would bring something that says, hey, if that student already has had a second ACT paid for, they shouldn't qualify under this. So I think, that's a way to skim it down. The other thing I wouldn't mind entertaining is, again, maybe it's only if you're free and reduced lunch, you could get that CRT for free. I kind of use this example, I remember one time we were talking about free lunches for all kids. I don't, I don't think all kids need a free lunch. If we are going to use taxpayer money, let's target it at the people that need it, free and reduced lunch range, they need it. Kids that are not free and reduced lunch, their families can afford to pay for it, so they should pay for their lunch program. Likewise with this, kids are already getting the one ACT, potentially two paid for. I don't know that, you know, families that can afford it, we use taxpayer money to pay those. Now if you're free and reduced lunch, then it might make sense. So I think those are the things we need to consider. And I believe Senator Bostar is talking about working on some of these things. As you guys know, anything with a fiscal note here is going to be questioned. And I think that's the reasonable, responsible thing to do. So just wanted to kind of give my, my information and thoughts on this. So thank you, Mr. President.

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

IBACH: Thank you very much, Mr. President. Today-- good morning. Today, I rise in opposition to LB417, and although I appreciate the Education Committee's work on the amendment, which I will support, I think it still doesn't go far enough. LB417 creates, yet, another unfunded mandate for the university system to provide free tuition to certain students. While I understand the university is currently providing this as an internal scholarship program, once the Legislature mandates them to provide it in statute, it becomes our responsibility. And I know I've visited with the Appropriations Committee during the last couple of years about our responsibility to

unfunded mandates. If we're going to own the, the mandate, we should also be willing to bear the cost of that. I would like to highlight the fiscal note published on January 13, so it's a current fiscal note which Senator Bostar alluded to. It says: While the program is currently administered by the university based on available resources and institutional priorities, codifying it into statute would remove NU oversight and flexibility, transferring control to the Legislature without a dedicated funding mechanism, which is my message here. This shift would limit NU's ability to adjust cost thresholds, eligibility criteria, or academic requirements in response to financial and enrollment changes. Instead, any modifications would require legislative action, potentially delaying unnecessary adjustments, creating administrative inefficiencies, and potentially impacting students already enrolled in this program. Last year, the Appropriations Committee, and they may speak to this, heard LR261, which was an interim study, to examine the fiscal impact of unfunded, statutorily mandated tuition and fee waivers. Since academic year '15-16, the total amount waived through the other mandated tuition waivers on the university system alone exceeded \$36 million. When we're in the midst of cutting their budget, we're asking them to absorb more. This number will only continue to grow, especially after the enactment of LB608 by the Legislature last year, which provides dependents of correctional officers' fees, tuitions, starting in 2027. It's not that I oppose the, the goal of the bill, it's just I oppose the funding mechanism. I understand the intent behind this bill, and I appreciate the goal, as I mentioned, however, adding another unfunded mandate is not the answer. The university needs flexibility to administer their own programs in a manner that they see fit in real time based on their resources and their priorities, and they have demonstrated that they are capable of doing so responsibly. At a time where the university is facing cuts to programs and staff, we shouldn't be mandating they provide additional waivers in tuition that will only make this situation worse. I appreciate Senator Bostar's ability and his willingness to tweak it up a little bit. But if you look at the fiscal note, you're looking at about a \$21 million absorb into the university system. That's not counting the state colleges and the community colleges that their resources are contingent upon available resources, but the university is mandated. So with that, I appreciate the time, and I appreciate the work that the Education Committee has done in tweaking this up, but I still stand opposed to LB417 as written. Thank you.

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

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RAYBOULD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans. I'd like to say that Senator Ibach stole my thunder, and I just want to ditto a lot of her comments. As, as we dig into our fiscal budget deficit this year, I, I really am highly sensitive on any new expenses that come across our desk, and I feel it's important that we flag them. And if we want to consider moving them forward, then there should be a, a really profound and urgent need for doing so. And for that reason, I do oppose LB417. Just because Senator Ibach listed some of the expenses, you know, Nebraska Community College pointed out that it would be a loss of tuition revenue this year of \$819,000, or '26-27, and then \$843,000. And then also with the education side on the ACT, about retaking that, the fiscal impact would be between \$337,000 to \$500,000, up to \$687,500. Again, I know Senator Ibach talked about some of the tuition costs. The University of Nebraska was pretty clear: without guaranteed state support, LB417 functions as an unfunded tuition waiver mandate at a time of statewide budget pressures, imposing this cost on the university restricts the board's ability to manage limited resources and threatens other priorities, such as academic programs, workforce initiatives, and student support services. So Senator Ibach identified the package is over \$21 million. And so that's a big concern. And, you know, we talked about-- we've been talking about unfunded mandates a lot, this week alone, and there is a lot of truth to that. And I just ask that our body, we practice what we preach. If we, if we can't pass an unfunded mandate for the voters to consider, I wish we could have some disciplinary guardrails on us that would self restrict, one, from introducing bills that does have that unfunded mandate that we even have to take up on the floor to consider. So I'm, I'm hoping Senator Bostar might answer just a couple of questions.

ARCH: Senator Bostar, will you yield to a question?

BOSTAR: Of course.

RAYBOULD: OK. You know, you and I just spoke about the Nebraska Community College Association and the loss of the tuition revenue. Did you-- you mentioned to me that the, the state would be picking up that tab?

BOSTAR: So for the College Promise Program, which would create these opportunities at the state college level and the community college level, yes, it would be reimbursed by the state.

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RAYBOULD: And then on when it came to the ACT, they had listed that the fiscal impact would be \$337,500 [SIC] to \$687,500 for students that would qualify to take-- retake the ACT as part of the eligibility of qualifying for some of the tuition. Did you, did you see that and do you concur with that, that would be an expenditure on top?

BOSTAR: Well, the number is obviously too high, and they acknowledge that themselves.

RAYBOULD: OK.

BOSTAR: And it's-- it really has nothing to do with the tuition waiver at all. It's related to retakes of the ACT or the exam to provide that Career Readiness Certification. And so that fiscal note is represented as if everyone did it, who could, which is not-- that's, that's certainly not reality.

RAYBOULD: OK. And I, I, I see the expense that the university highlighted of, of the \$20,643,000 this fiscal year and then \$21,675,000. Do you know the amount of funding in the budget that the state is going to allocate for the university this year? I, I don't happen to know that.

BOSTAR: No.

RAYBOULD: OK. Thank you very much. I appreciate it. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I am not able to support this bill. It's mainly because our budget is short. I don't believe that this is a high enough priority to replace other items that we need to fund in the budget. The colleges and the university could already do this, and they are already doing it at the university. And I'm concerned that it does take away control of the eligibility criteria if the university wanted to change it somehow. And, of course, there's a problem, potential problem with the Legislature mandating things for the university to do, whether it's even legal to do this. I'm understanding that they're expanding the full-ride scholarships for ACT students scoring 33 and over from currently the perfect 36 score students are getting full-ride scholarships, and in the Governor's budget presentation he was talking about, scores of 33 and over, and that's going to have to be absorbed also. I don't know, but that's going to be several million dollars, I would guess. The-- you know,

also in the fiscal note, the ACT retaking impact is \$687,000, estimated every year, and the, the state, state college system and the community colleges, we're talking about \$2 million in the bill, and I don't see that there's going to be funding available. This is a program which these colleges and universities already can do on their own. They don't have to be told by us to do it. And so I urge your red vote on AM748 and LB417. Thank you, Mr. President.

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

CLOUSE: Thank you, Mr. President. Good morning, colleagues. I also rise in opposition to this, and, and simply because it seems counterintuitive to me to require a tour-- a tuition waiver, which would basically increase enrollment, and then we turn around and require or ask the, the universities to make their cuts, and, generally, it's in faculty and staff and programs. So it just seems counterintuitive to me. I just-- I, I, I think it's an unfunded mandate to, to the university and it's just something that they, they struggle with already and I don't want to compound that any further. So I will be having a no vote on this particular bill. Thank you.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I want to thank my friend, Senator Bostar, for bringing forward this measure, which I'm a proud cosponsor of. I have been watching carefully the creation, development, and expansion of the Nebraska Promise Program at the University of Nebraska since inception in, I think, about 2020 or so. And it's been expanded in terms of income eligibility and operations since that time. But I think that the program itself is well rooted in very important public policy objectives. Our University of Nebraska, of course, is a land-grant university and that carries with it a unique mission in terms of not only bringing university expertise into the community through research and development and extension, but it also requires that we have a thoughtful approach to ensuring that a high-quality public education on the higher level, beyond K-12, is accessible, is accessible to the citizenry, that we don't set tuition rates at a point that price out access to an excellent college education away from working families in Nebraska. And so we always have to keep that in mind. And I think in the face of dwindling state support, uncertain federal funding and actions, what the university and its leadership was attempting to do was to find an opportunity to keep access strong and real for many working Nebraska families. It contributes to addressing our brain drain issues in

Nebraska, it helps to raise awareness that college can indeed, can indeed be accessible and affordable for more Nebraskans. And I know literally scores of Nebraska families from my home district back home in Seward County. And then right here in the heart of Lincoln, in my present district, so many families, working families, have been able to benefit from this important program. So I really appreciate what the leadership the university has displayed in establishing the program. I understand what Senator Bostar is trying to do to strengthen support for this endeavor. And I think it's really cool how other institutions of higher ed, whether it be our awesome community college system or our incredible state college system, have also worked to figure out how to mirror this program so that working families can access a, a very high-quality educational experience in those institutions as well. There's no doubt we have budgetary challenges before us. This is a very complex fiscal note, actually one of the most complex that I've seen for a while. And I think members have rightly noted that in between General and Select, I think everybody would be willing to work with Senator Bostar just to ensure that we have precise compliance with the Board of Regents v. Exxon decision from 1977, which constrains political micromanagement and interference from this body on an autonomous independent entity, which is the University of Nebraska and governed by its Board of Regents. So I think that can be accomplished very easily codifying this important program, addressing that precedent in perhaps a more aspirational or permissive way, and then just like any other bill in any other session, we should move it forward today so that it can compete for consideration as we address other floor priorities and balance the budget because keeping college affordable for working families is exactly what we should be focused on in addition to other affordability issues in this session of the Nebraska Legislature. Thank you, Mr. President.

