

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the Twenty-Seventh Day of the One Hundred Ninth Legislature, Second Session. Our chaplain for today is Pastor Andrew Mahoney, First Baptist Church Omaha in Senator Cavanaugh's district. Please rise.

**ANDREW MAHONEY:** Please join me in prayer. Great in majesty are you, O Lord. Incline your ear to our endeavors of this great state of Nebraska. Look upon the people of this state and in this Chamber with love and compassion. We invoke your spirit of peace and wisdom to guide the actions of those elected to lead us. Humble us before your powerful name and before the tremendous responsibility that is before them. May they not take it lightly their duty to remember their oath when they were sworn to support the Constitution of the United States and the state of Nebraska. Upon raising their hands, Lord, they swore to you, and entered a covenant with the citizens they represent. May they bestow their duties with honor, integrity, selflessness; with efforts towards common unity and thankfulness that they be so blessed with such a great honor. Watch over them and their families as they seek the common good. In Jesus' name, I pray. Amen.

**KELLY:** For the Pledge of Allegiance, I recognize Petty Officer R.G. Smith, Navy, Bellevue, Nebraska, in Senator Holdcroft's district.

**R.G. SMITH:** I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

**KELLY:** I call to order the Twenty-Seventh Day of the One Hundred Ninth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

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

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

**CLERK:** There are, Mr. President. Your Committee on the Judiciary chaired by Senator Bosn reports LB817, LB1181 to General File,

LB1181 having committee amendments. Additionally, communication from Senator Kauth as chair of the Business and Labor Committee designating LB847 as one of the committee priority bills for the session. Business and Labor, LB847, committee priority bill. Additionally, your Committee on Government chaired by Senator Sanders reports LR14 as placed on General File. Corrected report, excuse me. Additionally, communication from Senator Kauth as chair of the Business and Labor Committee designating LB921 as chair-- as a committee priority bill. LB921, committee priority. Senator Wordekemper has chosen LB400 as his personal priority bill for the session. Senator Wordekemper, LB400, personal priority. Notice of committee hearings from the Government, Military and Veterans Affairs Committee. That's all I have this time.

**KELLY:** Thank you, Mr. Clerk. Senator John Cavanaugh would like to recognize the physician of the day, Dr. John Balman of Omaha. Please stand and be recognized by the Nebraska Legislature. Senator Glen Meyer would like to recognize some guests in the north balcony from the Chamber of Commerce and Tourism, South Sioux City, Nebraska. Please stand and be recognized by your Nebraska Legislature. Under the south balcony, Senator Clements would like to recognize his daughter, Sarah Mayo, his granddaughter Eleanor, Jocelyn, and his grandson, Theodore. Please stand and be recognized by the Nebraska Legislature. Senator Holdcroft would like to recognize Virgie Smith of Bellevue, seated under the south balcony. I recognize Senator Clouse for an announcement.

**CLOUSE:** Thank you, Mr. President. I'd like to take a moment to just remember Mike Yanney. He was a great community member, philanthropist from Kearney, but yet the lives that he touched across the state in Omaha, and made Omaha what it is today from early on, years and years and years of investment and philanthropical, philanthropical efforts that just really go unmatched. And what he did for his hometown, my hometown of Kearney, is just amazing, with the Yanney Heritage Park. And, as I expressed to some this weekend, it, it wasn't just the Yanney name on the Yanney Heritage Park, but it was the Scotts and the Gottschalks and, and all those that were big community leaders in Omaha. They-- that stretched outstate to where we are at in Kearney, and we really appreciate that investment. So, Mike Yanney was a, was a good man, a friend of many here on the floor, and he did a lot of great work for this community. And his passing-- he had been frail the last, last several months,

and I think we all knew that. But just want to, you know, lift him up in your prayers and, and his family, and just give a, a gratitude of thanks for what he brought to this state.

**KELLY:** Senator Machaela Cavanaugh, you're recognized for an announcement.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Senator Clouse, for acknowledging Mr. Yanney. He was a dear friend, and will be missed. I rise to also remember a constituent of mine that's well-known in Omaha, Dr. Meredith Bacon, who passed away at the age of 79. For nearly four decades, Dr. Bacon taught political science at the University of Nebraska at Omaha. Generations of students passed through her classroom, and many of them left not only with a better understanding of politics and the world, but a deeper sense of themselves and in their place-- their place in, in it. She was a scholar, a mentor, and a fierce advocate for academic integrity and honest conversation. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Spivey, you're recognized for an announcement.

