

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 28, 2026

Rough Draft

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifteenth day of the One Hundred Ninth Legislature, Second Session. Our chaplain for today is Reverend Timothy Cartwright, Good Shepherd Lutheran Church in Milford, Nebraska in Senator Hughes' district. Please rise.

**TIMOTHY CARTWRIGHT:** Thank you for the privilege of being here today. We pray. Our gracious and ever-present triune God, source of life and of all things created, we come to you this day with our petitions. As we speak with you about the things on our hearts and minds, we unite in gratitude for your provision. You are the repository of all wisdom and of all things good. We pray for Governor Pillen, Lieutenant Governor Kelly, and all the elected officials of our state. Protect them from violence. Give them strength. Mercifully visit the homes of those who are present here this day, the legislators, their staff, and the caretakers of this building. Comfort all who sorrow, who are ill, and repair the broken relationships of those who long for reconciliation. Provide courage for the protectors and defenders, our police, our military, and all emergency responders. As this body meets to consider issues of importance for home and business, for farm and church, for education and health, for the collective good of this great land called flat water, give success to the deliberations. Grant thickness to that which is good and thwart that which is dark. May respect undergird purpose and patience partner with all aspirations. In humility, we seek forgiveness for our shortcomings. May reason be used well, may it thrive, subject always to your majesty. Where there is perplexity, provide a way forward. Disturb our complacency and our narcissism. Lord, may the strength of our state exist not only in the land and resources of this great prairie but in the people who honestly labor and for those who diligent-- care for neighbor. Hope is found in you, the greater truth. These things both spoken and buried in our hearts. We ask in the name of Jesus the visible reality of your hidden face. The Lord bless you and keep you. The Lord make his face to shine upon you and give to you his peace. Amen.

**KELLY:** I recognize Senator Andersen for the Pledge of Allegiance.

**ANDERSEN:** Thank you, Mr. President. Friends, please join me. 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.

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**KELLY:** I call to order the fifteenth day of the One Hundred Ninth Legislature, Second Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

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

**KELLY:** Are there any corrections for the Journal?

**CLERK:** I have no corrections this morning, sir.

**KELLY:** Any messages, reports, or announcements?

**CLERK:** There are, Mr. President. Amendments to be printed from Senator Lonowski to LB353 and Senator Storer to LB668, as well as Senator DeKay to LB1261. And notice that the Education Committee will have an executive session in Room 2022 at 9:30 a.m. 2022, 9:30, Education Committee. That's all I have at this time.

**KELLY:** Thank you, Mr. Clerk. Senator Clements would like to recognize the physician of the day: Dr. Dale Michels of Walton. Please stand and be recognized by the Nebraska Legislature. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR313, LR314, and LR315. Mr. Clerk, please proceed to the agenda.

**CLERK:** Mr. President, first item on the agenda: the Nebraska Retirement Systems Committee would report favorably on the gubernatorial appointment of Keith Olson to the Nebraska Investment Council.

**KELLY:** Senator Ballard, you're recognized to open.

**BALLARD:** Thank you, Mr. President. Good morning, fellow colleagues. The Nebraska Retirement Systems Committee held a confirmation hearing on January 23 on the reappointment of Dr. Keith Olson to the Nebraska Investment Council. Dr. Olson was reappointed by the Governor to his second term on the council. His new term will expire January 1, 2031. Dr. Olson graduated from the University of Nebraska-Kearney with a Bachelor's of Science in Business Administration and earned an MBA from the University of Nebraska-Omaha and a doctorate in Business Administration from Creighton University. Dr. Olson is the assistant professor of economics and finance at the Creighton University Heider College of Business, teaching courses in investment analyst, portfolio management, and financing modeling. His academic research focuses on

global portfolio management and event studies. Prior to his teaching career, Dr. Olson worked for several investment companies, both in the United States and abroad. Dr. Olson is-- been an active member of Nebraska Investment Council for the past four years, and continued service will be great value to both the council and the state of Nebraska. The committee voted unanimous-- unanimously, with one member absent. I ask for your green light on the reappointment of Dr. Olson. Thank you, Mr. President.

**KELLY:** Thank you, Senator Ballard. Seeing no one else in the queue. You're recognized to close. And waive closing. Members, the question is the adoption of the committee report from the Retirement Committee. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 37 ayes, 0 nays on adoption of the gubernatorial appointment report.

**KELLY:** The committee report is adopted. Mr. Clerk.

**CLERK:** Mr. President, the General-- committee report from General Affairs Committee, who would report favorably on the gubernatorial appointments of Susan Lutz and Matthew Monheiser to the Nebraska Commission on Problem Gambling.

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

**HOLDCROFT:** Thank you, Mr. President. I have two nominations for the Problem Gambling Commission. The first is Susan Lutz. Susan Lutz has served with distinction for more than 13 years on the, on the committee, bringing deep financial expertise as a retired chief financial officer of BankFirst and an accountant with Professional Accounting Solutions. She holds accounting degrees from Wayne State College and the University of Nebraska at Omaha. The General Affairs Committee voted her out unanimously and recommends her confirmation. Also Mr. Matthew Monheiser, who has served four years on the commission, bringing professional expertise through his bachelor's degree in business administration from the University of Northern Colorado, along with valuable lived experience as someone who has overcome gambling addiction and now uses that perspective to help others. This appointment was also unanimously forwarded from the committee. And I encourage your green vote on these nominees.

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

**J. CAVANAUGH:** Tha-- thank you, Mr. President, colleagues. Well, I appreciate Senator Holdcroft's introduction and work on this and rise in support of these two appointees to the Commission on Problem Gambling. And I just wanted to point out during their hearing, we did have a conversation about moving the commission under Department of Health and Human Services, and they expressed that they thought it would be better served to keep it separate. And actually, Ms. Lutz is-- I think was involved when it was previously moved from the Department of Health and Human Services to where it is now, and that it would be better served not to move it under the Department of Health and Human Services. I know there is a bill-- I believe it may be in the, the budget-- part of the budget proposal to move the commission back to the Department of Health and Human Services. But it's clear that this is really important programs that they are operating and that is, of course, growing as a result of the expansion in gambling and the expansion in games-- I don't know what they're called exactly-- but predictive markets, which is now the online sports betting venue that is currently legal but not regulated or taxed. But people do still respond to that in the same way that they respond to gambling and develop the same problems. So we have growing issues with people who have problems with gambling, and so it's really important that we continue to support the independent Commission on Problem Gambling. Thank you, Mr. President. And I encourage your green vote.

**KELLY:** Thank you, Senator Cavanaugh. Seeing no one else in the queue. Senator Holdcroft, you're recognized to close. And waive closing. Senators, the question is the adoption of the confirmation report from the General Affairs Committee. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 42 [SIC: 41] ayes, 0 nays on adoption of the committee report, Mr. President.

**KELLY:** The committee report is adopted. Mr. Clerk.

**CLERK:** Mr. President, the Judiciary Committee would report favorably on the gubernatorial appointment of Kendra Bryant and Christon MacTaggart to the Crime Victim's Reparations Committee.

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**KELLY:** Thank you, Mr. Clerk. Senator Bosn, you're recognized to open on the committee confirmation report.

**BOSN:** Thank you, Mr. President. Good morning, colleagues. I rise-- there are a total of four appointments. The first two we held a confirmation hearing on January 27 to consider the gubernatorial appointment of Kendra Bryant to the Crime Victim's Reparations Committee. This is a new appointment for Ms. Bryant, and she would serve a four-year term starting October 1, 2025 until September 30, 2029. Ms. Bryant lives in Lincoln, serves as a project coordinator for a statewide survivor leadership program through Nebraska Coalition, and she brings lived experience as a victim into this committee appointment. Additionally, she has spent eight years supporting survivors through crisis intervention at Voices of Hope. She also attended UNL, where she studied criminal justice. She appeared in person at our public hearing, and the committee voted 7-0, with one member not voting, to advance her confirmation. We also held a confirmation hearing for Christon MacTaggart on January 27, 2026 to the Crime Victim's Reparations Committee. It was also a new appointment for Ms. MacTaggart. And she would serve a four-year term starting October 1, 2025 and ending September 30, 2029. Ms. MacTaggart lives in Papillion, currently serves as the executive director of the Nebraska Coalition to End Sexual and Domestic Violence. In prior roles, she has served as a project manager at the Women's Fund and also with the Nebraska State Patrol. In total, Ms. MacTaggart has 25 years of experience supporting victims of crime and the agencies that support them. She holds a Bachelor of Science in Psychology from Peru State College. Ms. MacTaggart also appeared in person at the public hearing, and the committee voted 7-0, with one member not voting, to advance her confirmation. We also held the confirmation hearing on January 27 for the reappointment of Mark Langan to the Board of Parole. He would serve a term from September 10, 2025 until September 9, 2031. He was initially appointed to the board in 2019. Mr. Langan lives in Omaha, where he attended Creighton University, and is a former member of the Omaha Police Department, having served there for 26 years. Mr. Langan appeared in person at the public hearing, and the committee voted 7-0, with one member not voting, to advance his confirmation. Likewise, we considered the gubernatorial appointment of Dr. Janee Pannkuk to the Board of Parole. This is a new appointment for her. She would serve a term from July 1, 2025 until June 30, 2031. Dr. Pannkuk lives in Omaha and has over 40 years of dedicated service to the justice system. In that capacity, she served as assistant deputy director for the reentry and

as a-- an assistant warden. She holds a PhD in human capital management and a master's degree in public administration from Bellevue University. Dr. Pannkuk appeared in person at the public hearing, and the committee voted 7-0, with one member not voting, to advance her confirmation. Colleagues, I ask for your green vote for each of these individuals. And I'm happy to answer any questions. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. I took my kids to school again today. And I'm-- of course, that makes me a little bit late getting here. But I wanted to comment on this committee report but also the previous committee report. And so I'm going to start with the previous one. Senator John Cavanaugh mentioned the move in the budget to take the gambling commission and put it under DHHS. That is, in fact, an item in the Governor's budget. And I bring that up-- and then I'm going to tie it in to-- stick with me-- on this committee as well. This committee of the crime victims-- which has a cash fund. And it has a cash fund that, in the Governor's budget, we're taking money out of. So colleagues, we're going to start talking about the budget now, and we're going to talk about it probably on everything because the Governor's budget is policy. It is sweeping policy. And you should be concerned. You shouldn't be concerned because I care about it. You should be concerned because legislation that Republican members of this Legislature have passed will be deleted from state statute through the Governor's budget. So I don't know why you all keep showing up to your own committees. I don't know why you all keep introducing bills to your own committees, because you don't need to anymore. You can go home. We'll just do it through appropriations. We'll bury it in the budget. We'll take commissions and move them under different agencies. We'll raid cash funds that are for victims of sexual violence for property tax relief. You guys can go home. Judiciary Committee, go home. You don't need to do your work anymore. Hey, did you all pass bills? Did you-- Senator Meyer passed a bill to do-- fund Meals on Wheels. Guess what? Didn't need to. We're going to strike it from the budget. We're not going to introduce a bill to repeal Meals on Wheels. We're just going to strike it from the budget. That's what we're doing. And I think you all should know that. And I think you all should pay very close attention. If you have passed something in the time that you have been here and you care about it, I would look at the budget. Because I guarantee if it

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had any money-- \$5, \$0.05, doesn't matter. We're going to do something about it in the budget. And to his credit, his great deal of credit, the chair of the committee, Senator Robert Clements, has tried very hard to have us not do sweeping changes to state statute in the budget. But this is where we are at. And it is bad. And it's not just my stuff. Because don't worry, I have very little. You all have made sure of that. Very little that I have brought forth to this body is in anything in the statute or in the budget. So I'm not here advocating for my stuff, because I know my stuff is gonna get cut. I told my colleagues yesterday on the committee-- translation services for Medicaid? Yeah, every single year since it passed the Governor has tried to claw that back. I have no illusions that we're gonna stop paying that. And you know what? It only hurts rural health care. So go ahead and do it. It doesn't hurt my constituents the way it hurts your constituents. And it's being done through the budget. Had a public hearing in HHS. Moved through the Health and Human Services Committee, got out of committee, got on the floor, got negotiated on the floor, got negotiated with DHHS, and it's being cut in the budget. So I just want everybody to know that. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Seeing no one else in the queue. Senator Bosn, you're recognized to close. And waive closing. Members, the question is the adoption of the Judiciary Committee report-- confirmation report. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 42 ayes, 0 nays on adoption of the committee report, Mr. President.

**KELLY:** Committee report is adopted. Mr. Clerk.

**CLERK:** Mr. President, the Judiciary Committee would report favorably on the appointment of Mark Langan to the Nebraska Board of Parole.

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

**BOSN:** Thank you, Mr. President. My apologies to everyone. I had an extra cup of coffee this morning, so I just went through all of them. So I'm not going to read it again, but I do ask for your green vote for Mr. Langan to the Board of Parole. Thank you.