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

STROMMEN: Thank you, Mr. President. I just wanted to reiterate some of the things that have already been said regarding the fiscal note on this, and I just want to read again from the fiscal note that was released: University of Nebraska estimates its waiver to cost \$20 million in fiscal year '27, \$21 million in fiscal year '28, and they explain that while the program is currently administered by the University based on available resources and institutional priorities, codifying it into statute would remove NU oversight and flexibility, transferring control to the Legislature without a dedicated funding mechanism. This shift would limit NU's ability to adjust cost

thresholds, eligibility criteria, and academic requirements in response to financial and enrollment changes. Instead, any modifications would require legislative action, potentially delaying necessary adjustments. I also wanted to reiterate the fiscal impact to state colleges, which is essentially \$2 million per year, and starting in '27, and as well the recurring cost of \$687,000 in perpetuity for the Quality Education Accountability Act. We're staring down the barrel of a \$400 million budget shortfall, and I'd just like to make a broader point regarding unfunded mandates and A bills and taxes and that these are all unsustainable and we really need to, to be more fiscally conscious and conscientious when we bring these bills and when we start looking at how we can afford these things for the state and most importantly for the taxpayers. Thank you, Mr. President.

ARCH: Seeing no one left in the queue, Senator Murman, you are recognized to close on the committee amendment.

MURMAN: Thank you, Mr. Speaker. Well, the committee amendment, all it does is changes so that if the federal Pell Grant is not available, the regents will be able to administrate the program going forward. It actually does not change anything in the bill. And so that's just simply what that does. Thank you, Mr. Speaker.

ARCH: Colleagues, the question before the body is the adoption of AM748 to LB417. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

CLERK: 25 ayes, 19 nays on adoption of the committee amendment, Mr. President.

ARCH: The amendment is adopted. Seeing no one in the queue, Senator Bostar, you're recognized to close on LB417.

BOSTAR: Thank you, Mr. President. Thank you, colleagues, for the adoption of the amendment. Bodes well for the advancement of the bill. I can feel it. This bill came out of a conversation I had with a constituent, at this point now a couple years ago. She came to me and talked about her, her son who was trying to go to college. They were a, a family that had fairly limited means when it came to income and what she came to me and talked about was that her son wasn't necessarily a good fit for the University of Nebraska, for whatever reason. Hopefully, one day he would get there, but he wasn't really a good fit for it. But if he could go there, it would be free. It would be free because the university has a program where families that were

making the level of income that they were making had waived tuition. But the reality was, is that this individual was a better fit for a community college. But there wasn't any equivalent program that existed. So she asked if there was a way to create a program where we could mirror what the university offered with state colleges and community colleges. And so that was the genesis of this concept. And I think it's a good idea. I think it's what we should do. Again, we talk about unfunded mandates. Yes, we're mandating something to the university that they're already doing. And we're creating another program for the state colleges, community colleges, but we are paying for it. Speaking of the university's fiscal note, it's been cited a few times. So if you look at the fiscal note for LB417, revision 00, came out last year, what you're going to see is a fiscal note from the university of, I think it was around \$7 million. So last year, the university said that the cost for them to conduct their or, or to administer and provide for their Nebraska Promise Program was about \$7 million. This year-- actually less than a year later, it's over \$20 million. That's incredible. Went from \$7 million last year to \$20 million this year, so says the university. That's, that's pretty wild, and it goes, it's representative of the fact that as, of course, all of you know, people get to write whatever they want in their fiscal notes. They want to say it cost a trillion dollars, they can say it. There's no mechanism for actually, you know, checking or auditing any of these numbers. So it went from \$7 million last year, a program that's been in existence for years and years and years and years. Last year it cost \$7 million, this year it costs \$20 million. That's nonsense. It's absolute nonsense. So why I think we should put in statute the Nebraska Promise Program is because sometimes the university does nonsense. And as they face budgetary constraints, I am concerned that they're going to cut this program. I am concerned that they're going to cut this program and they're going to find more money to fire a chancellor 6 months early, pay out millions of dollars in that way. I'm worried that this is not a priority for the university. And so, yes, that is why I have it in my bill because of nonsense. Colleagues, thank you for your time. Thank you, Mr. President.

ARCH: Colleagues, the question before the body is the advancement of LB417. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 31 ayes, 6 nays to place the house under call.

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ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Dover and DeKay, please return to the Chamber. The house is under call. Senator Dover, please return to the Chamber. The house is under call. All unexcused members are now present. Senator Bostar, we were in process of voting, will you accept call-in?

CLERK: Senator DeKay voting no. Senator Hughes voting no. Senator Hallstrom voting no.

ARCH: Record, Mr. Clerk.

CLERK: 18 ayes, 25 nays on advancement of the bill, Mr. President.

ARCH: LB417 does not advance. I raise the call. Mr. Clerk, next item. Excuse me, for new items.

CLERK: Thank you, Mr. President. Items for the record: Your Committee on Banking, Commerce, and Insurance, chaired by Senator Jacobson, reports LB718 to General File. Additionally, notice of committee hearings from the Judiciary Committee and the Nebraska Retirement Systems Committee and an amendment to be printed from Senator Wordekemper to LB400. That's all I have this time.

ARCH: Mr. Clerk, please proceed to the next item on the agenda.

CLERK: Mr. President, next item on the agenda, LB653, introduced by Senator Murman. Prior to the title being read, Mr. President, Senator McKinney would move to indefinitely postpone with MO355.

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

McKINNEY: Thank you, Mr. President. So with my amendment to indefinitely postpone, I put this on here because of the efforts to try to erode away from, you know, the prohibition on suspending pre-K and second graders. I've had some talks with Senator Murman's office and I think we're-- we, we made some progress on finding a path forward to try and address everyone's issues, but my overall issue isn't really with Senator Murman or his office or anyone who introduced this. My issue is with the school districts because-- can I get a gavel-- thank you-- because my issue is that we passed the law to prohibit the suspension of pre-K and second graders, I believe, in

the spring of '24. And it went into effect that fall. And my issue with it and my issue thus far now is that I don't believe that the school districts actually try to implement any alternatives to suspension to try to address the root causes to suspension. And that's my problem because I've heard from teachers, I've heard from other people, oh, these kids are coming back in the classroom, this, this and that, and I say, well, do you know that the school districts should and are able to, one, remove students from the classroom and, two, implement alternatives to suspension. They should-- they, they don't have to, under the law, just send a kid back to the classroom. The schools just have been electing not to implement the alternatives. So when I get calls and people say, Senator McKinney, it is your fault, I kind of, you know, take offense to that because we allowed some flexibility in the law for school districts still to make sure the classroom environment was still a productive place, still able to make that the school environment was still a productive place, they could and should have been implementing alternatives and not just putting the burden back on our teachers. So my frustration and my annoyance and, whatever, however else I feel over the past couple of years isn't with the teachers. It really isn't with Senator Murman and whoever else introduced legislation. It's really with the school districts because they have, in my opinion, not done the right thing and implemented alternatives. Their solution was to come back last year and get senators to introduce bills to just repeal it, instead of trying to figure it out, instead of trying to introduce alternatives. That, to me, is an issue. Because at the core of it, when I introduced the bill and I spoke to it, is the school-to-prison pipeline, the disproportionate amount of kids that look like me and others that are being suspended. That is an issue that need-- needed to be addressed. But the schools don't want to address it, it seems like, they just want to go back to suspending a disproportionate amount of black kids, Latino kids, Native American kids. And I don't see why no one is putting up that question of why haven't alternatives been put in place? They're just telling the, the teachers they can't do anything when they can do a lot of things. They don't--they can remove them from the classroom. They could implement alternatives. I don't see why that's so hard to do. What happened to in-school suspension? What happened to the packroom? I was a kid that got suspended a lot in elementary and I kind of got in trouble a little bit in junior high so I spent a lot of time in the packroom. I spent a lot of the time in in-school suspension. Literally, when I was in middle school, I think about 50% of my time in middle school was in ISS, doing packets and looking at a wall, eating brown paper bag lunches. So that's my

frustration. I think that we could find a solution to this. There, there's still some things in the language that I hope from now and Select File that we can address. One is clearly defining what is violent behaviors. It's kind of broad and it's kind of loose and I could see that being abused. I spoke with Senator Spivey and she wants to make sure that the processes around the schools putting together plans for students is more clearly defined and put together so kids are actually getting help. So I think we could find a way forward on Select to get that addressed as well and defining what these behaviors are. You know, I think at the end of the day, I think everybody wants our schools to be safe places, good environments for kids to learn, but what I don't want and what I would think that a lot of people wouldn't want is that kids are just being put out of our schools, sent home to go watch cartoons, essentially, and really there will be no accountability. There is-- I, I haven't seen a statistic that says suspending kids makes things better. And I bring this up because we had a conversation about LB530 last year about kids just getting slapped on the wrist, getting sent home and coming back and nothing happening, then we passed that bill. And I could make the same argument with this that just suspending them to go home and watch cartoons doesn't solve the problem. This is why alternatives are needed. This is why plans are needed to be put in place. So that's where I'm at on this. You know, again, my frustration is with the school districts and their lack of any type of effort that I've seen or heard to actually implement alternatives. They've just placed it back on the teachers and told the teachers to figure it out from what I've been hearing, which is wrong. I don't-- my intention wasn't put--- wasn't to put more burden on our teachers or anything like that, it was to help the school environment improve outcomes and address the school-to-prison pipeline and make sure that there isn't a disproportionate amount of kids from my community and others that are being suspended. So, I mean, I think other people are getting in, but hopefully we can find a solution forward. Thank you.

ARCH: Senator Murman, I'm going to return to you and allow you to open on LB653.

MURMAN: Thank you, Mr. Speaker. LB653 with the committee amendment, AM995, was originally a much larger bill tackling a number of issues that have arisen out of the option enrollment system as well as, as some education pieces. However, due to a number of reasons, much of the original bill and the committee amendments will be scaled back. For one, due to the timing of the last session, many of those provisions ended up making their way into other Education Committee

priority bills-- or the other Education priority bill, LB306. Therefore, those provisions are no long-- no longer necessary. Additionally, on the option enrollment side of the bill, the State Board of Education is currently working on updating the state rules on option enrollment so many of the provisions in the original LB653 are not immediately necessary. This is also where much of the pushback on the bill originally came from and those concerns with the-- will be addressed further to a point where all the, the shareholders should be satisfied. So if you do have concerns regarding the original bill or the committee amendment, those concerns should be met with a further amendment. I will get further into that aspect as we enter into AM1701. Thank you, Mr. Speaker.

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

DUNGAN: Thank you, Mr. President. Good morning, colleagues. As of right now, I do rise in favor of the motion to indefinitely postpone and, I guess, hesitant about certain aspects of LB653. I appreciate Senator McKinney's open on this and I think it highlights a lot of the concerns that I share with what's contained in the bill and what some of the problems are with it. I think that it sounds like there's some conversations that are happening to potentially have some amendments or some agreements on things that can be changed that will modify parts of the proposed language as it pertains to the suspension. But the crux of my objection really comes from the broad issue that I think we're not really addressing as a Legislature, which is this school-to-prison pipeline. Senator McKinney hit the nail on the head. We know, and this is not just a belief, it's facts, we know that the decisions that we make with regards to punishment and behavioral responses in schools absolutely has an impact on youth, and it has an impact on their mental health, it has impact on behavioral health, and it has an impact, certainly, on the likelihood that they do or do not get involved in the criminal justice system as an adult, or whether or not they're going to get involved with the juvenile justice system while they're still kids. The school-to-prison pipeline is real. People hear that phrase all the time. I think we talk about it a lot in this Legislature, but I think for some of my colleagues it doesn't seem to have the impact that I think it should have. One thing we hear about in this body all the time that I think every single one of these 49 senators can agree on is that we care about the children of Nebraska. We all care about our kids. We all care about our students. I think that sometimes we just disagree about what that means. But when I've talked with the Governor, when I talked with other folks,

and he maintains this belief that the kids in our state are of the utmost importance, I wholeheartedly agree. And it's for that reason that LB653 strikes a, a bad tone with me. And it's because when we start to make it easier to suspend children, we know from all of the data and from all the studies that have been provided over decades that that increases the likelihood that those students are going to get involved in the criminal justice system. And some people may hear that and think that I'm blowing things out of proportion, but there's a number of studies. One that I just very easily pulled up here shows there clearly are suspension disparities, first of all, which Senator McKinney hit as well. Black male students are nearly two times more likely than white male students to receive out-of-school suspension and expulsion. So on the face of it, we already know there are disparities with regards to who is receiving suspension and expulsion. One that I think gets talked about even less though that is particularly implicated by LB653 and the language that's being added to the suspension of young students is the impact on our friends in the disability community. Folks in the developmental disability community are more likely to be suspended than folks who are neurotypical or folks who aren't disabled. The language that's being proposed in LB653 about the potential for violence or harm absolutely is going to have a negative impact on folks that are in the disabilities community. We know that youth in kindergarten through second grade, there can be emotional outbursts, there can be sometimes behavioral health episodes. And, certainly, the folks who are in the disability community, if they're not provided with the means to have the support in school, there might be some times where there's going to be issues that happen that could be perceived as potentially violent. And what we know is that already kids with disabilities are suspended at higher rates. And once you are suspended at higher rates, the likelihood of failure in school goes up, the likelihood of bad grades goes up. And the likelihood of being involved in the criminal justice system for anybody also goes up. And so if we broaden the scope of who can and who cannot be suspended without proper guardrails, without proper steps that we have to follow to make sure that we're addressing the upstream solutions like an IEP where we're providing behavioral health or we're providing mental health supports, if we don't address those, but we broaden scope of can be suspended, we are putting our youth at risk. And that's my objection here, is I think that we are all trying to address a problem, but we are not doing it in a narrowly tailored enough fashion in order to properly support our students. So I appreciate that Senator McKinney is putting a spotlight on this issue. I appreciate that we're taking some time to

debate this bill. Certainly, it's something I think that can be worked on. And if we can find some language that further defines things like violence, that further defines what the actual process and procedure is for a suspension, to make it more akin to an IEP plan where you're providing help for kids, then I think we can get to a place where maybe we can agree for this to move forward. But until there is some assurance that that language is going to be worked on, I think we're going to have a problem with this bill. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President and good morning, colleagues and Nebraskans. It feels weird getting back into the saddle to start to talk about things. I've had a, a little bit of time where I have not been on the mic. And so I appreciate Senator McKinney helping to frame the conversation through this motion with the Education Committee and working with Chair Murman on this now, and then, hopefully, between General and Select File. I will say, and just want to underscore what Senator Dungan mentioned, that we need to be able to negotiate in good faith around the components of this amendment, which is amendment, I think AM1041 or AM1701, excuse me. The AM1701 has the kind of heartburn and tension that we are talking about around suspension of kids and what does that look like and the parameters. And so I hope that we're able to negotiate in good faith. And I think Murman is in the queue and would, hopefully, be able to speak to what he is committed to for that because that's going to be important and is going to also drive this conversation. And so I wanted to piggyback on some of the things that Senator McKinney mentioned around school suspension and what does that look like from the data side and then his personal experience. So I am an Omaha Senator. I represent northeast and northwest Omaha. And so OPS is my school district. And I have their 2023-2024 behavior and discipline summary report. OPS is the biggest school district in the state. They see the majority of kids, complexities, diversity of students and families. And so I, I think that this is really good data that we can use as we drive and talk about this conversation. And I'm sure I'll run out of time and I'll just punch back in now so I can continue that conversation. And so when we look at students, young people in grades K-5, the student membership in OPS is about 22,872. In here, they have the unique students with out-of-school suspension is about 962, which is 4.2% of the population. They go on to break down the data around students' gender, the reason why the type of suspension, as well as race. And so when you look at suspension and expulsions disaggregated by race and ethnicity, they have come to the conclusion, OPS, that black or

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African American, American Indian, or Alaska Native, and students of two or more races account for a disproportionate percentage of suspended and expelled students relative to their demographic representation in the district. So that means that the amount of the actual density-- can I have a gavel, Mr. President? Thank you. I appreciate all the dialogue. I'm hoping it's about this bill and folks are going to punch in and this is really important to note. So what I just read says that three specific demographic groups, black or African American, American, Indian, or Alaska Native, or students of two or more races make up a small percentage of the population, but are overly represented in the amount of expulsions. 22.3% of all black and African American students experience an out-of-school suspension in 2023. And this is K-5. So this is the age group that we're talking about. That accounts for about 490 students, which are a lot of young people. We are talking about young people that have been literally on this earth for 6 years, 7 years that are getting suspended, that are just black. This is not the full group. If you remember some of my commentary and comments, as I've been on the mic before, around juvenile justice, we see, we see the same disproportionate numbers of black kids that are on probation and in detention. And so what this tells me is that we are not addressing core root issues. We are giving punitive consequences and not finding the right solution. And so in this policy that we're trying to put into statute, we need to ensure that we are putting in services, recognizing the trauma experiences of these young people, and how do we ensure their success. We know that young people have, this age group and even up to 23, have the highest opportunity to be successful, to be integrated into whatever system we're talking about, school, back into community, not become system impacted. And so the school-to-prison pipeline is real. And we have to ensure that we are not passing more punitive policy and consequences that don't address those core root issues and continue to exasperate the issue. Because in downstream, it costs taxpayer more dollars.

ARCH: Time, Senator.

SPIVEY: Thank you, Mr. President.

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

GUERECA: Thank you, Mr. President. Good morning, colleagues. I rise in support of the IPP motion. And like many of my colleagues before me, I, I rise in, in support the IPP motion because of the upcoming amendment, AM1701. A lot of good information has come by my colleagues that spoke before me. But I think at the core of it is, if a child has

a behavioral issue, why would we send them home to watch cartoons? Why wouldn't we keep them in the institution that we as a society have crafted to continue to mold them, to help them, to provide them resources and tools to help them better themselves? To help address the behavioral issues that they're facing? That makes no sense to me. I have not seen the studies yet. I have not, and we know, we know that information is out there. But just at face value, taking a kid that has a behavioral issue, and instead of sitting down with them, trying to figure out, providing them with the tools and the resources they would need, we're taking these kids that are 5-- 4 and 5 and 6 years old, and just sending them home to watch cartoons. Again, I, I don't have a PhD in child development, but that, that makes zero sense to me. That makes absolutely zero sense that we, as a society, would turn our backs on kids that young. And, again, the numbers are there. If these behavioral issues aren't addressed in a proactive and creative way, these kids will not get better. Why are we turning our back on the youngest, most vulnerable members of our society? We should be strengthening them, again, giving them the tools, the resources, the development to make them into productive members of our great Nebraska society. And that, again, that just doesn't sit well with me. It doesn't sit well with that we're, again, turning our back on an entire subset of kids that the numbers show they will not get better on their own because they're children. These are the youngest kids in our schools, but let's just slap them on the wrist, not help them get better. Again, it doesn't pass the sniff test for me, doesn't make any sense to me. And I'll yield the rest of my time to Senator Conrad. Thank you.

ARCH: Senator Conrad, 2 minutes.

CONRAD: Thank you, Mr. President. Thank you, Senator, for your comments and for the time. I just wanted to provide a quick reflection as a member of the committee when Senator McKinney's measure was originally advanced and then, subsequently, adopted based upon the racial justice considerations, the strong disability rights aspects in relation to this policy, and the fact that groups like the American Academy of Pediatrics, the U.S. Commission on Civil Rights, and statistics put forward by our own DHHS, which showed students with disabilities are more than twice as likely to receive an out-of-school suspension than students without, and then there's a whole host of other statistics and details that the committee looked at from a variety of different viewpoints. But at its heart, Senator McKinney brought forward a proposal that was focused on primarily Omaha Public Schools. As the committee was deliberating in executive session as to

that measure, our good friend, then Senator Linehan, noted that if it was good for OPS, it was good for the rest of the state. And she shared some policy perspectives and some personal perspectives about why this long-researched, well-established policy was needed in Nebraska. And that's the kind of bipartisan support that this measure had to move forward, and then it was contained in a large Christmas tree bill in addition to a bunch of other important educational policy pieces. So that's the legislative history on it that maybe you're not seeing on your committee statement, that's a few additional sites to put in the record for your consideration. I do think that the appropriate move forward is to reform, not repeal, this measure so that it's more workable for all stakeholders and advances the key policy considerations that are solid and have enjoyed bipartisan support. Thank you, Mr. President. Thank you, Senator.