**KELLY:** Thank you, Senator Bosn. Seeing no one else in the queue. You're recognized to close. And waive closing. Members, the question

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is the adoption of the committee report from the Judiciary Committee-- confirmation report. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 30-- 38 ayes, 0 nays on adoption of the committee report, Mr. President.

**KELLY:** The committee report is adopted. Mr. Clerk.

**CLERK:** Mr. President, the Judiciary Commor-- Committee would report favorably on the gubernatorial appointment of Janee Pannkuk to the Nebraska Board of Parole.

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

**BOSN:** Thank you, Mr. President. Again, I apologize that I jumped the gun on this. Please vote green for Dr. Pannkuk to join the Board of Parole. And happy to answer any questions. Thank you.

**KELLY:** Thank you, Senator Bosn. Seeing no one else in the queue. You're recognized to close. And waive closing. Members, the question is the adoption of the confirmation report from the Judiciary Committee. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 40 ayes, 0 nays on adoption of the committee report, Mr. President.

**KELLY:** The committee report is adopted. Mr. Clerk for items.

**CLERK:** Thank you, Mr. President. Notice of committee hearings from the Government, Military and Veterans Affairs Committee. Amendments to be printed from Senator DeKay to LB877. And a new LR: LR333, from Senator Holdcroft. That will be laid over. That's all I have at this time.

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

**CLERK:** Mr. President: General File, LB202, introduced by Senator Kauth. It's a bill for an act relating to the Medicine and Surgery Practice Act. It exempts certain activities from disciplinary action; 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

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Services Committee. That committee placed the bill on General File with committee amendments, Mr. President.

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

**KAUTH:** Good morning. This bill basically states that medical profe-- in fact, I'll just read it to you. It's the intent of the Legislature to ensure the protection of the rights under the First Amendment to the Constitution of the United States for individuals list-- licensed to practice medicine and surgery or osteopathic medicine and surgery by providing for the public expression of differing medical opinions and allowing such opinions to be subjected to the scrutiny of public and professional forums. A license to practice medicine and surgery or osteopathic medicine and surgery shall not be subject to any disciplinary measures as a result of an applicant or licensee expressing an opinion in a public or professional forum. The amendment part of it states that the expression of an opinion by an applicant or licensee in a public or professional forum does not include the expression of an opinion offered in the course of the applicant's or licensee's practice, including providing services to a patient. Basically, this came about during COVID when doctors were essentially threatened by their employers to have their licenses pulled if they did not agree with-- either what the CDC was saying or what that particular hospital said. A hospital or a doctor's clinic can fire someone who doesn't agree with them. That's their right. But they can't threaten their license. And when you have medical professionals who have spent a decade and hundreds of thousands of dollars getting their license, threatening their livelihoods carries significant weight. This is something the ACLU came in in agreement, which-- that doesn't happen often. So this is a very bipartisan reminder to everyone that just because you have a medical license doesn't mean you cannot also express differing opinions about medical procedures.

**KELLY:** Thank you, Senator Kauth. As previously stated, there is a committee amendment. Senator Hardin, you're recognized to open.

**HARDIN:** Thank you, Mr. President. Committee amendment AM57 adds subsection (2) (b) in which the expression of an opinion by an applicant or licensee in a public or professional forum does not include the expression of an opinion offered in the course of the applicant's or licensee's practice, including providing services to a

patient. The HHS Committee advanced LB202 with AM57 by a 5-1-1 vote. I would appreciate your green vote on AM57 to LB202. Thank you.

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

**SPIVEY:** Thank you, Mr. President. And good morning, colleagues and Nebraskans. I want to take a minute, a point of personal privilege to read about someone that we lost this week in the North Omaha community. If I can have a gavel, Mr. President. Thank you. This is in regards to Mr. Ira Combs, who passed away. Ira F. Combs, RN and MHA, is a nationally recognized health care leader, registered nurse, educator, and community advocate whose career spans more than four decades of service, leadership, and innovation in health care delivery and health equity. His life's work has been defined by an unwavering commitment to improving access to quality health care for underserved and minority populations, specifically within North Omaha and similar communities across the nation. Mr. Combs actually began his educational car-- journey in service-oriented fields. He earned an associate's degree in child development from Iowa Western Community College, graduating cum laude, and later completed his associate degree in science and nursing from Metro Community College. He expanded his clinical and leadership expertise with a bachelor's degree in health care management from Trinity University and then a master's degree in health care administration from Walden University. In addition, he completed his EMT paramedic certification at Creighton University, further strengthening his frontline emergency and critical care foundation. In 1998, Mr. Combs founded the North Omaha Area Health Inc, or NOAH, a clinic. It was a free clinic, still is operating today, dedicated to health education, prevention, and screening services. He and his colleague literally started the initiative out of the trunk of their car at a church parking lot. They began by offering free screenings, health screenings, and information to those that were most in need. The clinic today still provides primary health care, STD and STI screenings in treatment, as well as health education and training to the North Omaha community. He served as founder and CEO through 2024. He also coordinated volunteer-driven health care operations, developed innovative outreach models, and led public health messaging through multiple platforms. Beyond his clinical practice and administration, Mr. Combs had a prolific career as a educator, speaker, and thought leader. He was a part-time instructor at Metro Community College as well as engaged with many public health institutions across the nation, including the Oncology Nursing Society Congress, the National

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Institutes of Health Congresses, and the National Black Nurses Association to name a few. His contributions have been widely recognized with numerous honors and awards, including the President Barack Obama Champion of Change Award for Health and Prevention, the NAACP Whitney M. Young Jr. Service Award, the Nebraska Public Health Association Dim-- Jim Deal Distinguished Service Award, and the Urban League of Nebraska African American Leadership Award. Mr. Combs passed away on January 24, 2026 as a retired UNMC nurse and founder board member of the NOAH Clinic. Mr. Combs' legacy continues through the countless professionals he has mentored, the programs he's built, and the lives he's impacted. So from elder to ancestor, we will miss you, Mr. Combs. And thank you for your contributions not only to North Omaha, my community, but Nebraska overall. Thank you, Mr. President.

**KELLY:** Thank you, Senator Spivey. Seeing no one else in the queue. Senator Hardin's recognized and closes-- his waive-- closing on AM57. Members, the question is the adoption of AM57. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 27 ayes, 0 nays on adoption of the committee amendment, Mr. President.

**KELLY:** AM57 is adopted. Seeing no one else in the queue. Senator Kauth, you're recognized to close. And waive. Members, the question is the advancement of LB202 to E&R Initial. All those in favor vote aye; all those opposed vote nay. There's been a request to place-- record, Mr. Clerk.

**CLERK:** 25 ayes, 1 nay on advancement of the bill, Mr. President.

**KELLY:** LB202 advances to E&R Initial. Mr. Clerk.

**CLERK:** Mr. President, next bill: LB320, introduced by Senator Sanders. It's a bill for an act relating to human trafficking; changes provisions relating to the Human Trafficking Task Force; requires hotels, similar public lodging establishments place posters relating to human trafficking in such establishments; provides for training on human trafficking to employees in similar public lodging establishments; provides powers and duties to the Department of Labor; limits the liability of owners, operators, employees of a hotel or similar public lodging establishment relating to human trafficking committed by a third party; to harmonize provisions; repeal the original section. Bill was read for the first time on

January 16, 2025 and referred to the Business and Labor Committee. That committee placed the bill on General File with committee amendments. There are additional amendments, Mr. President.

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

**SANDERS:** Good morning, Mr. President and Nebraska. LB320 provides hotel employees the opportunity to take human trafficking awareness training. This training is provided by the Attorney General's Office at no cost to the recipients. It includes several key components, the definition of human trafficking and the commercial exploitation of children, the difference between labor and sex trafficking specifically as they relate to the hotel sector, guidance on how to identify individuals who may be at risk for trafficking, and clear direction on role of hospitality employees play reporting and responding to this crime. According to the American Hotel and Lodging Foundation's No Room for Trafficking Initiative, more than 2.2 million hotel and lodging employees across the United States have completed the human trafficking awareness training designed to help them recognize and report signs of trafficking since 2020. These efforts have led to thousands of tips to law enforcement and service providers-- tips that have resulted in victims being identified and connected to help. States like Texas, Florida, California, and New York require hotels to post visible human trafficking awareness signage and cour-- encourage or mandate employees training. Florida reports that hospitality industry is one of the leading source of trafficking related to-- related tips to its law enforcement have resulted in significant increase in crime identification, particularly of minors. Today, more than half of all states have enacted laws requiring hotels to take an active role in human trafficking prevention, whether through training, signage, or both. Nebraska has already shown leadership in this area. Our state has strength-- strengthened penalties for track-- "traffickers," expand protection for survivors, and supports the Human Trafficking Task Force, which brings together law enforcement, nonprofits, and service providers. The Attorney General's Office already offers high-quality training resources. LB320 simply ensures those tools reach one of the indus-- industries most likely to encounter trafficking firsthand. Hotels are not being asked to investigate crimes. They are being asked to be aware, to recognize warning signs, and to know how to report concerns appropriately. That awareness can mean the difference between someone remaining trapped and someone getting help. LB320 opens the door for further safeguards in Nebraska. Such an increasing

public awareness through signage, strengthening partnerships between hotels and local law enforcements, encouraging ongoing refresher training, and ensuring employees know how to connect victims with se-- services safely and confidentially. These are particularly proven steps that keep people informed, vigilant, and safe. We as a community and as a Legislature have both the ability and the duty to protect the vulnerable from the crime of human trafficking. LB320 is a commonsense, cost-effective measure that allows Nebraskans to be part of the solution. Thank you. And I ask for your green vote.

**KELLY:** Thank you, Senator Sanders. As stated, there was a committee amendment from Business and Labor. Senator Kauth, you're recognized to open.

**KAUTH:** Thank you. And I apologize. My computer is not connected to the internet, so this is really small print. I'm hoping to get it all right. AM687, instead of the task force being involved, the Attorney General, the Department of Labor, and hotels may work together to approve human trafficking training. The training may be provided to employees, but it does no longer-- but it no longer has to be within the first 180 days of employment. The hotline has been switched from the national hotline to the Nebraska version. So the-- basically, it made it permissive rather than a shall. Thank you.

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

**DUNGAN:** Get the static shock out of the way there before I step up. Thank you, Mr. President. Colleagues, I do rise today, I guess, with some concerns or questions regarding LB320 and AM687-- more LB320 than what's particularly contained in the AM. We can talk more about that in a moment. First, I want to start by saying that I appreciate the efforts both by the commission as well as Senator Sanders and the rest of the folks that were involved in this human trafficking conversation to ensure that we as a state are doing everything we can do to support survivors and support the people who we obviously care about the most, which are the folks that are survivors or victims of this human trafficking. And so I think, in this conversation, that component always needs to be paramount. The folks that we should be looking to protect with our legislation are the people that are suffering because of the actions of the folks that are these human traffickers or are participating in that human trafficking. In addition to that, we need to make sure that we are also protecting people who are victims or survivors of human trafficking who are put

in those situations by negligent actions of people looking the other way. So there are multiple parts of this equation. There's the people that are obviously doing the human trafficking which need to be addressed, and I think that this bill is seeking to make there's education about that. But in addition to that, there's a portion of LB320 that I find very alarming, and that is a paragraph-- Section 3 of the bill-- that creates a liability shield for hotels or businesses that put up these posters or have this training. What this effectively is doing, colleagues, is it is creating a protection for individuals who negligently allow human trafficking to happen in their hotels. So if the point of this bill is to support survivors and if the point of this bill is to help those who are being human trafficked-- which I think we all agree is an important goal-- I don't think that we should proceed with this bill in its complete fashion with that liability shield that is literally protecting those who are allowing the human trafficking to happen. So I-- unfortunately, the-- playing catch-up this morning. I was going to talk with Senator Sanders about this a little bit more. I did bring an amendment that'll come up later that strikes just that portion. It leaves the rest of this with regards to the posters. It leaves the rest of it with regards to the training, of which I think are important facets of continuing this education. Making sure that individuals see or understand or know the signs of human trafficking, that folks who potentially are being human trafficked know how to get help, that is vital. And we know from statistics and studies that that does help stop the problem. But what we should not be in the business of doing, colleagues, is protecting entities that negligently act in allowing human trafficking to occur in their facilities. Now, we're probably going to get into a larger conversation about this in a little bit with regards to what is that negligent action. This will not hold liable any hotel or individual who just happens to have this happening in their facility. In order to be found responsible for allowing this to negligently happen, there are certain elements or steps that you have to prove in court in order to find that third-party entity liable. Obviously, there has to be a duty to protect those individuals or to care for those individuals who are being human trafficked-- some relationship, a duty between the facility, the hotel, and those people. In the conduct that you're alleging, there has to be a breach of that duty. There has to be some violation of the requirement that they had to protect these individuals. There has to be some sort of causation, some sort of causal relation link between that breach of that duty and the bad thing that happened. And then there has to be actual

damages. There has to be real harm that comes to these individuals who are being trafficked. So I just want to be very clear: the liability shield that's in place in LB320 is going in place to protect businesses that negligently acted in allowing human trafficking to occur. So colleagues, you can be supportive of LB320. We can be supportive of the underlying goals of that bill. But if we also include that Section 3 with the liability shield, what this bill is doing is it is protecting individuals or businesses that are allowing this to happen. And I don't think that's what the intent of this bill is. I certainly don't think that's what the intent of the commission was when it got together. I certainly think the goal that we all agree on is to protect these survivors and to help the people, and my amendment that'll come up later simply seeks to achieve that goal as well. So I just wanted to flag this. It's not an objection to the overarching point of the bill, but I do think it's worthy of debate, it's worthy of a discussion, because what we don't want to be doing is inadvertently passing legislation that protects people allowing human trafficking. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. I know you'll all be shocked to hear that I have similar perspective to Senator Dungan. And-- again, we were moving quickly, so I just filed an amendment that's similar to his but actually different. So-- and we'll get to it. But I echo those comments, which is there is a, a, a positive, meritorious intent to this bill, which is we know that a lot of human trafficking and sex trafficking does happen in hotels and that we do need to be doing something about that and that-- the-- that we have taken a lot of steps on-- to curtail human and sex trafficking in this Legislature, and this is a attempt at a positive step. But as Senator Dungan correctly pointed out, just a good intention is not-- does not create a, a positive outcome. And there is a concern that this bill creates this poster requirement that then essentially has a, a-- makes people think that they've accomplished the goal and ends up actually just making it-- providing additional protections for people who are either carelessly or recklessly allowing sex trafficking to happen. So what my amendment that I proposed that will come up later does is a little bit different. It still pro-- provides for that liability shield, it just puts a little bit more responsibility to achieve that, which is that the hotels would-- we strike the "may" and makes it a, a "shall." So the employees of the hotel and, and similar public lodging establishments shall be

provided training. And then it adds at the very end to get this-- so at the, the end of page 8 of the bill there is-- well, I guess it starts on page 7. It says an owner, operator or, or employee of a hotel or similar public lodging establishment who implements the training and policies as prescribed in Section 2 of this section shall not be liable for any acts or omissions arising out or relating to human trafficking committed by a third party occurring at such hotel or establishment unless the owner, operator, or employee of the hotel or establishment knowingly assists the commission of ho-- human trafficking. And so my amendment just adds "or has failed to act in a reasonable manner." So just saying-- if you want this protection, you have to actually provide the training and you have to act reasonably. So again, I support the idea of this bill. I've brought a constructive amendment just to make sure that it actually accomplishes the goal of making sure that hotel employees, owners are actually-- actually get the training, they actually know what to be looking for, they actually know, you know, that they-- what the risks associated are, and that they act reasonably in light of knowing that. So it just makes sure that the things-- the goals of this bill are, are actually being done to provide the protection for those owners of those hotels. So I, I do-- I appreciate the attempt by this bill. I just think it needs to be a little bit stronger in, in protecting victims of sex trafficking and human trafficking. Thank you, Mr. President.

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

**JACOBSON:** Thank you, Mr. President. Well, we've had two attorneys in the body that have gotten up and spoken as to why we need to have more attorneys being employed, because that will what-- is what will happen if we change this bill and crea-- and take away the liability protection. We're trying to bring more awareness to trafficking, trying to get more training in place. And instead of taking the olive branch, we're coming in and saying, no, we're going to beat you into submission, that you will do this and you will be liable if your employees don't go above and beyond to supplant what the police would be doing. I, I, I, I think we're overreaching. We're, we're trying to bring something good and create more jobs for attorneys to sue because they can all find something you didn't quite do right and you can be sued. You may win in court, but that's after you've spent all the money to go to court. So I would strongly-- I will oppose the bill if these amendments get added, either one of them. The bill is good the way it is. I have no problem with the bill it is. I, I-- I'm

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glad it was brought. But, but to go ahead and bring more liability to private citizens is not the answer, and I would fight any attempt to do that. So thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. I wasn't going to talk again, but I thought I'd respond to Senator Jacobson. The current state of the law is how much liability people currently have. This bill intends to constrain the amount of liability if they take some action. So right now, there is no protection for these employers or businesses. What the bill attempts to do is incentivize these employers or business to take an action and then provide them a protection. And so my amendment just says, to get that additional protection, they have to do a little bit more than the bill currently asks. So Senator Jacobson, if you want to oppose protections for businesses and protections for victims of sex assault and sex trafficking, that's up to you. I'm just saying if-- to get the protection, they should have to do a little bit more and actually protect victims of sexual assault. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Seeing no one else in the queue. Senator Kauth, you're recognized to close on the committee amendment. And waive. Members, the question is the adoption of AM687. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 28 ayes, 1 nay to place the house under call.

**KELLY:** The house is under call. Senators, please record your presence. Those senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Members, please find your seat. The house is under call. All unexcused members are present. The question was the adoption of AM687. The vote was underway. Senator Sanders, would you accept call-ins? Mr. Clerk.

**CLERK:** Senator Hunt voting no. Senator von Gillern voting yes. Senator Hughes voting yes. Senator Murman voting yes. Senator Dorn voting yes. Senator Prokop voting yes. Senator Clouse voting no. Senator Meyer voting yes. Senator Clements voting yes. Senator Storer

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voting yes. Senator Moser voting yes. Senator Riepe voting yes.  
Senator Lonowski voting yes. Senator Storm voting yes.

**KELLY:** Record, Mr. Clerk.

**CLERK:** 33 ayes, 4 nays on adoption of the committee amendment, Mr. President.

**KELLY:** AM687 is adopted. I raise the call. Mr. Clerk.

**CLERK:** Mr. President, Senator Sanders would move to amend with AM170.

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

**SANDERS:** Thank you, Mr. President. The amendment is a committee amendment. The language is in the bill. On page 6, strike beginning with "task" in the line 15 through "establishment" in line 17, insert "Attorney General, the Department of Labor, and hotels, and similar public lodging establishments may work together." In the line 30, strike "national" and insert "Nebraska." In line 31, strike "resource center." On page 7, strike beginning with "within" in line 22, "establishment" in line 23, and in line 25, strike "national" and insert "Nebraska" and strike "resource center." Thank you, Mr. President.

**KELLY:** Thank you, Senator Sanders. Senator Sanders.

**CLERK:** Mr. President, if I could. Senator Sanders, it's my understanding you'd withdraw this amendment.

**KELLY:** So ordered.

**CLERK:** In that case, Mr. President, Senator Dungan would move to amend with FA927.

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

**DUNGAN:** Thank you, Mr. President. And good morning again, colleagues. This is the floor amendment that I discussed earlier. I will go into a little bit more detail about it, but I did have a chance to speak at least with Senator Sanders' staff, and my understanding is that the Attorney General is not in opposition to this amendment. So this is being, I think, per-- given as a friendly amendment. This is not intended at all to upend the bill or intended to upend any other portions here. Colleagues, what this does is it removes a paragraph

in Section 3 of the bill, which is, for all intents and purposes, creating this blanket liability shield for any business that follows furtain-- that takes certain steps or follows certain steps even if they acted negligently in allowing human trafficking. So in order to have this conversation, colleagues, I think we have to just do a really brief discussion of what is negligent versus what is intentional. So currently, the way this is phrased, it says that they shall not be liable for any act or omission arising out of or related to human trafficking committed by a third party occurring at such hotel or establishment unless the owner, operator, or employee of the hotel or establishment knowingly assists the commission of human trafficking. So with the way that this is phrased, it only allows a lawsuit if the owner of the hotel or the employee of the hotel knowingly assists in the human trafficking. What that means is that they are actually a party to the human trafficking itself. The difference between-- I'm getting into tort law, and I apologize. I know that people kind of glaze over when the attorneys talk too much, but with torts, or intentional actions or, or actions that are taken, there's intentional torts and there's negligent torts. Intentional torts are where you have to essentially knowingly or intentionally commit the action or participate in the action occurring. Negligence comes out of carelessness. It comes out of a disregard for your duty to protect somebody else. You don't have to intentionally assist in the action to negligently allow it to happen. So the phrasing of this liability shield creates a situation where the hotel or establi-- I'm saying hotel because that's the main thing we're contemplating here-- but the establishment takes a few steps, puts up the posters, has a training if they choose to, and then they are shielded unilaterally from any lawsuit that might be brought against them, valid though it may be, for the negligent actions or their negligent behavior in allowing human trafficking to occur in their facility. That, to me, does not, I think, achieve the goal of LB320, and certainly it is not protecting survivors. What we are trying to accomplish by getting rid of this section is to still have the posters, to still have the education, to still have the trainings, which is what actually is going to stop these things from happening, but then not give blanket shields to people who act negligently in allowing this to happen. And so I understand Senator Jacobson was concerned about that. I understand that, if this amendment gets adopted, he would be opposed to the bill. Colleagues, if this amendment doesn't get adopted, what we're doing is we're just providing unilateral coverage for anybody who takes a couple of actions and they can never be held liable again for any negligent action they take or negligent behavior they have in

their facility that allows human trafficking to happen. I, I don't want to go into the details of some past incidents that have occurred where these lawsuits have been brought and been successful. This is not just a bunch of attorneys trying to fill their pockets. These are people who go through long, years-long cases in an effort to help people who have been human trafficked. And so-- I know everybody in this body cares about those folks. I know everybody in this body cares about the survivors. To say that this is some money grab, cash grab, or attorneys trying to find jobs is just false. I understand that that is a popular narrative, but it is untrue at least in this circumstance. What we're talking about doing is protecting survivors and allowing people who are placed in situations against their will to be human trafficked to hold accountable a hotel or a facility or anything else like that that negligently allowed it to happen, that turned the other cheek, that looked the other way. And I think that that is fair. So that is why I brought this amendment. It does not undo the other portions of the bill. It still allows for the, the poster portion and it still ha-- leaves in the training portion. I think all of that is important. I think that the committee's done a lot of good work. Again, my understanding is that the Attorney General is not opposed to my amendment. This is a friendly amendment in an effort to continue to seek the goal or achieve the goal of protecting survivors. And I would encourage your green vote on FA927. Thank you, Mr. President.

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

**JACOBSON:** Thank you, Mr. President. And I know that Senator Dungan means well and, and I know his idea of taking that out is going to make things better, but let's understand how business works, OK? Hotels are owned by individuals or groups of individuals that are probably not even residents. And that-- yet they own the hotel, and they're in the liability loop, as well as the hotel manager, as well as all the people that work there. And so we're asking them to be responsible for potentially an omission by one individual, and you're gonna end up in court-- and the devil is always in the details. What constitutes not acting sufficiently? That's why you end up in court, because you disagree on whether they did enough. So that's why we look for immunity, that if you're going to do something to help by putting the posters up-- potentially even doing the training-- but then to come back and not give you liability protection if something happens that's beyond your control and all of a sudden-- I'm in the liability loop because I'm the owner of the, of the establishment. I

don't think that's right. I think we should do everything we can do to eliminate trafficking. We do that throughout. We're doing it in the banks in terms of pushing the idea that we've got to do what we can do to stop trafficking. I don't want to be held liable if one of my employees would not see to do enough at that particular time.

Let's also understand the people that are trafficking these individuals are dangerous people. And there are a lot of people that like to stay away from a dangerous situation, and yet we're requiring them to do that if we have some employee who is-- decides that they do not want to engage and they're going to go tell someone and, by the time they tell someone, the person's already gotten away. This is bad public policy. There should be a liability shield out there if we're going to engage in bringing those, those, those posters up. I remain the same. I will-- if these amendments get passed, or FA927 or Senator Cavanaugh's bill-- or, amendments get added, I will oppose the bill. I want to support the bill as written by Senator Sanders, as amended, but I can't support it with these amendments on, and I hope you won't either.

**KELLY:** Thank you, Senator Jacobson. Senators Hardin and Strommen would like to recognize some guests in the north balcony. They're from Leadership Scotts Bluff and Leadership Box Butte, Scottsbluff, Gering, Nebraska, and Alliance. Please stand and be recognized by your Nebraska Legislature. Returning to the queue. Senator Hallstrom, you're recognized to speak.

**HALLSTROM:** Mr. President, members, I rise not yet decided on what I think about Senator Dungan's amendment. What I would like to propose, if Senator Dungan is willing to do so-- presuming that this is not part of a filibuster but we're just looking at whether or not this is an amendment that we ought to adopt-- I would hope that we could maybe take this up on Select File. I'm trying right now to get in touch with the Attorney General's Office to see whether they truly have looked at this. Not questioning what Senator Dungan may have heard from other parties, just to get it straight from the horse's mouth exactly what the Attorney General's position, if any, on this. I, I do have some issues with regard to removing the potential liability shield for those employees for actions of their employ-- employers for actions of their employees under this circumstance, but I'll leave that for another day. And hopefully Senator Dungan, in the interest of moving this along, might be willing to take this up for a vote on Select File after we get some more clarity from the Attorney General's Office. There are-- there is a standard knowingly. There's even within that actual versus constructive knowledge that we might

need to look at. I would note I've looked at Senator John Cavanaugh's amendment. I, I disagree with changing the standard if we're going to have one from knowingly to reasonable care. Beyond that, I don't think the rest of his amendment, changing "may" to "shall" is necessary because the liability protection only kicks in in the event that the employer has implemented the training. So I don't think saying shall-- you, you give a mandate. The mandate is not required. But if the employer wants to take advantage of the liability shield, they must implement the training as set forth in the, the bill or regulations promulgated thereto. So I would just encourage us to be able to move forward on this bill. And I will work with Senator Dungan and others to see if there's a path forward with regard to the liability. And nothing ventured, nothing gained. He still has his opportunity to bring this on Select File. And would encourage that, that action. Thank you.