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

HUGHES: Thank you, Mr. President. I wanted to stand and speak on the, the K-2 issue that we're talking about here today So, yes, back in 2023, which was my first year on the, the filibuster year and the bill brought to the floor from the Education Department at that time had about, I think, 27 bills in it and one of them was the full out repeal-- or the, the mandate that you cannot send home any K-2 kiddo for any reason. Number one, schools are not going to suspend, schools don't suspend kids for no reason, at any age. But we have seen, and you can talk to educators, there is increasingly poor behavior and violent behavior lower, lower, lower ages. I don't even want to try to answer why that's happening, but it is. And I just, you know, in nature of the schools I represent, we've got some of the smaller schools, we don't have as much staffing to handle some of these things. And we're talking tearing up a classroom, throwing desks. And, yes, little kids, kindergarten, first grade, second grade, do this. Had a kiddo in one of our schools that first grade when I found out his teacher was expecting a child, kicked her in the stomach. So these things happen and they are violent. What I like about this bill is it just puts in the guardrails, tight guardrails of why and when this can happen and schools can do it. And, in particular, I just want to read the one, if the kid engages in violent behavior capable of causing physical harm to another student or school employee. Sometimes those kids just need to be out of the school, take a break. And then, also part of the guardrails, the school has to come up with a plan to handle this behavior in the future. So this is like, let's take a break, let's remove this kid from the situation, it's safer for other kids, because you've also got to think about the other kids. The

staff, and then come back with the plan to handle it going forward. I am all for this bill. I like the guardrails that we put in. I want to mention that there is another bill out there that was dropped that is just a full-on repeal of what was passed in 2023. And if that happens, none of these additional guardrails, like for example, it only happens when the violent behavior capable of causing physical harm brings a weapon, things like that. But that piece won't be in there and that's why I think this is the better choice when we're talking about the K-2 suspension. I think it's better for kids, families, the schools, all the way around versus just a straight-up repeal. So if this goes on, I think this is the carrier, that other bill, we have to have a hearing, but I'm assuming will not go forward. So I just want to rise and, and speak in support of this. I think it's well thought out. We voted it out with these guardrails and, and I support. So thank you, Mr. President.

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

MURMAN: Thank you, Mr. Speaker. I, I think we should be able to suspend second graders and lower, and the way the schools do it now is they use it only as a tool to bring in parent or parents or whoever is responsible for the child to talk about what's best for that student going forward. With this amendment, we have the guardrails in there that schools would have to, first of all, have a plan on how to take care of the situation and the student going forward, the child. And then they need to have a plan afterwards as to best address the education of that student. So that is what schools are doing anyway. And I think it's good to have that guardrail in there. I would really like to get this done now in the interest of time, you know, it is an urgency from the schools to allow this tool to be used again. So that is what we are trying to do with this amendment, and I think it's a, a good way to address the situations so that everyone is clear, including the schools and the families, as to how a-- violent behavior by a second grader and before can be handled. So that's the purpose of the amendment. In matter of time, I'd like to just get it done this morning. And I don't look for, likely, anything else to be done with suspension. So I appreciate the time this morning, the discussion, and I would hope that we can move this forward at this time. Thank you, Mr. Speaker.

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

JACOBSON: Thank you, Mr. President. I rise in, in support of the bill and the amendment. I-- some of you realize this. It is kind of a frightening thought that I, I was a teacher in my early years outside of college. And, yes, believe it or not, I was a school teacher, a high school school teacher in a public school. But I was an ag teacher, so I was dealing with 9-12. I can tell you that my exposure to teaching was the fact that if you had those that were going to be disruptive in your classroom it held the entire class back. You had that segment of students who were great students, accelerated students, and you wish you could move your curriculum to really help move them forward faster, which is, frankly, what the United States needs to be doing to catch up with other countries. Then you've got those in the middle that you tend to teach to, and then you've got those that are, that are on the bottom and are going to be disruptive and pull the entire classroom back. There has got to be a mechanism, there has to be a mechanism to deal with those that are holding the entire classroom back. If you don't, you're going to-- you should expect bad outcomes. We've done-- we've dealt with that for far too long and we need to figure out ways to be able to raise the bar and that means-- I'm, I'm not suggesting that they need to be sent home and watch cartoons, but there needs to be a way to deal with those that are, that are disrupting the classroom, pulling the entire class back to be placed somewhere other than in the classroom so that we can get the outcomes that our students and, and all classrooms need and deserve. So I would encourage you to support the bill and I will be voting for it. Thank you, Mr. President.

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

FREDRICKSON: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. Senator Jacobson, I didn't know you were a teacher. I wish I could have taken one of your classes. That sounds like a lot of fun. But, you know, I'm, I'm listening to this conversation and I, I have a few thoughts that I just wanted to highlight here. I, I, I think there's a kernel of truth in a lot of what's been said. I think all of us in here are certainly in agreement that, you know, people need to feel safe at work. There's, there's no question about that. And I would really encourage my colleagues to listen to some of what has been said on the mic today, specifically from Senator McKinney, Senator Spivey has also mentioned this as well, because there certainly is a racial component to what we see with suspensions at, at, at our schools. There's, there's no questioning that. And Senator Dungan also brought up another component here as well, and there's a white paper from DHHS that, that highlights this,

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too. Students with developmental disabilities are suspended at higher rates as well. I actually had an LR this past summer that looked at increasing level 3 funding, or level 3 funding sources, for this exact reason. This has been a, a big concern. Senator Hughes and I actually had a roundtable with teachers in Omaha to learn more about this issue. But I want to talk about this from a bit of a larger context, specifically as it relates to the developmentally disabled community, because this conversation that we're having right now about suspension of young kids is happening in the context of a number of other things happening with this community in our state. We have a Governor who's pushing for cuts to A&D waivers. We have a DHHS department that has been decreasing reimbursement rates for evidence-based treatments for kids with autism. And also, let it be said, we have a Governor who, on a town hall just a few days ago, used a slur towards the disabled community. Not once, not twice, but three times. And he was proud of himself for that. He said it with his full chest. That's unacceptable behavior from anyone, let alone the Governor of a state. And so the conversation we're having today is happening in this larger context. It's very easy to think that everything we do in here is in a silo and is not related to one thing or another, but there is a larger context at play here that I would really encourage my colleagues to think about and to consider, because, frankly, we're, we're better than that as a state. We're better than as Nebraskans. And I don't think anyone in here wants to harm this community, but I do think we need to consider how the bills we pass and the actions we take impact these communities disproportionately. And look no further than data from DHHS if you're wondering how these impact these communities, because the data is there. I will say I am encouraged by the conversations we're having. I, I do intend to work in good faith with my colleagues who want to improve the, the, the bill and the amendment to make sure that, you know, when there is truly cases where there are genuine and authentic safety risks that we can ensure that those are addressed appropriately. But I also think we need to, you know, be addressing this with a scalpel versus, you know, a, a hammer. So those are my initial thoughts on this and I look forward to working with my colleagues on making this better. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. Again, colleagues, good morning. Good morning, Nebraskans. And I do appreciate the dialogue that, that we are having. And so I know we want to move forward. And also, we are here to have discourse debate. That's our jobs. And so I do think taking some time on this is important, this is not a filibuster. This

is us being intentional about the bill and the conversation that's in front of us. So I, I wanted to take a step back a little bit. Senator McKinney talked about how when he was in elementary, he kind of got into a little bit of trouble. And look at him now, right? All American, all of these things. And so I also wanted to uplift, I was actually older, but in high school, I got suspended kind of a lot for fighting, actually. And Coach Lee, Thomas Lee, who's now the Principal at Westview, was my administrator. And he would call me into his office. He would talk to my mom. You know, my mom is-- was one of the best moms ever. Doing all that she could, I'm pretty sure I gave her all the gray hairs that she had. But it took a village. It took that conversation. And he could have easily suspended me and threw up his hands, but he didn't. He took intentional time and strategy to ensure my success. And I actually am the youngest person that just got inducted to the Vikings of Distinction, my school hall of fame. And so I bring that up to say that, again, I was 17, that we are, as young people, our brains are still developing. There's a number of things that influence us. How do we ensure that we're not throwing our kids away? How we-- how are we ensuring that we are not throwing away future legislatures, governors, presidents, business leaders, teachers, social workers that needed a support in a village? And what I am trying to negotiate in good faith with my colleagues is that the parameters of AM1701, specifically, can outline that. I think that there is an opportunity to better define language and what's in front of us in AM1701. And so with that, if Senator Murman would yield to a question, that would be great.

ARCH: Senator Murman, will you yield?

MURMAN: Yes.

SPIVEY: Thank you, Senator Murman. I know you talked about a little bit, and in AM1701, you named that there are some parameters around the steps that the school will take around ensuring that there is support. Are you open to, between now and Select, further defining that and treating it more like an IEP process where there is a multidisciplinary team, there's really clear definitions on behaviors, and then what is going to be requested of the school to hold to work with that parent and that family?

MURMAN: Well, I'm certainly open to discussions between now and Select. The guardrails, you know, can be discussed, they're, they're in the amendment, but certainly open to discussion any time, yes.

SPIVEY: OK, thank you, Senator Murman. I appreciate that and I just wanted to make sure that-- there's a lot going on, on the floor so I haven't had a chance to specifically talk to you about this, but I think having the intentional discussion and then coming to a resolution. What is in AM1701 currently is too broad. Right now, it says that the schools will take, you know, the necessary steps. So are the necessary steps that they called the parent three times, the parent did not answer or respond, and so now we're done. When we think about the kids, the babies that we're talking about, these are 6-year-olds, these are 9-year olds, these are kids that, again, have barely walked this earth or has an experience. And what Adverse Childhood Experiences teaches us, ACEs, is that these things could be a trauma response. So instead of saying what's wrong with you, we ask the question, what happened to you? What led to this place? Is there trauma happening in the home? Is there an undiagnosed behavioral opportunity for you to, to get better interventions? Like, there's a number of things that could be really put in place to be solutions oriented. And I want to ensure that there's an actual process that is standardized for continuity for these young people so that we can, again, ensure that they're-- that they are successful and that the parents are also getting the resources and support that they need for their student. Thank you, Mr. President.