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

**DUNGAN:** Thank you, Mr. President. I-- again, appreciate the conversation we're having on this today. Couple of things just to follow up. Senator Hallstrom, completely agree this is not a filibuster. This is a legitimate conversation with an amendment that I think is important. I would have actually talked to Senator Sanders about this in a little bit more detail and tried to get a couple more of these things hashed out. But as many in this body know, right now things are coming up on the agenda quickly. And so I didn't see that this was on the agenda until it came out last night. And so I appreciate the Speaker and others are trying their best to kind of get things on the agenda. It's just hard to do a lot of prep work when we're not, not exactly sure what's going to be up next. So we're all stumbling together towards the end of this session as best we can. I, I do think that, you know, moving forward, we can continue to have a discussion about this. If it is not successful here, I do think it's important to continue talking about it. I, I think it's important we take a vote on this, because if we can deal with this now and make Select File go quickly, I'm happy to not spend that time. But I do agree with Senator Hallstrom that, you know, between now and Select File, if, if this bill goes forward without this amendment, it's important that we continue to discuss this. So colleagues, again, I would encourage your green vote on my floor amendment. I, I want to briefly address a little bit of what was brought up also by Senator Jacobson. I think that sometimes there's this belief that, if you were to bring a lawsuit, it just

automatically gets granted or that you win. The reality of the situation is the courts are well-equipped through centuries of case law to determine what is and what isn't a valid claim. And judges and juries are constitutionally imbued with the power to make these determinations of whether or not somebody did act negligently. Again, I said I didn't want to go too in the weeds of what is and what isn't negligence. I don't think that's necessarily helpful, and I don't wanna put too many people at home to sleep. But the elements of negligence and what you have to prove to show negligence are something that every first-year law student learns in, like, the first month of torts. And so this is not to say that all of a sudden we're going to be holding every single hotel or facility in court. We're not going to be-- we're not-- they're not-- you're not going to see a floodgate open up of lawsuits. The current state of the law is that you can bring these lawsuits. And so this is-- we're not cha-- if you take out this portion, you're not changing anything. And there's not currently some massive influx of lawsuits. There's not currently some logjam of civil suits that are being brought against hotels or third-party entities. The current state of the law is that if one of these places acts negligently and you have enough evidence to support your claim, you can bring a suit against these entities, which you should be able to do because you should be supportive of survivors holding people accountable when they make bad choices or when they don't pay attention. That's what this is about. This is about when actors or entities or whatever it is, is negligent. They allow a bad thing to happen, and they shouldn't have. They get held accountable. And so with LB320 in its current state, if you don't adopt FA927, you're providing an additional protection that doesn't currently exist. So my amendment does not upend the rule of law. My amendment does not change the current landscape of what the court system look li-- looks like. This amendment-- which, again, I, I believe is a friendly amendment-- leaves the current status quo of, in the event that one of these third-party entities-- a hotel, a business, a facility, whatever it is-- negligently allows human trafficking to occur inside of its own walls that the people who have been trafficked can have their day in court. And so if you don't pass this floor amendment, you're providing an additional protection that did not currently exist, and I think that that's problematic. Happy to continue working on it. I would also like to continue the discussions about, you know, the Attorney General's support, or at least lack of objection. I don't want to misstate the position because I am hearing from Senator Sanders, obviously, that she's had communications. And so Senator Hallstrom is hearing from me who heard

from Senator Sanders. So I understand that can be kind of a game of telephone. And I certainly don't want to put words in anybody's mouth, but my understanding is there's not an objection to the amendment, which is why I am saying it's a friendly amendment. And I would encourage your green vote on FA927. Thank you, Mr. President.

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

**McKINNEY:** Thank you, Mr. President. Besides the issues with the liability on this bill, another issue that I had with it and why I did vote no coming out of committee is that, on page 6, line 14, it reads, employees of hotels and similar public lodging establishments may be provided training regarding issues in human trafficking. The task force established in Section 81-1430 may work with the Department of Labor and hotels and similar public lodging establishments to approve such training and determine how such training shall be provided. The issue in this is if, in my opinion, if you want the liability, then it should read, employees of hotels, similar-- and similar public lodging establishments shall be provided training regarding issues in human trafficking. The task force established in Section 81-1430 shall work with the Department of Labor and hotels similar-- and, and similar public lodging establishments to approve such training and determine how such training should be provided. I think that what is in Senator Cavanaugh's amendment is a fair-- I think that's fair. I think, if they want liability, they should have to do the training and they should have to work with the task force. I don't think that's unreasonable. I, I, I honestly think that's the-- maybe the-- if, if you disagree with anything else I say, that is fair. If they want the liability, they should provide the training and they should be-- and they should work with the task force. I don't think that's unreasonable. And it would-- I, I would love to hear a argument how it is unreasonable. I think that's reasonable, besides the whole liability thing. I think if they want liability, they should provide the training and they should work with the task force. Thank you.

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

**STORER:** Thank you, Mr. President. I guess I have a, a couple of questions to, to clarify really what this concern is. And listening to Senator McKinney-- I, I assume, Senator McKinney, what you mean

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is, if they don't want liability, they should provide the training and-- will Senator McKinney yield to a question?

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

**McKINNEY:** Yes.

**STORER:** Thank you, Senator McKinney. Just so I understand what your concern was, the way-- it-- you're, you're saying that, if they do not want to be liable, then they need to provide the training. Is that what you're saying?

**McKINNEY:** Yes, that's what I'm saying.

**STORER:** OK. Thank you. I, I--

**McKINNEY:** No problem.

**STORER:** Thank you for the clarification. The way I read the bill, it actually is-- this is what it's doing, is saying they may, they may choose to provide that training. And in the event they do choose to provide that training, then their liability is limited for, for cases of trafficking that occurred in the facility. But that gets me to my second question, which would be for Senator Dungan if he would yield to a question.

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

**DUNGAN:** Yes.

**STORER:** Thank you, Senator Dungan. The, the way I read that in, in the section that you're proposing to completely eliminate is it, it does not-- it does not exclude the hotel or the employees from being liable if the owner, operator, employee of the hotel or establishment knowingly assist the commission of human trafficking. So it still holds them liable the way I-- the way I'm reading this. If there was an intentional, intentional, knowingly participating in or assisting in trafficking-- so it's not excluding any liability just because they provided training.

**DUNGAN:** This is exactly what I was just talking with Chair Bosn about from the Judiciary Committee. You are correct. It does not exclude them from liability under those circumstances, but that is the difference between knowingly assisting-- that's what the language of that says, knowingly assist-- and acting negligently. So currently,

under the current law, if you are the purveyor of a hotel-- let's say you own a hotel-- and sex trafficking is happening-- happening at-- not you, but anybody's hotel, right? If you are intentionally assisting in that, that is a level of intent or knowledge that you have about the underlying event. That means you're participating in it or helping them. You're, you're taking some proactive action to make it happen. Negligence is totally different. Negligence would be there is a breach of a duty that you have to protect them and that, through a lack of care or a carelessness, you're allowing it to happen. Under the current law, you could be sued for either of those. If you're the owner of a hotel that sex trafficking is happening in, if you're helping it happen, you can be sued. And you can be sued if you negligently allowed it to happen, meaning that there was so much evidence that it was happening that you should have known but you turned the other cheek. If this bill passes with that provision, it creates a shield for anybody who's acting negligently. Because it's different than the knowingly assist. So if you are the owner of a hotel and this is happening under your nose and there's all of this evidence that it's happening and you see people coming and going and maybe you overheard something, but you just said, not my problem, and you turned the other cheek and allowed it to happen, that would be acting negligently. Knowingly assisting is different because it requires an intentional act. That's why it's different. So this does still allow the suits, the current shield, if they help it or if they do some sort of proactive action or have an-- a knowledge, but it does not allow a lawsuit under negligent lack of care. That's the difference.

**STORER:** OK. I appreciate that. I-- you know, for-- trying to wrap my head around it. Obviously, you know, if somebody-- what somebody saw-- I'll, I'll give you an example-- and I will not obviously name the business. But yesterday doing an errand, I saw what I believed was an incident. I called the hotline and let them know. But it was on the property-- it was in a parking lot, but it was on the property of a business. It was not a hotel, so it would not apply to this. But just as a theoretical example, would potentially that business be liable because they didn't have a camera in the parking lot or maybe the employee took out the trash and glanced over and saw something? I mean, I-- that's just my concern, is how widespread this liability to negligence may get, but.

**DUNGAN:** Well, so-- currently, right now, that is the status of the law, that if they-- if somebody wanted to bring a lawsuit based on that proposed negligence, they could. The courts are well-equipped to

determine the facts of the case to determine whether or not that rises to the level of negligence. That's kind of what I was saying earlier. It's not just, oh, you saw one thing that could have been a thing, now you're liable for it. You have to have a duty to protect those people, there has to be a breach of that duty, there has to be a causal relationship between that breach and that duty, and there has to be actual damages. This is, like, a centuries-old thing that the courts can determine. And so in that circumstance you just said, no, I don't believe that would rise to the level of negligent action. But in the event that they turn their nose, I think it could be.

**KELLY:** Thank you, Senators Storer and Dungan. Mr. Clerk for an announcement.

**CLERK:** Thank you, Mr. President. The Judiciary Committee will have an exec session at 10:30 in Room 2102. Judiciary, exec session, Room 2102 at 10:30.

**KELLY:** Thank you, Mr. Clerk. Returning to the queue. Senator Sanders, you're recognized to speak.

**SANDERS:** Thank you, Mr. President. I just wanted to give, give my two points on the amendments here today. Trying, trying to get this amendment, get me familiar with it. And also, the AG's Office is a scramble. So in essence, I would say both amendments are unfriendly. But, but I-- without any fault to their own. We've had very little time to even talk about it. It's been a really busy day. But I can, I can and the, and the AG's Office can live with Senator Dungan's amendment of FA927. But I think what we do agree on is that we will work on this between General and Select. So we are working on this, and we'd like, we'd like to see this come to a better place between General and Select. Thank you, Mr. President.

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

**HALLSTROM:** Thank you, Mr. Speaker, members. I would agree with Senator Sanders, as I indicated earlier, that we ought to take a, take a breath, take a pause, move this bill over to Select File, and then come back and look seriously and with more time to review the amendments from Senator Dungan and Senator John Cavanaugh. I am trying to track down from the Attorney General. I am not asking anyone to follow the marching orders of the Attorney General, but I think since it's been stated on the mic that the Attorney General

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doesn't appear to have any problems with this, we should confirm and know that and then make our decisions accordingly for whatever impact that might have on our decision-making process. So with that, again, I would ask Senator Dungan and Senator Cavanaugh to work with us between General and Select File and see if we can find a suitable solution. Thank you.

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

**JACOBSON:** Thank you, Mr. President. We're talking about dealing with this on Select. That's fine. Pull the amendments and bring amendments on Select. You can amend the bill on Select File. But I'm a hard no if these amendments move forward. I agree with Senator Hallstrom that the Attorney General is not here voting. He's not the guy that makes the decisions for us. I think a lot of people have talked about separation of powers. I have a lot of respect for the Attorney General, but let's-- if you want to modify this bill, then let's be very clear about what liability and rep-- and basically mandates are we pushing to hoteliers across the stree-- across the state and all their employees in order to carry out what I think is a very noble thing to do, which is try to stop sex trafficking. I don't think you do it by loading up a bunch of liability risk to those who work in a hotel or who own those hotel establishments. So if you can work out that and bring an amendment on Select, I could probably get there. I can't get there with these two amendments. If they're on the bill, that's going to get my "no" vote. I hope that's-- others look the same way. Thank you.

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

**McKINNEY:** Thank you, Mr. President. I think we should just pass over the bill, come back to it until there's clear answers. I don't think we should just advance a bill to Select in hopes that there would be clarity with whether or not our Attorney General cares about this bill or not, or the amendments. I think that we should pass over, people go have those discussions, and then we can see if it goes to Select or not. But I don't think it's good, and I think a lot of people have said it's ov-- especially over the last two sessions that we shouldn't just be advancing bills to Select File just to have other conversations. Why can't we just pass over it? And then two, Senator Jacobson, you're against the lia-- the-- you, you want liability, but if that is so, why shouldn't the hotels be required to

provide the training and work with the task force? I don't think that's unreasonable. I don't see how you could just outright say you're against the amendments and just overlook the requirement for the training. If you-- my opinion, if you want some liability or immunity from, from basically being held accountable for negligence or whatever, why shouldn't the hotel establishments and the businesses be required to have a training and work with the task force if you really care about addressing human trafficking? Thank you.