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

HANSEN: Thank you, Mr. Speaker. Just going to touch on this briefly. Sorry, I haven't been involved in this discussion as maybe others have been already, but this has to do with a certain portion of the bill. It has to do with childhood suspensions introduced by Senator McKinney, I believe in 2023, and it was subsequently passed, I believe, in a Christmas tree bill. And if there's one, one bill that I voted for that I have probably gotten the most blowback for from teachers throughout the state of Nebraska, but also in my district, because many of them are my friends of mine, they're my patients, has been that bill. I had one teacher from OPS come and tell me that, and I believe she's a second grade teacher, a, a child drew a picture of her with Xs on her eyes telling her that she wants her to die, which is very surprising from a second-grade student. And then they then just could not suspend the child. They had to move the child just to a different classroom. And that's just one instance. I know it's sometimes difficult for us to imagine a child young as that having to be suspended for any reason. I would never want to do that. But in some, I believe, rare instances, some of those children do need to go home to their family. And the one part about this bill that was

different than mine, mine was just a strict repeal of the law, I think this seems like it kind of bridges that gap of making sure there's proper communication between the parents and the school. At least it seems like to me that we never had before. So the idea that the school now has to be involved with the family and having communication saying, OK, this is-- how can we work together? How can we make this easier for the child to return? I think it seems like a reasonable solution and so I'm hoping my colleagues can vote for the bill and the amendment and we can move this forward and, again, maybe give a little bit more control to our teachers and the school system when it comes to instances such as this. I think it's important. Thank you, Mr. President.

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

BRANDT: Thank you, Mr. President. My concern with this bill isn't so much the K-2 suspensions. I support changing that. In the 32nd District, I have had teachers attacked and severely attacked by kids coming into the classroom that shouldn't be in the classroom. So I support that part of the bill. Another part of this bill, though, is where I have some concerns, and it concerns IEPs. Today, a school board-- and, and let me back up a second, we've got 13 school districts in District 32. The vast amount of these schools are, are, Class D, small Class C schools. A lot of those populations are under 400 kids. Today when you have a, a student option into a school district, the school board of that district approves the option-in. Before we had option-ins in the state of Nebraska, you simply moved into that school district and that school district had to take your child no matter what. That is still the case today. If you want-- if, if, if you get denied on an option-in and you want to get around that, simply move into that school district and they have to take you in a public school situation. So currently today, an option-in is-- goes through a process with the administration of the school and the school board. And for example, they may say, yes, we've got room in the second grade. We'll allow that student in there. If another student comes in and they have an IEP from either the same family or not and they go through the same process and the school board and the administration says our special ed department is maxed right now, we don't have any capacity for the needs of that child, we're not going to give an option in, that's how it works today. I believe how this proposal works is that after the first child comes in on a family, that school board is obligated to take the rest of the children no matter what. Would Senator Murman answer a question?

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ARCH: Senator Murman, will you yield?

MURMAN: Yes.

BRANDT: Senator Murman, did you hear my explanation?

MURMAN: Yes.

BRANDT: Is that reasonable? Does that sound like what's happening today and what is being proposed?

MURMAN: I didn't hear exactly what you were asking. Could you repeat the question again?

BRANDT: Under-- underneath this, underneath LB653, a school district that has already taken one option-in student from a family would be obligated to take the rest of the children from that family, whether they have an IEP or not.

MURMAN: Yes, if, if the school district takes optioned students, if a family that has optioned in with a student has a student with an IEP, yes they do, that receiving school district would have to take the IEP student, but we've addressed that in the past, last year or 2 years ago, I believe, 80% reimbursement for the cost of special ed. And at the same time, the receiving school gets net option funding and foundation aid. So it's really difficult to conceive how the receiving school would be on the hook. But, you know, when the receiving school does agree to take option students, they, they should, at the time, agree to do what's best for families. So if a family that has already had a student opt in, unfortunately, has another student with an IEP, you know, usually a younger student eventually, I, I do think the school that takes option students should be-- should have to take that IEP student and especially with all of the funding that we provided, reimbursement, and so forth, like I mentioned before, the student-- that family or that, excuse me, that receiving district will not-- shouldn't be-- should, should come out even or ahead, actually, financially.

BRANDT: Well, they aren't going to come out ahead because most of the costs for my schools are over \$20,000 a student. So even on an option-in child, we-- our property taxpayers are paying for half the cost. But we choose to do that. I'd just like to see this stay with the school, school board.

ARCH: Time, Senator.

BRANDT: Thank you.

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

HUNT: Thank you, Mr. Speaker. Good morning, colleagues and Nebraskans. This bill brings to mind, it reminds me of the first few years that I was here, when every year the bill that would come up was the bill to hit the kids from Senator Mike Groene, another senator who had to resign amidst allegations of sexual harassment because he was so passionate about corporal punishment and being able to have teachers hit the kids in school, that that was the thing we were discussing every year. And in the last several years, it has become kicking the kindergartners out of school, suspending them, expelling them, things like that. And when we were discussing the bill to hit the kids, one of the, the most brilliant memories I have from that time that I will never forget is Senator Chambers who sat behind me where Senator Dungan is now. He ran to his office where, I mean, there was 40 years of things in that office, and he came up with two handfuls of wooden paddles that many of you probably had used on you once in a while in here, but these were paddles that teachers used up to the '80s, I believe he said, to hit kids who were misbehaving in school and they were scratched up, people had, like, defaced them in all kinds of ways, but he took these paddles from the classrooms of teachers in his district in north Omaha who were using them on the kids and he went right into their office, he took the paddles from them and he said whatever you do to these little children come and try and do to me. And that's something I will never forget, hearing him tell that story. Suspending a child or expelling a child who is in kindergarten or pre-kindergarten or first or second grade is a sign that all the adults in their life, the principals, the teachers, the parents, the community have failed. But the least powerful person in that scenario, the child, the one who is least responsible, is being labeled, punished, and held accountable. In 2019, in my first year here, I introduced LB165, the Too Young to Suspend Act, that we highlighted that in Nebraska, students with disabilities are up to three times as likely to be suspended. Black students are five times as likely to be suspected at least. I think that number's actually gone up. Of course, that affects little boys much more as well. And Nebraska, at the time, that put us second highest in the nation in terms of disparity of suspension of students by race. Passing something like the amendment that Senator Murman has brought before us or the bill that's going to be heard in committee soon is not going to help us get out of that hole that we are in here in Nebraska, and that's something none of us should be proud of. Right now in this state, we have a Governor

pushing for cuts to A&D waivers that allow people with developmental disabilities to live in their communities instead of in institutions. Although your President Donald Trump would like to bring those institutions back, signing this executive order saying that we're bringing back the insane asylum, so on and so forth, who do you think he's visualizing putting in there? These kids who get kicked out of school early in life, they're going to be on track to be in there, and that's all by design. These A&D waivers are what pay for in-home supports, respite care, all the assistance that makes daily life possible for these people with disabilities. At the same time, our DHHS Department has reduced reimbursement rates for evidence-based treatments for children with autism. Again, these are the kids where, if they aren't getting these early interventions, the challenges we see become more severe, more disruptive, more expensive to address. And then that brings us right back to this bill and the problems that we're claiming to try and solve. And layered on top of all of this, just days ago, as Senator Fredrickson brought up, we have a Governor of this state standing at a town hall using a slur toward the disabled community three times. The words that people in power use matter. They set the tone, they signal our values. And they tell communities, like the disabled community, like the kids who are going to be affected by this bill, if they are worthy of dignity or if they are seen by the people making decisions about their lives, like us, like the Governor, as a punch line. And when the highest elected official in the state uses a slur about disabled people and does it proudly, it sends a message about whose humanity is negotiable. Thank you, Mr. President.

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

CLOUSE: Thank you, Mr. President. And I rise in support of the amendment, but I do also have issues with the bill and I think Senator Brandt really highlighted the concerns I have with it regarding the option enrollment and the IEP requirements. But the reason I rise in support of the amendment is if you continue to look-- and we're not just targeting children with disabilities, I, I think we're losing sight of that. That is-- I do not, in my mind, view that as, as targeted because they, you know, we need to take care of those kids and I agree with that 100%. But if you look at 79-265, which is in the amendment, it's above where all these lines are drawn through for the amendment, it talks about the principal may deny, and it goes through some of the steps and it requires an action plan. And, and then as you continue to read down through this that if the child is suspended, there's an action plan on how you address this issue and how do you work with the kids and their families to alleviate that behavior.

Because it's not, again, not targeting students with disabilities, I think most kids understand that, you know, they're around these kids all the time and they know which students have issues and which ones are just misbehaving all the time. And these kids that aren't misbehaving, they have the right to attend school and obtain a quality education without interruption from other students interfering and misbehaving. So I think we're losing sight of that fact. The majority of the kids that aren't misbehaving, they have that right to attend school and get the education that they deserve. So the issue here is dealing with those that are misbehaving and that there are action plans that the schools need to put together and work with families to address these issues. So I will be both supporting the amendment, but that does not mean that I'm supporting the bill until we resolve some of these issues regarding option enrollment requirements for IEP.

Thank you.

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

QUICK: Thank you, Mr. President, and good morning, colleagues. I'll speak a little bit about-- you know, of course, my school district is a, a, a, a, a pretty-- it's a large school district. We have several grade schools throughout our community, and it's a pretty diverse district as well. So you look at which area, area of town you live in, that's where your kids go to school. So if it's a more influential, just, you know, part of the district is probably more of the kids who come from higher-income families, and I'm going to guess they have, you know, just guessing from my point, they probably have fewer problems-- fewer, fewer of the issues. We have some of the more lower-income parts of the district, and I'm going to guess that's where we could have more issues in our, in our schools, mainly because a lot of those kids that come from poverty, come from single-parent homes or low-income homes that their parents are working more, and those kids are sometimes on their own. So even within my community, I've worked on juvenile justice. How can we help some of these kids and, and their families to overcome some of this? So, you know, I think sometimes we try to address these things through punishment and through those, those ways, and I'm not sure that's always the answer. For me, you know, I've went to some different conferences on either juvenile justice or the whole justice system, and one of the things that I learned, come through, that I've learned in one of those conferences was about restorative justice and how you bring both sides together and you-- and they talked about two kids in school that got in a fight. And one kid started it, but the other kid retaliated. And then it seemed like the kid who retaliated was the one who was going

to be punished at a, at a-- to a greater extent. And that would have been on his record for the rest of his life. Now, this was the-- these were high school kids. But what they-- what, what happened with this whole situation was they sat-- they brought in the parents of both the kids. They had all of them sitting at the table. They had a, a mediator, and they worked on this issue, and by the time they were done, the parent of the, of the child who had started it, she was more or less telling her son, that's not the proper way that you would do something, and I think her child also understood that, and the child that retaliated, her parents, her-- his parents said-- more or least said the same thing, you can't retaliate, you can do these type of things, but they were able to resolve it without any-- without the court being involved, without any of that happening. And I think these are ways that we can help resolve some of these issues instead of putting in punishments that really can affect a child's life and cause more trauma to them. I think about my son, he worked-- we talked about, a little bit about ABA and the cuts to ABA and developmental disabilities. My son, he works with children in, in Omaha. He was an RBT, which is a-- they work with kids with autism. So for 2 years, he was working with a kindergarten and, and he was in first grade. This child, you know, my son would help him learn how to behave properly in school, you know, how-- he had problems even going to the bathroom and these type of things. And he made some real progress with that child. He made a, he made a change in his life. And those-- these are the type of things that we need to be investing in, you know, helping those kids who have autism, helping kids who have developmental disabilities, making sure that they're, they're able to, you know, function in the school, maybe-- and, and, and have really good outcomes if they have that, that extra service provided to them. But when we make cuts to those areas and we're going to remove some of those services, that's where, where it becomes detrimental for that child. I know it's not all about the ABA kids or the, the DD children, but a lot of those children are in our schools and, and we need to make sure that we're, we're not punishing them. You know, it would have been in my first 4 years that I served, I took my staff and we went out to Grand Island and we met with the, with the kids, they were middle school, it was a summer school program. And when we first arrived there, one of the children had, had issues and was acting out when we first got there. And so we, we held off. The teacher met with the child. And when she came back and talked to me, she talked to about how this child, something had happened in the home, it caused him a lot of trauma, he brought it to school with him.

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ARCH: Time, Senator.

QUICK: Oh, thank you, Mr. President.

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

LONOWSKI: Thank you, Mr. Speaker. I rise in support of Senator Murman's bill, but I am not in support of requiring kids to stay in school, and here's why. As a teacher of 35 years, as a parent of five children, a, a couple of them suspended, and as a student who was suspended, I, I can't believe that the teachers and the principal suspended me just because we were Polish kids. In fact, I probably could point out why my children were suspended and I supported the principal's reasoning. As a teacher, I never had the authority to suspend kids, but I did send kids to the office, and the principal has a tough job. Now, if three kids during a day have to be suspended, but we say that that's not allowable, does the principal keep those three kids or those four kids or students? What does he do with them? He's got a job also to maybe help with lunch, to perhaps meet with teachers for other reasons, to maybe go to a, a meeting, to meet with board members in an emergency meeting. So I looked at the principal's role and he can't keep those kids in his office. What about the teacher's role? They have 25 students in there, and if a second grader said to the teacher, I want to kill you, does a teacher have that requirement to keep that first grader or that second grader in their room with the other 25? What if he says, I want to do harm to another student? Are we required to keep the student in there? Let's look at it from the role of the student, if he hasn't learned to follow rules, if he hasn't learned his social skills, if he hasn't learned how to get along with the other 24 students in the classroom, are we required to keep him or her in there even at the risk of harming one of those other 24 students? What about the role of the parent? Does that parent say, well, I've got to go to work, so I'm going to leave my kid in school. I don't know what they're going to do with him, or does that parent have a more important role as the parent to say, son, daughter, here's the things we should do in school to get along, here's the thing that are going to get you in trouble. And if you are sent home, we need to have another lesson on how do we get along with everyone else in society, not just, not just this sending kids home automatically or forcing them to stay in school. Kids are removed from school as a last resort. The principal's done everything he or she can. The teacher's done everything he or she can, but what's best for the other 24 kids and students, and to keep them safe, they may have to be removed. Being with mom or dad sometimes helps that student who

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is removed to help them calm down, learn the lesson, or at least help that student realize the seriousness of what they've done in school. So, again, there are times when even first graders and second graders need to be suspended for the best of everyone involved. Thank you.

ARCH: Seeing no one left in the queue, Senator McKinney, you're welcome to close on your motion to indefinitely postpone.

MCKINNEY: Thank you, Mr. President. Just in close, again, I introduced a bill a couple years ago to prohibit pre-K to second graders from being suspended from school because of, one, disproportionate suspension rates, two, to address the school-to-prison pipeline, and, three, just in general, I don't think kids should be suspended because I don't think it solves anything. And contrary to popular belief, kids can be removed from classrooms currently under the law that was passed. Contrary to popular belief, alternatives can be implemented where the kid doesn't have to be sent back to the school. Contrary to popular belief, the schools are not without tools. They just are refusing to use them. And that's the problem. I spoke with Senator Murman and spoke with others about this. I think from now and Select, we could clean up the language around violent behavior because currently as written it's vague. We need to address the guardrails and make sure that actual plans are put in place. And we could see where this goes, but just at my core, I just don't believe that a 5-year-old should be suspended from school. And that's it. So I'm pulling this amendment and any other amendment I have on this bill for now. Thank you.

ARCH: So ordered. Mr. Clerk, Mr. Clerk, for items for the record.

CLERK: Thank you, Mr. President. Your Committee on Business and Labor provides notice of committee hearing, as well as an amendment to be printed from Senator Storer. That's all I have at this time. Mr. President, as it pertains to LB653, Senator McKinney, I have MO353 and MO354, both with notes that you'd withdraw.

ARCH: So ordered.

CLERK: In that case, Mr. President, Senator Murman, I have FA107 with a note that you'd withdraw and substitute AM1701.

ARCH: Without objection, so ordered. Senator Murman, you are recognized to open on your amendment.

MURMAN: Thank you, Mr. Speaker. While the original LB653 made a number of changes to the option enrollment system, AM1701 removes all of those changes except for one. In short, if one sibling is accepted to option enroll, typically the older sibling, the school cannot deny the younger sibling from optioning into the same school. Simply put, we want to keep families together. During my time as Education Chair in multiple hearings, the committee has heard from parents who would have their older child with no IEP option into the school. Then when their younger sibling with an IEP would apply to opt in, they would denied-- would be denied sometimes year after year. When a parent opts in their oldest child. They shouldn't have to worry about the concern that when their next child is old enough they could be denied, causing the parent to have to worry about taking the kids to multiple schools. It's simple enough, we should keep siblings and families together. I think this is a reasonable ask of our schools to do so and the responses from the administrators, school boards, and NSEA have been agreeable to this. The other piece of LB653 that is retained is the change to the suspension law, originally being LB430. Two years ago, the prohibition on suspension was passed under LB705. While LB705 was good intentions, school leaders have been loud and clear that this system is not working. AM1701 seems to fix that with a more balanced approach. AM1701 does not completely remove the prohibition on suspensions. Instead, it adds an additional exception that if a student engaged in physical violence capable of harming another student or staff member, that would be an appropriate ground for an administrator to consider suspension. The reasoning is simple: If a student is acting in such a disruptive and violent manner that other students or staff are in fear of being hurt, the entire learning environment for all students is diminished-- is diminished. Excuse me. I've heard from administrators, teachers, and parents who say this has caused a problem for them. That being said, there are additional guardrails to ensure that while schools have local control, the usage of suspensions is not abused. Under this plan, if the school does suspend a young student, they must have an opportunity to meet with the parents or guardians and develop a plan for moving forward. Through this process, the school and parents discuss and work together to figure out a better learning environment, and once complete, get the student back in the classroom with both the, the educator and the parents equipped with some goals on how to move forward. LB430 established a balanced system that had the support of the Nebraska Chapter of the National Association of Social Workers, the Nebraska Association of School Boards, the Nebraska Council of School Administrators, Norfolk Public Schools, and Ralston Schools. I'll

close by noting that while LB653 was, as originally written, may have had some opposition, the bill on the floor today with AM1701 is really a product of paring down that bill and working together with school leaders where we can all be on the same page. Thank you, Mr. Speaker, and I'll ask for your green vote on AM1701.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I just wanted to very quickly recenter the debate to the primary matters contained in LB653, and thank Senator Murman for his leadership of this effort. I'm proud to be a cosponsor of the underlying bill, which now has a, a host of component parts to it, but one of the, the key pieces that Senator Murman was trying to address upon introduction and now progression of the bill is an important one. Our option enrollment program, which is Public School Choice, works-- has been on the books for a long time and works well for the vast majority of kids and families. My home district right here at LPS actually accepts all option kids and I think is a great model for what's really meant to work at the heart of the option enrollment program. But what we've learned on the Education Committee over the course of years of hearings, now backed up with data and reporting thanks to a measure that I passed and the Education Committee passed recently to get a better handle on what's happening with option enrollment and denials within that program. We also have seen a host of news reports about how the option enrollment program is not working particularly for families and kids with different learning needs and disabilities, and we've heard countless stories at the committee level from our fellow Nebraska neighbors about the barriers and frustrations they've had, particularly when they have a kid with special learning needs, trying to utilize the option program that's available to all other students. And so this is a good faith effort to address a key disability rights issue, and it's no surprise that Senator Murman and I see things very differently on some of the public policy issues that come to this committee and come to this body, but where we stand united is trying to end disability discrimination in the option enrollment program. And that's really what the underlying bill was meant to address. It's based on data, it's based on widespread news reporting, it's based on countless personal stories that citizens have shared with us on the Education Committee. We all know that Senator Murman brings the heart of a parent to these important discussions, having worked through these issues in his family, and I just wanted to commend his leadership for trying to make the option enrollment program work

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better for more kids and to end the [INAUDIBLE] discrimination that many kids with disabilities face when trying to utilize this program that works for, for most kids in Nebraska. Thank you, Mr. President.

ARCH: Seeing no one left in the queue, Senator Murman, you're recognized to close on AM1701.

MURMAN: Yes, thank you, Mr. Speaker. So AM1701 makes some improvements to the option enrollment program. It makes it more fair for all, good for families, good-- supported by the NASB, the administrators, the school boards, and the NSEA. So everyone's on board with it. And as far as suspensions, it would again allow suspensions but with the guardrails that are necessary and what schools do to best-- do what's best for families and, and students also with regarding suspensions. So I would urge your green vote on AM1701. Thank you, Mr. Speaker.