**KELLY:** Thank you, Senator McKinney. Senator Jacobson, you're recognized to speak. And this is your third time on the floor amendment.

**JACOBSON:** Thank you, Mr. President. I, I guess I care because I'm an American and I believe that people who want to start a business, build a hotel, should be able to do so and not have their government come to them and say, by the way, in addition to all the regulations you have to follow to run the hotel, we're going to ask you to act as a police force as well, you and your employees, and we're going to hold you liable if anything goes wrong. That's where government crosses the line. That's why I'm opposed to these amendments. I, I, I am absolutely opposed to sex trafficking. I understand that people do this at hotels. I understand that we should be vigilant about doing what we can. But when you start saying, we're going to sue you if your employees don't act appropriately, we've gone across the line. That's where I'm at. I think that we ought to have private enterprise be able to thrive in Nebraska, and adding more and more mandates with the threat of lawsuits if they don't do certain things is a problem. The-- that's how you get rid of the incentives for people to start businesses and expand businesses, if government's going to come in and put all these additional mandates on top of you. I'm opposed to that. That's my, that's my concern.

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

**J. CAVANAUGH:** Thank you, Mr. President. This has been a interesting conversation so far. I think folks are running out of time to talk. I just wanted to kind of re-circle us back to the conversation here. There's-- the current state of the law is-- without LB320 passing means that hotels can be held liable for their role in being negligently allowing people to be sex trafficked in their hotels. That's the current state of the law. So there's a lot of just talking

past each other here. I think people aren't really listening and they just want to make their point and the, and the-- or whatever. But-- so LB320, what it does is it tries to encourage hotels to take some extra action. So it does not use a government mandate method that people are opposed to. What LB320 does is it says, if you do these things, then you are afforded an additional protection. So we all recognize that there is a problem in our society of sex trafficking. And we all understand that hotels are utilized for sex trafficking and that there are many things we can do to try to stop that. One of them is education of the people who work at hotels. The education really only has an effect if then they need-- are required to act upon that education to get the benefit, the protection. If we have a permissive ed-- new education, that, that is something that would be a new thing and say, we're gonna increase the amount of coordination and education that's involved. That would be great. That would be a, a step in the right direction of saying, let's get more knowledge out there. Let's make sure we're training people. Let's make sure there are posters in hotels to ensure that people understand and recognize the signs. That would be one thing. But if we just create a sort of a permissive environment where you say, if you put up a poster, then you are absolved of any liability, then there's not a real incentive to actually do the education and follow through. So we are providing a protection without accomplishing the goal of education and getting people to, to spot and engage. So the law right now is hotels can be held liable for this conduct. If LB320 passes as is, hotels will be absolved of liability, but they won't be required to actually take any meaningful additional steps. What my amendment does, what Senator Dungan's amendment does is it makes sure that those additional steps are, are actually being followed to get that protection. So I would support this bill with Senator Dungan's amendment. I would support it with my amendment because I, I do agree with the goal that Senator Sanders is attempting to pursue here. I just think it needs to have a little bit more in it to make sure that it is actually happening. So the folks who are opposed to sex trafficking should be in favor of hotels actually providing training to get this protection. And again, this is not adding a new liability to hotels. No version of LB320 that's being proposed provides an additional liability. It is just how are we delivering this additional protection and are we effectively accomplishing the goal of education which then we hope will lead to a decrease in the number of people who are victims of sex trafficking. So that's the goal. That's why I support Senator Dungan's amendment. That's why I've proposed my amendment, is to make sure that the goal of this bill is actually accomplished. So I

encourage your green vote on FA927. I would echo Senator McKinney's comments, which-- if we don't want to take more time on this today and we want to have some more discussions off the floor, we could certainly pass over this bill. We do it all the time. We passed over Senator Word-- Wordekemper's bill last week to continue those General File discussions. We're on day 15, folks, 25% of the, the session here. There is a lot of time left for bills that are already on the floor to move. We have plenty of time. Doesn't need to be pushed to Select File while we have a meaningful conversation about how to make it actually accomplish its goal. So that's another suggestion. We don't need to just pull the amendments and rush to Select File. We could certainly take this off the, the agenda and, and bring it back once we've reached a compromise. Thank you, Mr. President.

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

**QUICK:** Yeah. Thank you, Mr. President. And good morning, colleagues. I do support LB320. And I'm still looking at all the amendments just to make sure that we have a bill that, that works best for our communities. I can tell you in Grand Island, we've been actively working on these type of issues when I served in the Legislature the last time. I actually prioritized Senator Pans-- Patty Pansing Brooks' bill to support victims of human trafficking. And at that time, we met out in Grand Island too with some of the people who, who work within that human trafficking coalition, along with hotels and with law enforcement to promote education and training for, for people who work in the hotel businesses. And I can tell you that-- I don't know if it's still that way now, but at one time Grand Island per capita was the highest community for human trafficking in the state. And so it was something that was-- we had to work on, and, and it was necessary for us to do that. I can tell you-- I also did a ride-along with law enforcement. And we-- they knew exactly every hotel where human trafficking was going on. And so-- I can't tell you whether the-- those hotels were turning a blind eye or whether they were working with the human traffickers. I don't know that for a fact. But I do know, do know that law enforcement knew exactly where those hotels were at. And so I just want to make sure that this bill is, is a, is a bill that's going to really support helping victims of hu-- human trafficking, making sure that, that we're doing the most we can within our communities to fight this. So I'll yield the rest of my time. Thank you, Mr. President.

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

**DUNGAN:** Thank you, Mr. President. Colleagues, I would encourage your green vote on FA927. I, I, I think we've had some good discussion here today. I would echo some of the sentiments that have been said before, which is that the current state of the law allows for these suits to happen. There, there is no additional liability being imposed by the current language of LB320. And with FA927, what we're seeking to do is ensure that accountability moving forward is still possible for those who have been trafficked, for those who find themselves in this horrible situation-- which, again, we've all talked about here is prevalent in our country, and certainly it's something that we as Nebraskans are trying to work against. I know the Attorney General, along with others, have had this committee to try to reduce human trafficking, and I think that a lot of the things that are in LB320 seek to achieve that goal. Hanging the posters, having the, the trainings, anything we can do to reduce the likelihood of this happening is a good goal, is a good thing to do as a Legislature to, to encourage. What I'm concerned about is the current language, the way it's set up, it creates this permissive structure that then ultimately allows potentially bad actors to be shielded from accountability when they allow human trafficking to happen. Now, if you ask me, that's a pretty bum deal. I don't think that we should be in the business of supporting or protecting or creating additional protections for bad actors who allow human trafficking to happen. And I-- I'm not trying to be hyperbolic, but that is, I think, unintentionally what some of the language in this bill does. So I do agree if there's di-- more discussion that people wanna have about the amendment, I'm happy to continue having that discussion either here today. I do think that we've passed over other bills to continue those discussions and make sure we can have those conversations. But a green vote on FA927-- which, again, I do not believe is opposed by the introducer. My understanding is it's not opposed by the Attorney General, whom I agree doesn't vote here, but is party to the conversations that went into the development of LB320. And therefore, I think it's relevant whether or not the Attorney General's Office has opinions about this, because I think it speaks to whether or not this floor amendment is friendly or hostile. And so this is brought as a friendly amendment. It's brought to achieve the goal of protecting survivors of human trafficking. Certainly, I think that is something we can all agree on. And it seeks to make sure that bad actors aren't given additional liability

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protections by this Legislature inadvertently. With that, I would encourage your green vote on FA927. Thank you, Mr. President.

**KELLY:** Thank you, Senator Dungan. Members, the question is the adoption of FA927. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 29 ayes, 2 nays to place the house under call.

**KELLY:** The house is under call. Senators, please record your presence. All 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 Conrad, Ballard, and Hansen, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. Members, the question is the adoption of FA927. A vote was underway. Senator Dungan, would you re-- accept call-ins? Request for a roll call vote, reverse order. Mr. Clerk.

**CLERK:** Senator Wordekemper voting no. Senator von Gillern voting no. Senator Strommen voting no. Senator Storm voting no. Senator Storer voting no. Senator Spivey voting yes. Senator Sorrentino voting no. Senator Sanders not voting. Senator Rountree voting yes. Senator Riepe voting yes. Senator Raybould voting yes. Senator Quick voting yes. Senator Prokop voting yes. Senator Murman voting no. Senator Moser voting no. Senator Glen Meyer voting no. Senator Fred Meyer voting no. Senator McKinney voting yes. Senator Lonowski voting no. Senator Lippincott voting no. Senator Kauth voting no. Senator Juarez voting yes. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt voting yes. Senator Hughes voting no. Senator Holdcroft voting no. Senator Hardin voting no. Senator Hansen voting no. Senator Hallstrom voting no. Senator Guereca voting yes. Senator Fredrickson voting yes. Senator Dungan voting yes. Senator Dover. Senator Dorn voting no. Senator DeKay voting no. Senator DeBoer voting yes. Senator Conrad voting yes. Senator Clouse voting no. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Brandt voting yes. Senator Bostar voting yes. Senator Bosn voting no. Senator Ballard voting no. Senator Armendariz. Senator Arch voting no. Senator Andersen voting no. Vote is 18 ayes, 28 nays, Mr. President.

**KELLY:** FA927 is not adopted. I raise the call. Mr. Clerk.

**CLERK:** Mr. President, Senator John Cavanaugh would move to amend with AM250.

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

**J. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. This is similar to Senator Dungan's amendment, but it is a little bit less restrictive. So Senator Dungan's amendment-- if you look at the bill, on page 7 to 8, Senator Dungan's amendment struck lines 29 through 31 on page 7 and then lines 1 through 4 on page 8. What my amendment does is just adds to the end of that paragraph on page 8, line 4 the requirement that-- well, I'll give you the whole context. So what that paragraph does, as Senator Dungan's struck, would-- says, an owner, operator, or employee of a hotel or similar public lodging establishment who implements the training and policies as prescribed in subsection 2 of this section shall not be liable for any act or omission arising out of the rel-- or related to human trafficking committed by a third party occurring at such hotel or establishment unless the owner, operator, or employee of the hotel or establishment knowingly assists the commission of human trafficking. And then my addition would be "or fails to act reasonably." So basically just saying they have to-- we ha-- we have them do this training and then they have to, in light of understanding that training, have an obligation to act reasonably with-- after they've had that training to be protected. So again, right now, this protection does not exist. This is additional language that's being added to the statute to give this protection if these hotel or lodging places take the action of having the training. And so my amendment includes a requirement that instead of says "may do this training" says "shall." And we can have a conversation about whether that is necessary in, in the broader context of this other addition. But if-- so what my amendment would say is, if they do the training and act reasonably, then they are afforded this liability protection. So that's it. That's all it does. So it says all these other things, encourages this cooperation, requir-- has hotels train people, and then it says, if you do all those things, you are protected from liability if you act reasonably. So very simple. It would hopefully make sure that people are-- hotels are actually providing the training and that the folks who have the training are encouraged by their employer to act on that training. So I think it, it gives a little bit more strength to this bill in ensuring that it, it is-- does not end up as a hollow gesture. Because that's my fear here, is the risk, is-- what the bill does is it creates an environment in which hotels put up a poster and give a very minimal training. And

then they can, you know, wipe their hands and say, we've done it. And then they can turn a blind eye to the human trafficking that is happening and that they would be obvious to them if they had conducted this training appropriately. It does not create other new obligations. It just says that this protection we are affording requires you to act reasonably to get it. So again, not making a new obligation, not creating any new liability, just saying, if you want a liability protection, you have to actually follow through on training. And if you see somebody that's being sex trafficked, you have to do something about it. You have to act reasonably to do something. Because without that, if somebody observes the obvious telltale signs of sex trafficking in their hotel but they have the poster up, they would have no additional obligation under this and they would still be protected. And so that's the fear. That's what we're trying to make sure this bill will actually protect victims of sex trafficking and human trafficking and that businesses are encouraged-- actually encouraged to do this. So I encourage your green vote on AM250. Thank you, Mr. President.

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

**McKINNEY:** Thank you, Mr. President. I rise in support of AM250 for multiple reasons. First is, if you are saying businesses should not be liable, Senator Jacobson, if they do the right thing, then why shouldn't they be re-- be required to do the training and work with the task force? I don't think that is unreasonable. I honestly do not. I think that it is honestly the lowest hanging fruit of the opposition, is to just say do the training and work with the task force. Very simple. The, the other reason is if they act in a reasonable manner. I don't even think that's a high burden to meet, honestly, to, to act in a reasonable manner. I think they could easily act in a reasonable manner. I, I, I really don't think that's unreasonable, to be honest. It-- yeah, the-- this amendment is, like, honestly, low-hanging fruit just to-- it is. Just do the training and act in a reasonable manner as a business and you don't have a issue. I don't think that's far-reaching. I don't think that's overreach. I think that's just simple. If you want some sort of liability protections, you should be required to train your staff on how to identify sex trafficking and you should work with the task force on sex trafficking to fix the training and make sure the training is proper. Then you just-- if you train your employees properly, you work with the task force, and you act in a reasonable manner, I don't see why that would be at issue. I think it's low-hanging fruit,

honestly, and the opposition to this amendment speaks more to a huge problem that has occurred since last year that these businesses want all these liability protections and, and immunities, but they don't want no type of accountability for potential wrongdoing in the future. And then the argument that says that lawyers are just trying to make money is wrong. What about somebody that is affected in a negative way because of human trafficking and the businesses didn't do what they were supposed to do? Because in the bill currently as written, they may do the training, they may work with the task force, but it doesn't mean they have to. And in the business world-- let's say economic downturn, something like that-- it might be more cost-effective not to do the training since you're looking at it from a business-- from a business lens. So that is where I'm at on this. I just think that this is a fair amendment. I don't think it goes too far. It's not no overreach. Just do the training. Just work with the task force and act in a reasonable manner. Thank you.

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

**DUNGAN:** Thank you, Mr. President. Colleagues, I do rise in favor of AM250 as a potential solution to some of the problems we've talked about here. Some folks were asking me whether or not I supported AM250 earlier before I'd had a chance to look at it, and I said, believe it or not, Senator John Cavanaugh and I didn't coordinate this. We just both had thoughts on the bill. So I didn't get a chance to review it until he introduced it. I do think that it addresses the problem that I was seeking to address with my floor amendment in a different but still appropriate way. The main problem here, colleagues, is LB320's granting an additional protection, again, for bad actors who negligently allow trafficking to happen in their facility. Currently-- I don't know how many times I can repeat this because it does feel like we're kind of past each other at times. Currently, you can bring that suit. This creates a protection and a liability shield. And if we're going to create a protection or a liability shield, I think that that protection should bear a rational relationship to the steps taken to prevent the behavior. And so, you know, whether it's the concerns that were brought up by Senator Storer or some of Senator Jacobson's hypothetical situations of when employers can or can't be held liable, the reality of the situation is, if we as a state are gonna proactively make a decision to protect businesses that allow human trafficking to happen within their four walls, I think we should put some, some teeth to it to make sure that that protection is being granted in a circumstance where the people

that we're protecting actually took some steps to stop something. A permissive or optional program that one can or can't take a part in and then similarly being granted some kind of liability shield for bad actions, it, it just doesn't seek to actually protect the people that we're saying we protect. I think when you talk about a lot of these really sad, horrible things like human trafficking or other things like that, there's a lot of-- nationwide, there's a lot of performative sort of hand-wringing that happens about the desire to protect survivors. But when you actually start talking about protecting survivors, when you actually start talking about providing people the resources they need, providing people the accountability they're requesting, or providing people the autonomy and the dignity to have their voices heard, people get really squeamish. And I think that that's problematic. People are all on board with protecting survivors of sexual assault or human trafficking until they actually have to do something about it with regards to the upstream investments of protecting those folks or with regards the autonomy and the dignity that somebody gets from their day in court, holding somebody accountable for their bad actions. And-- not trying to be hyperbolic. I think it's really important we keep this conversation strictly to the language of the bill. But what I think is that, in AM250, what Senator John Cavanaugh's proposed is a rational relationship between the actions taken by a party and whether or not those actions, those protections are sufficient enough that they then are granted this protection. I don't think you should just get to go outside, turn around three times, and spit and then say, now you can't sue me for something. You got to actually do something to earn that protection. And I think that acting reasonable-- reasonably and having a reasonableness connection and, and nexus between your actions and your behaviors and the protection does seek to better achieve the goal than I think the underlying language of LB320 seeks. Reasonableness is not a made-up word. Reasonableness is not something that was pulled out of thin air. It is a standard that the courts are incredibly used to dealing with. It is a standard that is well-established by case law. It is a standard that the courts have talked about time and time again. And so I think that inserting that reasonableness language makes a lot of sense. And it seeks to achieve a goal utilizing parameters that currently exist. So colleagues, again, I, I have grave concerns about LB320 in its current form. I would have liked to see my amendment pass. I think that my amendment not passing is a detriment to the bill. That being said, I think AM250 also tries to achieve a similar goal. So I would encourage your

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green vote on AM250. And if that is adopted, then I think we can move forward with LB320. Thank you, Mr. President.

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

**HALLSTROM:** Mr. Speaker, members, thank you. I-- I'm probably going to vote against the amendment at this time. I have not closed the door to consideration of the reasonable care standard, but I, I do want to make sure on the record that it's clarified. This is not a blanket immunity. There is a knowingly-- phrase or-- phraseology or requirement there. And secondly, and more specifically-- I've talked to Senator John Cavanaugh about this with respect to his amendment-- and Senator Dungan had suggested that we're looking at a situation where the employer may or may not implement the training and, and get the liability protection. That is not what the bill says. The bill is permissive in terms of the training, but the liability protection only kicks in if the training is provided. So I want to make that clear. That is along the lines of what I've talked with Senator Cavanaugh about in terms of not thinking that the "may" to "shall" part of his amendment is necessary because, again, I don't think we want to mandate the training. Not providing the training is at the employer's risk because they do not have whatever liability protection ultimately ends up in this legislation. So we can keep the training requirement permissive. But if we want to alter or eliminate the standard of liability, that's a decision yet to be made, but I am likely to vote no today but certainly would entertain continued discussions and possibly revisiting some of these issues and concepts on Select File. Thank you.

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

**RAYBOULD:** Thank you, Mr. President. Good morning, colleagues. I encourage your support of AM250 and also this bill in its totality. I first and foremost want to thank Senator Sanders. She has been working tirelessly to raise awareness on sex trafficking in our state, throughout our state, and throughout our country. And it-- this is not the first year that she has brought this forward. It-- it's probably her third or fourth year. And she worked with Business and Labor to try to address so many of the same concerns we're hearing on the floor today. This bill is too serious to be passed over at this point in time. I really ask that there just seems to be these very small differences on the determination of liability. And I

just want to point out it has been the tradition and the norm for the courts to determine legal responsibility and liability as they review and analyze any type of lawsuit that comes before them. I trust the courts to review and do their legal analysis should there be any confusion or determination on liability. I am not a lawyer at all, but I know that that standard of reasonable care is a critical element when you look to-- did that individual, did that operator, did that hotel take due diligence in a reasonable manner to flag and protect anyone or something that they find suspicious. So I ask my colleagues-- Senator Cavanaugh's amendment is really a genuine and a small step to make sure that reasonable action is anticipated and expected of those hotel, motel operators that have undergone some training. I would love to see the training be mandatory everywhere because this issue is so important. And I am so proud to see in the city of Lincoln-- we see this-- if you feel that you have been sex trafficked in restrooms, in bars, in retail establishments. I love seeing that heightened awareness and notices that a person re-- recognizes this is the number that you can call. This is who you can reach out to for help. This bill is so important. I don't feel we should pass over it. I ask you to vote for this amendment and vote for this bill to get further on Select. And I know Senator Jacobson would be happy to sit down with Senator Sanders and, and, you know, Senator Cavanaugh and Senator Dungan just to work out those minor difficulties. But I do want to just reiterate the courts have traditionally established their authority in deciphering and determining any of these differences when it comes to liability and responsibility. I say let's trust that process, but kindly pass this bill on to Select. Any di-- any continued differences can be easily dealt with at that point in time. Thank you, Mr. President.

**KELLY:** Thank you, Senator Raybould. Seeing no one else in the queue. Senator John Cavanaugh, you're recognized to close.

**J. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. I just appreciate the conversation. And I would say for those folks that-- have heard from a few people already this year that this place is working like it-- it's supposed to and we've had some really constructive conversations but continued to move things along. So I think I appreciate the, the work of everybody in this place to have meaningful conversations and, you know, we have this-- people disagree about some parts of these bills and we kind of have had the ability on the floor here to suss out what it is exactly why people think one thing and others and how we can address that in a way that still accomplishes the goal. So I do appreciate the conversations

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we've been having on the mic and off the mic to try to get to a place that is actually going to provide help and protections for victims of sex trafficking. I appreciate Senator Sanders' work on this bill overall and everybody that we've talked to. So I think we have reached a compromise on this bill, and so I'm going to withdraw this amendment so that we can get to a compromise and move forward on helping businesses and victims of sex trafficking. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Mr. Clerk.

**CLERK:** Mr. President. Senator Cavanaugh, I have AM250 with a note that you'd withdraw.

**KELLY:** So ordered.

**CLERK:** In that case, Mr. President, Senator Bosn would move to amend with FA928.

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

**BOSN:** Thank you, Mr. President. Good morning, colleagues. So in listening to the debate here and some of the concerns that have been raised and in speaking with Senator Cavanaugh-- who I anticipate will get on and share his support for this floor amendment-- what this does is essentially keeps the second portion of Senator Cavanaugh's floor amendment, adding the language "or has failed to act in a reasonable manner," which is consistent with what we do in other areas of statute, but does provide the carrot version versus the stick version on page 6, line 15. It leaves it as a may instead of a shall. The goal here is to incentivize these hotels and establishments to complete the training and that the incentive there is, if you do that, there are some protections for you. But I don't think any of us wants the optics or the illusion that that is all-- shields you from all liability if you're a bad actor. So I think this is a reasonable compromise. Happy to answer any questions but would ask for your support on FA928. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. I just wanted to rise in support of FA928. I appreciate Senator Bosn's work on finding a compromise here and Senator Sanders' leadership on this bill and, and

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work on compromising. So I would encourage your green vote on FA928.  
Thank you, Mr. President.

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

**HALLSTROM:** Mr. Speaker, members, it's my understanding that the amendment is in accord with what I had been suggesting in terms of changing the shay to-- "shall" to "may" back to that original format and coupling that with the reasonable care standard. And based on that and the conversations that have taken place, I would be supportive of the amendment at this time to attach it to the bill and move the bill forward. Thank you.

**KELLY:** Thank you, Senator Hallstrom. Seeing no one else in the queue. Senator Bosn, you're recognized to close. And waive closing. Senators, the question is the adoption of FA928. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

**KELLY:** FA928 is adopted.

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

**KELLY:** Senator Sanders, you're recognized to close on the bill.

**SANDERS:** Thank you, Mr. President. And thank you, Senators Dungan, Cavanaugh, and Bosn, for your meaningful discussion here on the floor. The hotels came to the Human Trafficking Task Force to be involved in this education for hotels and others. Please vote green. We need to stop human trafficking in, in our state and protect our children. Please note-- please vote green on LB370 [SIC: LB320]. And we promise to work on LB320 between gree-- Select and General. Thank you very much, Mr. President.

**KELLY:** Thank you, Senator Sanders. Senators, the question is the advancement of LB320 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 44 ayes, 0 nays on ado-- on advancement of the bill, Mr. President.

**KELLY:** LB320 is advanced to E&R Initial. Mr. Clerk.

**CLERK:** Mr. President: General File, LB663, introduced by Senator Storer. It's a bill for an act relating to counties. It provides for required education for members of county planning commissions and county boards; changes provisions relating to conditional use or special exception determinations by county planning commissions and county boards; and repeals the original section. Bill was read for the first time on January 22 of this year and referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments, Mr. President.