ARCH: Colleagues, the question before the body is the adoption of AM1701. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

CLERK: 33 ayes, 8 nays on adoption of the amendment, Mr. President.

ARCH: The amendment is adopted.

CLERK: Mr. President, Senator Murman, I have FA108 and FA109, both with notes that you'd withdraw.

ARCH: So ordered.

CLERK: Senator McKinney, I have FA155 with a note that you would withdraw.

ARCH: So ordered.

CLERK: In that case, Mr. President, there's nothing more at this time.

ARCH: Senator Murman, you're recognized to close on AM995.

MURMAN: Thank you, Mr. Speaker. AM995 was the original committee amendment and since this-- many things on this amendment were already passed last year and many of them ended up in later legislation, we-- it's, it's totally changed but in order to move on I urge your green vote on AM995.

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ARCH: Colleagues, the question before the body is the adoption of AM995. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

CLERK: 34 ayes, 3 nays on adoption of the committee amendment, Mr. President.

ARCH: AM995 is adopted. Senator Murman, you are recognized to close on LB653.

MURMAN: Thank you, Mr. Speaker. Again, LB653 was the original bill from last year, but with the passing of AM1701, AM1701 will replace the original bill so I urge your green vote on LB653. Thank you.

ARCH: Colleagues, the question before the body is the advancement of LB653 to E&R Initial. All those in favor vote aye; all those opposed vote nay.

DeKAY: Everyone vote that wishes to vote? The bill advances. Mr. Clerk, please record.

CLERK: 30 ayes, 6 nays on advancement of the bill, Mr. President.

DeKAY: Thank you. Mr. Speaker, for an announcement.

ARCH: Thank you, Mr. President. I'm altering the agenda to add a motion to suspend Rule 3, Section 14, that is time sensitive and should be taken up today, and I'd, I'd like to explain. This motion to suspend Rule 3, Section 14 is, is in response to a request by Senator Bosn to add the bill to the Judiciary public hearing scheduled for next Thursday. By taking up this motion today, if adopted, the Legislature would still be providing 6 day's notice. If I had waited to schedule the motion on the agenda for Monday, it would have lessened that notice time to 3 day's notice. So the specifics of this request I felt warranted an exception to our 7 day's notice rule. Number one, the bill is-- to be added is related to a bill already scheduled for their hearing on Thursday. Two, the bill to be added was introduced by the same senator as a related bill and, and will involve many of the same testifiers, so having the hearings on the same day makes sense. Three, the bill was introduced yesterday and not available for scheduling until today after being referenced yesterday. And, four, next Thursday is one of the only days the Judiciary Committee has only four bills scheduled. While I do not support a regular practice of suspending the 7 day's notice, I do believe there is benefit to allowing flexibility in this situation. For that reason,

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I would ask for your support to suspend Rule 3, Section 14 to allow the Judiciary Committee to schedule a bill within-- with 6 day's notice. Thank you, Mr. President.

DeKAY: Thank you, Mr. Speaker. The question before the body is the adoption--

CLERK: Mr. President, consistent with the Speaker's announcement, Speaker Arch would move to suspend Rule 3, Section 14 to permit scheduling of a public hearing with less than 7 day's notice.

DeKAY: Speaker Arch, you're welcome to open on your motion.

ARCH: Thank you, Mr. President. I think I, I explained it the first time, and so I would ask for a green vote on this, on this motion. Thank you.

DeKAY: Seeing no one in the queue, Mr. Speaker, and Speaker waives. The question before the body is the adoption of the motion. All those in favor vote aye; all opposed vote nay. Mr. Clerk, please record.

CLERK: 39 ayes, 0 nays on adoption of the motion, Mr. President.

DeKAY: The motion is adopted. Mr. Clerk, next item.

CLERK: Mr. President, consistent with the rule suspension just adopted, the Judiciary Committee would give notice of public hearing. Additional items, your Committee on Enrollment and Review reports LB60, LB212, LB207. LB463 to Select File, LB212 and LB463 both having E&R amendments.

ARCH: Returning the agenda, Mr. Clerk, next item.

CLERK: Mr. President, returning to the agenda, General File, LB203, introduced by Senator Kauth. It's a bill for an act relating to public health and welfare; it defines terms; changes powers and duties of health directors as prescribed; and repeals the original section. The bill was read for the first time on January 14 of 2025 and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments, Mr. President.

ARCH: Senator Kauth, you're recognized to open on LB203.

KAUTH: Thank you, Mr. President. LB203 came about during-- after viewing some things during the pandemic that really seemed to point

some direction at the fact that we have some unelected bureaucrats who are making decisions that removed civil liberties. Who gets to restrict your freedoms and why is a really critical part of our constitution and of America itself. And we need to make sure that only elected officials are the ones doing that. So public health directors act in the best interest of the population. LB203 is going to change the role of the public health directors just with regard to countywide directed health measures from one of authority to one of advisement. We're maintaining the importance of their education and their experience, which is vast, but we're redirecting the responsibility of restricting personal liberties. This doesn't mean that they'll never be another situation where liberties are infringed upon, it does mean that only elected officials should have the ability to restrict those liberties. They're directly responsible to the citizens who elect them. Should those citizens feel a decision is not in their best interest, the elected officials will face an accounting in the ballot box. This is a core tenet of our constitution. Our liberties do not cease to exist because there may be an emergency. In fact, it is even more important to safeguard them in a time of crisis. Under LB203, public health directors will serve as advisors to the elected officials who oversee their department, most likely at county health or a county commission. The public health directors will present their case regarding the need-- their belief for the need for a public directed health measure, their rationale and evidence, and recommended guidelines for implementation. Their contribution stops there. The elected official's job is to assess the information provided, make and implement a decision. It is critically important especially in what may be an emergency to maintain our rights. One of the things that during the discussion of this bill during the hearing, the question was brought up about how does that happen in an emergency? The bill is written so that that can happen very, very quickly. You need a majority of that board to say yes to whatever the implementation is, whatever the, the measure is, and put it in writing, and then the public health director would implement that measure. At the next available meeting, it would be ratified, and then there was another amendment through the committee that said every 7 days it would have to be re-ratified. What this is doing is making sure that the people who are elected to protect and safeguard the rights of the citizens are kept in the loop and they're the ones making the decision. And I know Senator Fredrickson has an amendment. It is a friendly amendment. It's actually a great idea because it gives us the ability to use technology with either Zoom or some sort of, of Internet conference call and then also use email as the written authorization. So I would

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encourage everyone's green vote on this very simple, practical measure. Thank you.

ARCH: As the Clerk mentioned, there is a committee amendment. Senator Dungan-- Senator Hardin, you're recognized to open.

HARDIN: Thank you, Mr. President. In brief review, LB203 proposed that the health director of a county, district, or city/county health department must get written approval from a majority of elected county and city representatives before issuing community-wide health measures, which must then be ratified by the city county board of health. Committee amendment AM611 inserts a new section which states that a community-wide directed health measure shall be subject to approval of the local board of health, shall expire 7 days after the date of issuance and may be reauthorized subject to approval of the local board health. The HHS Committee advanced LB203 with AM611 by a 7-0 vote. I'd appreciate your green vote on AM611 to LB203. Thank you.

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

BRANDT: Thank you, Mr. President. Would Senator Kauth be available for a question?

ARCH: Senator Kauth, will you yield?

KAUTH: Absolutely.

BRANDT: Senator Kauth, I don't know if you saw today in the Lincoln Journal, measles have been detected at the wastewater plant in Lincoln.

KAUTH: I did not see that.

BRANDT: Yeah, and so it's kind of like the canary in the coal mine, it's an early warning system. So with this bill, today the Public Health Department in, in Lancaster County could take action on measles, but underneath your bill now they would have to go to the county commissioners to get approval to take action, is that correct?

KAUTH: It depends on what kind of action they're taking. Is it a countywide directed health measure that's going to impact everyone or is it very closely tailored? Is it, say they can-- if there's food poisoning, they can still shut down a, a restaurant. It can be very, very tailored, but we're talking about the, the countywide directed

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health measures. So if they say everyone in the county now needs to do something, then they have to go before the board. So it really depends on the situation.

BRANDT: I, I guess, maybe, for the sake of argument, let's use this measles outbreak. Let's say there's a potential measles outbreak, would be a severe thing, what's the next step under your bill?

KAUTH: If, if, if they think it's going to be severe, they would contact their county health department and say, hey, here's what we see. We need to have a meeting because we're going to encourage you to-- these are the measures that we want to encourage. And they would call a meeting, get a majority of the board to say yes. If the board agrees with them based on their evidence and their recommendations, and then they would proceed.

BRANDT: So I guess, are we talking about the county board of supervisors or are we talking about a separate board?

KAUTH: It depends on whoever's in-- and every, every area seems to have a different setup for this. So whoever that public health director responds to, reports to.

BRANDT: So like in my district, Public Health Solutions in Crete, great organization, has five counties. So I, I, I don't know the answer to your question. I'm guessing it would be our county commissioners. So then they have to wait for a commissioner meeting, or they have to ask the commissioners to call a special meeting, or the health department has the power to make the commissioners have a special meeting?

KAUTH: They would call them together. They would have the ability to say, hey, we need to have a meeting about this. They would get a majority of them to agree to it. And then at the next available meeting, it would have to be ratified by the full board if, if people are not available to be there. And then every 7 days, it would have to be reevaluated.

BRANDT: But you, you stated that in your bill, if this was a severe enough crisis, they could forgo that step?

KAUTH: No, that's, that is what-- it's-- it would have to be a severe enough crisis for them to implement that step. If you're going to shut down the entire county or if you're going to make a large directed health measure, that's when it applies. If they are-- they get

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salmonella poisoning reports from a restaurant, they can go and shut down that restaurant and do that investigation. So it's the, the big countywide where you're removing liberties from the entire county.

BRANDT: All right. Thank you, Senator Kauth.

KAUTH: Absolutely.