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

**STORER:** Thank you, Mr. President. And good morning again. I am excited to introduce this morning LB663. This is a bill-- and I want to start this out by being very clear. This is a bill specific to livestock siting, conditional use permits. It applies only to livestock siting. It establishes a clear, streamlined process for planning and zoning procedures specific to conditional use and special exception permit applications that are traditionally reviewed at the county level. LB663 ensures fairness, transparency, and accountability for both the counties and the permit applicants. This legislation respects and protects the county, the county boards, the permit applications, and the proponents and opponents of applications. I want to be very clear. There's nothing in this bill that changes what county zoning regulations can or cannot say. There is nothing in the bill that takes away any authority or local control of a county board as they write their zoning regulations to reflect the needs of their county. The bill protects applicant's interests, however, in an expedited and thorough process and provides county boards with mitigation against potential actions after decisions are made. LB663 respects the public hearing process. It changes nothing about those hearings being held other than it does put in a provision that there is a timeframe by which that needs to happen and a decision is made. It does not alter or preclude citizens from testifying as a proponent or an opponent of this application. LB663 asks that decisions are based on facts and evidence with applicants receiving a reasonable assessment timeline. The objective approach promoted in this bill removes subjective concerns from the process that can often tear communities apart. The county's regulations determine application results and the board is asked to focus solely on their regulations in decision-making-- the regulations that the county writes and votes on. Personal beliefs of the commissioner,

passionate testimony from proponents or opponents, and fears of reprisal have got to be left at the door. There are no what-ifs, only the objective requirements of the county's regulations and the applicant's supplied information. Both the planning commission and county board must presume applicants will comply with the application regulations unless factual evidence proves otherwise. The bill also reinforces government efficiency by preventing unnecessary delays and it esta-- by establishing a timeline for decisions on complete applications. I think as any taxpayer or citizen, we would all expect some responsiveness from government when we are applying for a permit or reaching out for some assistance, needing a, needing a response. It is unacceptable that any form of government leaves a taxpayer or a citizen hanging for months upon months upon months, which turn into years. The zoning administrator or planning commission has 30 days to assess an application's completeness. If the application is incomplete, the applicant must be notified within ten days. And that restarts that timeline again. Once the application is deemed complete, the zoning administrator or the planning commission has 90 days to either approve, deny, or forward the recommendation to the county board. The same timeline applies to the county board. Again, another 30 days to review the application and make a determination if it is complete, 10 days to notify the applicant if they believe it's incomplete. And again, another 90 days for the county board to hold their hearings, do their, do their review, and make a decision. The total process allows for a maximum of 240 days for an application to either be approved or denied by the county. For reference, a DWEE state permit timeline with, with the state of Nebraska is only 110 days. So the state of Nebraska can review those applications in half the time that we're allowing for counties to review application-- conditional use permit applications. If the county board is not granted or denied a conditional use permit or special exception by the end of their 90 days for just the county, the application is automatically deemed to be approved, ensuring government accountability and preventing unnecessary bureaucratic gridlock, protecting applicants from indefinite delays and reinforcing the need for timely government action. To promote informed, efficient decision-making, LB663 also requires each member of the planning commission and county board to complete two hours of education per term. Someone raised the concern that this was an unfunded mandate. NACO has stepped up-- and certainly that's not def-- defined in the bill but is-- has-- in a position to provide that education. Those can be done on a webinar on your computer in your home. There is no added tax dollars necessary to complete that education. Education can

be developed and presented by the county attorney, if they, if they prefer, or a designee of the county attorney. This is a mitigating factor for county boards that face potential lawsuits from decisions made. I am an educator by, by formal education, and I believe that taking proactive measures and providing education can prevent a lot of problems. My staff and other stakeholders have worked diligently to address concerns with all those involved. I will tell you that, in your committee statement, you will see that NACO was-- testified in opposition. We have worked with them and others over the inter-- over the summer and the fall. And I will be-- I have filed AM1693, which addresses their concerns. NACO will tell you that they are no longer in opposition of the bill with the amendment. With that, again, this is simply a bill that safeguards applicants' rights, the rights of those who support and those who oppose an application, and it creates better government efficiency. It fosters transparency and reduces the risk of costly lawsuits by ensuring that decisions are rooted in evidence and fairness and the rule of law. I am asking for your green vote on LB663, and it will also-- I will open following on an amendment that I also ask for your green vote on. Thank you.

**KELLY:** Thank you, Senator Storer. As the Clerk stated, there is a committee amendment. Senator Sanders, you're recognized to open.

**SANDERS:** Thank you, Mr. President. We had a hearing on February 28 of 2025. The exec meeting-- the exec-- we expected-- our committee exceeded on, on the bill, and the vote was five proponents, two opponents, and one neutral. The amendment revises the continuing education requirements, also adds a role for county zoning administrators in this process. This bill gives more clarity to the public and to local officials in the permitting process. Please vote green on AM973. Thank you, Mr. President.

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

**CLERK:** Mr. President, Senator Storer would move to amend with AM1693.

**KELLY:** Senator Storer, you're recognized to open.

**STORER:** Thank you again, Mr. President. This is the amendment that we worked on with stakeholders, including NACO, and it has been vetted through thoroughly. I am very pleased that we have come to a point that everybody is comfortable with this and addressed concerns. The gist of really what LB1693 [SIC: AM1693] does is allows those county boards sort of a, sort of a fire exit, if you will. If on day 89 they

are provided with information that they-- that is determined to substantially change the permit or the app-- the application, then they can ask for an additional 90 days to review that, that new information. So this is just making sure that everybody has the opportunity, there is no gotcha, and certainly gives some protection for those county boards. So again, I ask for your green vote on AM1693.

**KELLY:** Thank you, Senator Storer. Moving to the queue. Senator Fred Meyer, you're recognized to speak.

**F. MEYER:** Thank you, Mr. President. I rise in support of LB663. And as full disclosure, my family is a, a holder of a conditional use permit on a 2,000 head feedlot. It has been in existence for almost 60 years. We have never had an issue with DEQ, but I have seen county boards who have just drugged their feet endlessly to stop livestock operations from siting in their counties, really for no good reason other than maybe a populist attitude in the county. Some of the things that are required of a conditional use permit are-- the-- they're very extensive. First and foremost are the setback requirements from residences and other livestock operations. The latest technology that the Department of DEQ has is called a-- it, it measures the wind and the number of days in Nebraska that it comes from every direction and the amount of cattle in that operation, the amount of odor that might be come of-- might be coming off of that. And they can tailor-make setback requirements-- it's called an odor footprint-- exactly for that type of operation. It's very sophisticated, very scientific. Also, you will have to specify the number of animal that you have in capacity, the manure storage and field application, timing and amounts, and so on, analysis of the manure. And also the type of lots, whether it's an open con-- a complete confinement and open drylot or-- the latest technology includes compacted concrete, where the entire feedlot is on concrete, and it catches-- all the manure, all of the runoff from that is recaptured and recycled on the feedlot site. So looking at the economy of Nebraska the last two years, it has been carried by the livestock industry and continues to today. The crop farmers in Nebraska are having somewhat of a stressful time. And due to their excellent work, they continue to produce bumper crops year after year. And if we're able to, to further the economy of Nebraska, it has to be through livestock operations that add, add value to everything we grow right here. Nebraska is currently number two in cattle feeding-- or, number one in, in cattle feeding, number two in total cattle capacity, behind Texas and the United States. So Senator

Storer's bill just takes some of the uncertainty out of a family operation that would like to expand. These-- the requirements that come down from DEQ or the county that already has those requirements in place are very defined. And if an operation is, is able to meet those, they are certainly entitled to a swift and-- conclusion, both for their own operation and for their financial situation. It's just that they need to have the ability to move forward if they have met all of the criteria set out by the written building-- or, written codes in that county without being needlessly delayed. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, colleagues, I rise in opposition to this bill. I'm on the Government Committee. I sat in the hearing for this bill. I voted against it when it came out of committee. So I have a number of issues with this. And having sat through the hearing, talked to the folks who are in favor of this bill, I understand their frustration. I understand what Senator Meyer was just talking about, which is that people want certainty and they want to, you know, el-- eliminate these hurdles of having unnecessary hurdles, is what I think he said. So the problem is, who decides what's unnecessary? And who decides what is a reasonable constraint to put on something? And, you know-- again, I live in a-- I live in a city and not near any animal production, but I do remember things like, you know, the South Omaha Stockyards, going, going to the Stockyard movie theater. And when you-- before, you know, you get out of your car and you go to the movie theater, the smell was quite pungent from the Stockyards. And there are folks who, you know, in, in some of these communities, if somebody wants to put a feedlot near their property, they may object to that. And the people who object, maybe they don't-- they aren't ultimately going to prevail on their objection and the feedlot will get built and the person who ever is-- wants to build this feedlot will get the opportunity to build it. But someone's objection, they deserve to be heard, and they deserve to have a meaningful airing of those objections and a meaningful conversation about wha-- why it may be a bad idea to put this particular thing where it is and what are reasonable constraints upon that facility. You know, whether it is a limit in the number of head that you would have in the facility or maybe some-- something to do with where you would store the animal waste and things along those lines. So putting constra-- constraints upon it, not just a automatic granting of these things. So what this bill does, and the reason I

object to it is, it shifts the balance away from an individual who may object to something new coming into their neighborhood or their community towards someone who wants to put something new there. And it-- one of my biggest objections is the, the shot clock, is what we call it, the artificial time constraints, and say it has to be done-- X, X decision needs to be made by this amount of time. And I'm very opposed to those and-- because I have seen what happens in other instances where there has been a shot clock. And I've talked many, many times about the cell phone tower in the middle of the sidewalk in my neighborhood. That is the result of an attempt-- maybe a goodwill, good-intentioned attempt at-- of getting, you know, a necessary thing. We all like-- I assume everybody here has a cell phone and that we all want good quality telephone connection, data connection, so we want these new towers. So it does-- you know, it is a, a greater good that we want. But we put this artificial shot clock on there and therefore they didn't consider all of the things they should have considered and they put this cell phone tower in the middle of the sidewalk and meant-- and didn't think about where they would put the sidewalk. And so then they ended up having to [INAUDIBLE] the sidewalk way into this lady's yard, as opposed to-- they couldn't do it on the street side because of the shot clock. They didn't consider the-- complying with the Americans with Disabilities Act where they were going to put the sidewalk. So that's, you know-- oh. I'm going to have to push my light to talk again because I'm running out of time here. And I could talk about this shot clock problem forever. But just-- things take time. We just had a nice-- a long discussion on the floor here-- or, not very long-- an hour and a half-- and people get frustrated and they say, we need to move on and we need to get this accomplished and we need to get to the next thing. But things take time, and they-- we should make sure they have the time that it takes to come to the answer. We should not artificially put a limit and say you have to make a decision about whether you're going to site this here by this date or else it just automatically gets issued. Then that is a recipe for people making rushed judgments and decisions that maybe they wouldn't make if they were given the opportunity to make those decisions. So I'm opposed to the bill for that reason, but there's other parts. And I'll, I'll push my light so that I can continue talking on this, at least for a little bit. Thank you, Mr. President.

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

**BALLARD:** Thank you, Mr. President. I just want to take a moment to thank Senator Storer for her work on LB663. I-- I've been working on these issues for the last four years, and I know the difficulty in working with all the stakeholders involved. Because of Senator Ca-- Senator John Cavanaugh said, this is an issue of local control, making sure that all provisions are acceptable. But when you talk to homebuilders, ag producers, commercial construction, they say this is one of their number one issues. They-- whether it's an ag builder as-- reading through the transcript in my district-- he said he works in 22 different states. Nebraska is the hardest to work through these permitting. You talk to commercial builders that build hotels in Lincoln and Omaha, they say Nebraska is the hardest place to build commercial buildings. And so there-- there's something broken in this state when dealing with permitting and zoning and per-- land use. And so I appreciate Senator Storer trying to fix that issue. I will continue to try to work on this issue. With-- and with that, I would like your green vote on LB663. Thank you, Mis-- thank you, Mis--

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

**BRANDT:** Thank you, Mr. President. I'm coming at this from a little different angle. This is about economic development for rural Nebraska. I started here eight years ago. At that time, the topic-- we were just coming out of "I hate hog houses" to "I hate chicken barns." And typically what happens is a county would pass a special use permit for these things or they would be in the middle of the fight and the people that got beat would come up here and they would expect the state to pass legislation to overturn what the county is doing. And I always said, get on your planning and zoning board, run for commissioner. These are, these are local issues. Now it's evolved into "wind towers are a problem." And then after the wind towers, we came after solar. We've always gone after the feedlots. And let me tune you in to what they're going to go after next. That'll be battery storage. And then after that, it'll probably be big dairies coming into the state. When I talk to my county commissioners, they're kind of on both sides of this. When, when we have a protest against windmills in my county, they'll pack the district courtroom. Both sides will be there, but typically the louder voices are there. And it can be quite intimidating for a local board. And they are sometimes given to maybe the political reality that they won't get elected if they don't vote a certain way rather than looking at the science or the economics of the, of the proposal. I think this has some merit to allow ag things in ag counties. You aren't going to put

chicken houses, hog houses, feedlots, and dairies in Douglas County. You aren't going to put them in Sarpy County and in a lot of Lancaster County. But you are probably going to put them in the other 90 counties in the state. And we see a lot of defensive action out there. On renewables, for example, they won't come out and kill the wind towers; they'll just increase the setback. Same way with solar. They won't come out and kill the solar; they'll just increase the setback to the point that the project is not feasible. They'll put limits on the, on the number-- or, the setback on, on livestock facilities. So I just wanted to make those points and get those into the record. Thank you, Mr. President.

**STROMMEN:** Thank you, Senator Brandt. Senator Raybould, you are recognized to speak.

**RAYBOULD:** Thank you, Mr. President. Thank you, Senator Brandt. You covered a lot of the things I wanted to say. And I can say, as a former Lancaster County commissioner, we have been dealing with these issues for such a long time. And I appreciate Senator Storer trying to come up with some consistency and uniformity and additional educational opportunities, which I think are so desperately needed. Yes. I mean, we've, we've heard complaints and issues about CAFOs, concentrated animal feeding operations, be it a chicken barn, a hog barn, or a feedlot. We've heard complaints about the renewables that are so needed to keep up with the electrical demands in our state. The-- we've heard complaints about solar farm and wind farms. And I think the most important advice I can say to those county boards and county supervisors out there and planning commissioners and boards, planning boards: be proactive. Don't wait for us to tell you what to do. Get educated. Come up with consistent, uniform, clear policies. Don't wait for a solar farm to come to your neighborhood and all of a sudden start overreacting and be a NIMBY, not in my backyard. Really be proactive. We are an agricultural state. We have to be open to hog barns, chicken barns, and feedlots. They're just-- that's what we do. We can, for those folks in those communities, also be proactive. If you see that one of those feedlots is not in compliance and you see waste runoff, you file a complaint. You in that county can be proactive and reach out to the state and say, I see a violation of this. Are you enforcing violations of this? Are you seeing what I'm seeing? It's up to us to have that duty and responsibility to be proactive on both sides to make sure that all those-- the-- those CAFOs are in compliance. That's our job to do. But I find that when a, a-- when you look at the planning boards, planning commissions, they are under a duty and obligation just to validate the-- what

application and permit that is pending before them is in compliance. They have no leeway on that. They can have hearings and testimony, which is essential. They want to hear from the public, but they don't have a lot of leeway in, in variations or disagreeing with it. They have to go strictly to what that zoning law says. County boards, county supervisors have more leeway. And I appreciate the fact that they have hearings and listen to concerned populations. There's so many people that-- hey, I've been living here for 45 years and we've never had to deal with this issue or the smells that are going on, but that's where you can be proactive and maybe require additional setbacks. But make sure the setbacks are consistent and you don't change them because you don't want it in your backyard. Come up with consistent regulations. Why is this important? Businesses want to know before they even take the time to look at your county and that willingness to invest in your county if they're going to encounter obstacle after obstacle and hurdle and changing rules and regulations. So county officials out there: be proactive. NACO is your great bar-- great organization. They can give you that direction and guidance. But be proactive. Start this stuff now. Let's not deny renewables of wind farms and solar farms. They're needed desperately in our state. They're the quickest turnaround of getting additional electrical resources to our state. Be proactive, come up with consistency, and work with NACO. I am going to vote in support of these amendments and this bill. I wanna see it move to Select. And if there's any other concerns outside of the amendments that we're going to support and pass, then I'd like to hear them. And I know Senator Storer would be open-minded to making her bill even better. Thank you, Mr. President.

**STROMMEN:** Thank you, Senator Raybould. Senator John Cavanaugh, you are recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. I appreciate everything Senator Raybould was saying there, and I think that she's correct about all those things, is that people deserve to have, you know, certainty and, and that we need to not discriminate based off of if it's a project that we don't personally like. I think that's 100% right. And so there should be one consistent standard. So-- for somebody-- wants to build on a particular parcel, they get treated the same as if they're building a, a feed operation, if they're building a solar, a battery, a wind turbine, they get treated the same and have all of the same requirements and timelines and things like that and that time-- the, the things-- the requirements do not change after the application is filed. I think all of those things

are fair. My opposition to this bill again is, is-- specifically, I don't like the shot clocks, but I also don't like the fact that this bill does prescribe and say things that, that cannot be required. I-- the folks are saying we need local control and that counties need to be able to make their own decisions. This bill is very proscriptive in things that they cannot ask for. I-- whether those are the right things to ask for or not, I, I don't know the answer to that. I do agree that, if they are going to ask for them, they should ask-- they should have that in their policy and that should be something that they would be asking for of every project. And so somebody can decide if they're going to move into Cherry County-- Cherry County has its, you know, rules already laid out-- so you can look at them and say, well, all right, we're willing to go through those hoops. And so different counties can have, you know, rules based off of whether or not they are willing, you know, or wa-- want to attract people. I think that is appropriate. I think that's fair. I, I understand the frustration. I did want to point out Senator DeKay did remind me correctly that the smell to which I was referring is the smell of money, which is, of course-- and Senator Brandt-- the col-- and Senator Brandt's wearing the color of money, he says. And yeah, our economy is based on this industry and we have a lot of farmers who are hurting because of-- specifically trade practices at the moment. And so I think finding ways to make sure that folks can participate fairly and appropriately in their field or profession and that the government is not creating artificial or, or unreasonable restraints on them is appropriate. I-- my problem with this bill is I think it oversteps and it shifts the be-- balance away from anybody who maybe would be affected by these projects. It limits their ability to object. I think it limits counties to make their specific decisions. And so that's why I'm opposed to the bill as is. I would say one other additional problem I have is the part about the presumption. And-- I'm trying to find that section-- which is basically that the county has to presume that the individual is following all of the requirements unless they have specific evidence to the contrary. And I think once you have, you know-- once you have done something-- say you build your, your facility-- the county I think would need specific evidence that you are violating the rules. But before you are granted a permit, I think you should be required to affirmatively prove your plans to comply. And so I don't think we should shift the burden before the, the conditional use permit is granted. So that's basically my reasons I'm not going to vote for this bill. And I, I-- you know, I-- like Senator Raybould said, if I can think of constructive ways between General and Select to fix it or to make

suggestions, I will certainly do that. But at the moment, I'm going to be a no on LB663. Thank you, Mr. President.

**STROMMEN:** Thank you, Senator John Cavanaugh. Senator Storer, seeing no one else in the queue, you are recognized to close.

**STORER:** Thank you, Mr. President. I wanted to, before I, I go to my actual closing comments, wanted to address a couple of the things, concerns that Senator Cavanaugh has expressed. And certainly, they're consistent with those things he expressed in committee as well. But first and foremost, make it very clear that the-- LB663 is specific to livestock siting. So that-- or, or the special use permits that the provisions of this bill apply to. In terms of being overly prescriptive, I guess I, I don't, I don't agree with that fra-- and I will just take from the bill itself. The, the condition I guess in the bill-- page 5 of the original bill-- a commission or county board shall not require an applicant for a conditional use permit or special exception to apply for or obtain any other permit from a federal, state, or local agency as a condition for granting such conditional use permit or special exception. So that-- that's not prescriptive in my mind. It's just saying you cannot deny a application based on a requirement that they go get the state permit that, by the way, they're going to have to get in order to build the facility. So it's duplicitous. In order for a confined animal feeding operation to move forward, they have to comply with both local zoning and the state requirements, and any additional federal requirements if those exist. One doesn't exclude the other. They get-- they need the permits app-- approved from all those levels of government. And granting the permit at the local level does not preclude them from having to get the permit at the state level. What the bill says is you simply can't use that as an excuse to deny them that permit. They're going to have to get it anyway. Just can't be used as a, as a, a ex-- a reason to deny it at a local level. So I do not view that as prescriptive at all. You know, there was some comments-- I fou-- I found this fascinating, quite frankly. There were some emails that came out that said, whoa, this is, this is not protecting the small farmer and rancher. And I just am mystified at that comment. Wowee. Let me tell you something. In the state of Nebraska, and with the conditional use permit application process, those that I saw when I was a county commissioner and, and others who I have heard from since I introduced this bill are exactly the family farms. These are multigenerational family farms who are trying to expand their business in order to bring another family member home, in order to sustain their business. These are exactly the people that we're

talking about, are the family farms and ranches. And so I find it insulting that anyone suggests that this bill is anything other than that. And by the way, by, by putting more hoops and, and, and conditions and making it more difficult to obtain these conditional use permits, you're hurting-- for those of you listening that think this is an antifamily farm bill-- those are the people you're hurting, the people that can't afford to go hire an expensive attorney or an expensive, you know-- someone to develop their plan for them. Word's not coming to me at the moment. By making things more complicated and, and the hurdles higher to jump, it is the family farms that you are putting in the position to be unsuccessful in getting these permits. So don't tell me that, and don't other people that, that this is an antifamily farm bill. That's a pure lie. We're trying to make it easier to keep our family farmers on their land and bring family members home. The last thing I would just add is in regards-- and I'm gonna talk until I'm out of time here-- is in regards to property tax relief. We all want property tax relief, but, in agriculture, we're not making more land. It-- we can't make more land. The only thing we can do is diversify and add value in other ways. And that value grows the value-- the total value of the county, which spreads that tax burden out. So you don't get to have it both ways. You don't get to say no to everything in a county and I-- but yes-- but, but be angry that you're not getting property tax relief. That is economically not how it works. My time is up. Thank you. I ask for a green vote on AM1633 [SIC: AM1693], AM973, and LB663.

**KELLY:** Thank you, Senator Storer. Senators, the question is the adoption of AM1693. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

**KELLY:** AM1693 is adopted. Seeing no one else in the queue. Senator Andersen-- Sanders-- I'm sorry-- Sanders, you're recognized to close on the Government Committee amendment. And waive. Members, the question is the adoption of AM973. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 36 ayes, 2 nays on adoption of the committee amendment, Mr. President.

**KELLY:** AM973 is adopted. Seeing no one else in the queue. Senator Storer, you're recognized to close on the bill.

Transcript Prepared by Clerk of the Legislature Transcribers Office

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Rough Draft

**STORER:** Thank you again. I don't have much more to add. I appreciate the conversation. Again, I think the entire morning has, has-- I thi-- I don't remember who said that-- maybe it was Senator Cavanaugh-- but he got a text that someone was encouraged that we were actually moving things through in a way that involved good debate and good solutions. So appreciate the conversation and ask for your green vote on LB663. Thank you.

**KELLY:** Thank you, Senator Storer. Senators, the question is the advancement of LB663 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 35 ayes, 2 nays on advancement of the bill, Mr. President.

**KELLY:** LB663 is advanced to E&R Initial. Mr. Clerk.

**CLERK:** Mr. President, items for the record. Communication from Speaker Arch concerning the referral of LR329 to the Reference Committee for purposes of referring to the appropriate standing committee. Notice of committee hearings from the Agriculture, Revenue, Natural Resources, Exec Board, and Banking Committees. Committee report. Mr. President, your, your Committee on Banking, Commerce and Insurance, chaired by Senator Jacobson, reports LB836 to General File with committee amendments. Additionally, your Committee on Judiciary, chaired by Senator Bosn, reports LB741, LB751, and LB795 to General File. Amendments to be printed from Senator DeBoer to LB103. New LR: LR334 from Senator Juarez. That'll be laid over. The Referencing Committee will meet in Room 1524 upon adjournment. The Revenue Committee will hold an executive session immediately following their hearing today, January 28, as well as the Government Committee will also have an executive session immediately following their hearing on Thursday, January 29. Name adds: Senator Conrad, name added to LB1034; Senator Hardin, LB1073; Senator Hansen and Senator Hardin, LB1188. Mr. President, a priority motion: Senator DeKay would move to adjourn the body until January 29 at 9:00 a.m.

**KELLY:** Speaker Arch, you're recognized for an announcement.

**ARCH:** Thank you, Mr. President. Colleagues, I just wanted to update you as to where we are with bill scheduling and, and tell you what I see in the, in the worksheet right now and how we'll go-- and how we'll be going forward. As of today, we've gone through all-- except one that's going to be on tomorrow's agenda-- of the worksheet order carryover bills that'll be scheduled without needing a 2026 priority

designation. So we're done with the carryover. And some of those bills-- I've, I've had conversations with you. Some senators have asked me not to schedule them. And, and, and some, as I mentioned here, are going to require a priority designation. But otherwise, the carryover bills, we, we have completed those. Going forward, bills placed on General File with no dissenting votes now in 2026 are going to take priority over bills with one or more members voting no to advance. So just like we started carryover, we'll continue that. And I know some, some committees today moved some 8-0 bills out and those types of things, so we'll probably be seeing those come up here in the next couple of days. The bills I-- but-- again, same thing. The bills I anticipate being filibustered, I will, I will ask you for a priority designation before scheduling those. The worksheet order bills I have available for tomorrow's agender-- agenda will, will not take the full morning. So we're going to move on to priority bills. So beginning tomorrow, we will start debate on 2026 priority bills. So right now, I think five of you have identified your, your priority. Two of those are still in committee. So there are three that are available for scheduling, and these are the three that we will schedule tomorrow: Senator Lippincott's LB548, a bill to provide for political subdivisions that own or operate natural gas systems to contract with industrial consumers of natural gas; Senator Storer's LB669, a bill to change requirements for voluntary and informed consent and civil actions relating to abortion; and Senator Hardin's LB538, a bill to require school boards and postsecondary educational institutions to adopt a policy and provide training related to discrimination and anti-Semitism and provide for Title VI coordinators. Not necessarily in those or-- in that order, but those three priority bills. So I just wanted to give you an update as to where we are with the worksheet and, and what's happening. I had an-- I have been encouraging committee chairs: if you've got-- if you've got good, clean, noncontroversial bills to move-- and, and that's what we're seeing now-- some of these 8-0 bills coming out, please keep doing that because it-- there's a good chance at the present time-- and you might miss the opportunity if you delay-- but at the present time, there's a good chance we can get those scheduled as worksheet order. Thank you, Mr. President.

**KELLY:** Thank you, Speaker Arch. Senators, the question is the motion to adjourn. All those in favor say aye. Those opposed say nay. The Legislature is adjourned.