BRANDT: Yep. My concern is we have a fast-moving event. We have somebody in public health that has the experience, went to school for this, understands everything that's going on here, and time is of the essence. If you're county board of supervisors, in my small counties, I have three, if two of them are on vacation, they can't meet. And I'm looking at it from the perspective of District 32, not so much from a, a metropolitan area because I-- I'm not versed in, in what happens there. I think that the existing structure, I think public health is there for a reason. I think they are experts. I think we all learned a lot in COVID. They understand where the pushback is on this. I'm just a little concerned that people that don't have backgrounds in public health, it's, it's just another layer of bureaucracy to solve the problem. Thank you, Mr. Speaker.

ARCH: Senator Hardin has some special guests to introduce: Tom Wiens, whose father started First Tier Bank in Kimball from the Panhandle. And with him are his grandsons, Henry and Boone. And they are located under the south balcony. Welcome. Returning to the queue, Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I do rise today, I believe, opposed to LB203 for a couple of different reasons. Senator Brandt touched on some of those, and I appreciated the back and forth between he and Senator Kauth, because it did get to some of the underlying concerns that, that I have. But I want to zoom out and, and speak broadly about both LB203 as well as a number of other measures that we've seen across this entire country, which are part of a concerted effort. This is not a stand-alone bill. LB203 does not exist in a vacuum. It's part of a concerted and ongoing effort, widespread effort, to push back on public health writ large. And what we have in both Nebraska and across this entire country are long-standing measures that are in place to address public health. And these didn't just come from some suggestion. As Senator Brandt also indicated with measles, our public health measures come from decades, if not over a century, of experience with widespread disease and consumer protection issues. The current laws that we have in the state of Nebraska were

formulated and put together because there is a role that we have as elected officials and as folks in government to continue to protect our citizens. And I don't think this needs to be about any particular public health incident. I understand that Senator Kauth mentioned, obviously, the COVID-19 pandemic, or at least I believe she mentioned that or alluded to it in her opening. And so while that is a illuminating event, I think we need to think broadly about LB203 and the potential negative impacts that it could have, in general, in any widespread public health situation. What this boils down to, colleagues, is whether or not we believe in experts, and whether or not we believe in science. And at the national level, and at the state level, and across the board, we have seen consistent and persistent attacks on individuals who are experts in their field. And I don't need to go over the entire saga of the head of the CDC being fired, and we don't need to go over the entire saga of the continued efforts that we've seen to push back on long-standing facts and science about public health. We all know that. We see it in the news every day. But what we see before us here in the Legislature with LB203 is the trickle down of that pushback on science and fact and expert at the local level. I do agree with Senator Kauth that there are probably necessary checks and balances in our government that have to exist. That's how the system is established. We are a check, hypothetically, on the executive branch, the judiciary is a check on other branches of government. We exist as a check and balance on each other. But that does not mean that we need added layers of bureaucracy and added layers of unnecessary governmental involvement when there are experts who have been appointed to make certain decisions and advise us based on their background and the facts and the science. There's a conversation we've had here about civil rights being curtailed or rights being curtailed during emergency situations. And, certainly, the constitution and the Bill of Rights does speak to certain rights that we have that are of the utmost importance that are inalienable and, absolutely, those rights like free speech, your Fourth Amendment right against search and seizure, all of these different rights that we talk about all the time need to be protected. But as we acknowledge in a lot of Supreme Court cases and as a government, those things are always separated from other things that we just, we say we don't like them, right? Like your right to free speech is different than being told you have to do something you don't want to do or you don't like to do. And what I think LB203 is getting at is it is conflating what is an actual civil right and what is an, actually, constitutional protection with what is a directed health measure done for the good of society. And I have concerns that with these added layers of

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bureaucracy and added layers of red tape and requirements for the Board of Health to get together and make these decisions, that we are undermining both the process that has been established already to make sure that we're protecting citizens in Nebraska, and also undermining the long-standing confidence that we should have in public health officials, in doctors, and in science. And so while LB203 on the face of it, perhaps is a small change, I think it is a representation of a larger issue that we see in Nebraska and across this entire country. And I think that it is a representation of a lack of trust that folks are trying to instill in the experts who do know what they're talking about. So for that, I will stand opposed to LB203. I do appreciate Senator Kauth being able to answer some questions with Senator Brandt. I think it helps us understand the process, and I look forward to seeing Senator Fredrickson's amendment. Thank you, Mr. President.

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

HOLDCROFT: Thank you, Mr. President. I rise in favor of AM611 and LB203. But I thought we'd end the week with some good news from the Department of Health and Human Services. We have unexpected Medicaid funds to support domestic violence prevention and survivor services. Recent communications with Managed Care Organizations have indicated some funding will become available to the Medicaid Managed Care Excess Profit Fund, which will allow Nebraska to move forward with funding domestic violence support services. A total of \$3 million will be distributed to Nebraska's statewide network of providers serving survivors of domestic and sexual violence. The funding will support a range of critical services, including 24-hour crisis hotlines, emergency shelter and safe housing, survivor advocacy and case management, transportation and logistics assistance, medical advocacy, and crisis intervention, and legal advocacy and aid. In addition to this funding, DHHS continues to support domestic violence prevention services through federal and state funding provided under the Family Violence Prevention and Services Act. The department also funds and supports the Nebraska Domestic Violence Sexual Assault Coalition, which oversees statewide program standards and provides support to 19 domestic violence programs across Nebraska. Thank you, Mr. President.

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

QUICK: Thank you, Mr. President, and good morning, colleagues. I rise in opposition to LB203. I was present, not voting for it out of committee. Some of the issues that I have with it is that the length of time it takes for these decisions to be made. I can tell you also,

and nothing against our city council or our county supervisors, they do a great job, but also the expertise in any medical decisions that would be made, I think those should be made by our health district, the heads of our health districts and our-- and the people who, who work in those areas. I can tell you with what happened in Grand Island through the COVID issue, our director for our central health district, she did an amazing job. I mean, she pulled the community together. She would have-- we would have weekly Zoom meetings to start with, and I think near the end, we were probably going monthly, but I think for that, oh, I don't know how many months, we were-- I think we were doing weekly Zoom meetings. And she organized that they had service providers in our area, we had some of the community leaders. We had-- I know the schools were involved. I know that some of the employers in our community were involved, religious leaders were involved. And I don't know if I said it, but a lot of the nonprofits as well who provide a lot of services for the-- for people who live in poverty. And we just-- I mean, the way that was organized and the way we put that together, we were able to act quickly. You know, the whole issue with-- it really kind of started with what was happening out at JBS at the time. And it just spread through Grand Island like a wildfire. So I-- we live really close to the hospital. It was like a war zone. I mean, we had helicopters flying people out. We didn't have enough ventilators, so they were flying people out of our St. Francis Hospital to Omaha or Lincoln, wherever they had available ventilators. And, I mean, even all through the night you could hear the helicopters flying people out of our community. But I will tell you, I think with what they did in our community, it was-- they did such a great job. I know when I first started hearing about some of the issues happening with COVID, it was family members from-- for people who worked at JBS and they were concerned about what was happening out there. So I called Teresa Anderson, the head of our central health district, and she was already working on those issues. I called Mayor Steele to see what we could do. I set up a visit out at the JBS to come out and visit their facility and talk to them. And, and they did make a lot of improvements out there. I mean, they put in-- they had me come back out and I walked through their facility and they showed me how they'd put in dividers along their conveyor lines, how they had a, a, a, a tent set up so that they could check temperatures as people come in and then they would send them home if they had a temperature. So-- but I know for a while it was kind of a free for all. We didn't really know what to do and our, and our director for our central health district just did an amazing job of getting everything lined up quickly and efficiently and, and professionally. She just did a great

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job. And with that, if I still have some remaining time, I'll, I'll let Senator Dungan have that. Thank you, Mr. President.

ARCH: Senator Dungan, 1 minute, 20 seconds.

DUNGAN: Thank you, Senator Quick and Mr. President. I, I actually asked for this time, and I've also asked for some additional time later to talk about an issue that is somewhat related to this. But Senator Holdcroft just brought up something that I think is really important to talk about, and that is whether or not there is money in the Managed Care Medicaid Excess Profit Fund. I plan to talk about this quite a bit this year, colleagues, and this is a little bit off topic. But it is incredibly unclear, colleagues, right now whether or not there's money in that fund or not. We were told by DHHS that there was no additional excess profit in that fund and, therefore, essential programs like at-home nurse visiting for postnatal care are being cut from our budget this year. Separate and apart from that claim that there is no money in the fund, there was a release from DHHS that Senator Holdcroft just talked about that there was, in fact, some excess profit from our MCOs and that \$3 million of that was going to be released to domestic violence services. That's great. I'm glad that's happening. That does not square with us being told there's no money in it. In addition to that, the DHHS release saying that there's \$3 million that can be released to domestic violence funds doesn't tell us how much money is in that fund currently and whether or not it's going to be replenished. So we definitely--

ARCH: Time, Senator.

DUNGAN: --need to keep talking about that. Thank you, Mr. President.

ARCH: Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Amendments to be printed from Senator Spivey to LB441, Senator Fredrickson to LB203. Motion from Senator Machaela Cavanaugh to withdraw LB774 and LB775. New LR from Senator Bosn, LR321. That'll be laid over. (Hughes, LR318, LR319; Spivey, LR320) Name adds: Senator Raybould, name added to LB548; Senator John Cavanaugh, LB740, LB744, LB753, LB755, LB756, LB762, LB773, LB779, LB780, LB805; Senator Hardin, name added to LB814; Senator John Cavanaugh, LB825; Conrad, LB826; John Cavanaugh, LB827; Hallstrom, LB833; John Cavanaugh, LB855; Hardin, LB868; John Cavanaugh, LB878 and LB880; Conrad, LB882; John Cavanaugh, LB938; Senator Hardin, LB938; Senator John Cavanaugh, LB970 and LB971; Senator Juarez, LB974;

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Senator John Cavanaugh, LB984, LB1017, LB1087, LB1088, LB1097, LB1147; Senator Dungan, LB1186; Senator John Cavanaugh, LB1215, LB1217, LB1237. Notice that the Referencing Committee will meet in Room 2102 upon adjournment. Referencing, 2102. Finally, Mr. President, a priority motion, Senator Conrad would move to adjourn the body until Monday, January 26 at 10:00 a.m.

ARCH: Colleagues, you've heard the motion to adjourn. All those in favor say aye. Opposed, nay. We are adjourned.