**SPIVEY:** Thank you, Mr. President. Good morning, colleagues and Nebraskans. I wanted just to take a moment to acknowledge Reverend Jesse Jackson, who just passed away. His family made an announcement as our country and our communities mourn this loss. Across more than 60 years of service, Reverend Jackson dedicated his life to advancing civil rights and human rights. From early leadership along Dr. Martin Luther King Jr., to his tireless advocacy for economic justice, voter empowerment, and global peace, he remained a steadfast voice for those too often unheard. His impact reached far beyond moments in history; he inspired action, courage, and hope in generations around the world. I think now, more than ever, folks from all points of communities feel like the work that he really stood for and helped to accomplish is being in question. And so, as we think about Reverend Jesse Jackson's life and what it meant, and what he really worked to create-- more just communities for everyone-- that we can be situated here as a body around supporting working families, folks that are pushed to the margins, folks that just trying to figure out how to make ends meet. His legacy, grounded in faith, perseverance, and an unwavering belief in equality continues to guide us forward. We are grateful, I am grateful for his service, and, and recommit

myself to carrying the torch of justice he so boldly upheld from elder to ancestor. Thank you, Mr. President.

**KELLY:** Thank you, Senator Spivey. Speaker Arch, you are recognized for an announcement.

**ARCH:** Thank you, Mr. President. Just an announcement. Today's a big day, right? So, today, before adjournment, please make sure you have any Speaker priority requests turned into my office before adjournment today. Thursday, before adjournment, the committee and, and senator priority bill designations are due; those, those are-- those go to the Clerk and to my office. And I-- and then Friday is the day that I will announce Speaker priority designations, my choice, and so you can anticipate that on Friday. But I want to give you just kind of an overview of where I see we are on the agenda right now. Some of you, I know, are watching worksheet order General File bills very carefully, anticipating that those will come up and you don't have to put a Speaker request for a designation or your own priority. I, I will tell you that I'm-- that I-- what I see coming now, particularly with the deadline on Thursday, is we're going to be moving to priority bill designations quickly. And so, if you see something there on that worksheet order, the guarantee that that's going to get up on the floor at this point is diminishing, so you might want to consider Speaker priority request, or your own priority designation, but I just wanted to kind of alert you to that. If you're on-- if you're on Select now, and your, your bill, your bill is ready-- is already on Select, then we're going to keep moving those bills, but as far as new General File worksheet order bills, that is-- the-- there's no guarantee at this point, so I just wanted to alert you to that, so. Thank you, Mr. President.

**KELLY:** Thank you, Speaker Arch. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR340. Mr. Clerk, please proceed to the agenda.

**CLERK:** Mr. President, the Natural Resources Committee would report favorably on the gubernatorial appointment of Bradley Bird to the Environmental Quality Council.

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

**BRANDT:** Thank you, Mr. President. Good morning, colleagues. We've got 33 days left. All right, that didn't get a rise out of anybody. On behalf of the Natural Resources Committee, today I offer for your consideration the nomination of Bradley Bird for reappointment to the Environmental Quality Council for a term from June 23, 2025 to June 22, 2029. The Environmental Quality Council is a 17-member public body appointed by the governor to represent specific interests and adopt regulations that are administered by DWEE. The Natural Resources Committee had a public hearing on February 11, 2026, where Mr. Bird appeared in person and answered the committee's questions. Mr. Bird lives in Elkhorn, Nebraska, and is currently employed as a union representative with the United Association international representatives for Missouri, Iowa, Nebraska and Kansas. Mr. Bird has served on the council since 2024, and represents the labor position. He previously served on the Ethanol Board. Mr. Bird's nomination was advanced to this body by an 8-0 vote of the committee. I ask for your green vote for the confirmation of Mr. Bradley Bird to the Environmental Quality Council.

**KELLY:** Thank you, Senator Brandt. Seeing no one else in the queue, you are recognized to close, and waive closing. Senators, the question is the adoption of the committee report from Natural Resources. All of those in favor, say-- vote aye; all those opposed, vote nay. Record, Mr. Clerk.

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

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

**CLERK:** Mr. President, the Natural Resources Committee would report favorably on the gubernatorial appointment of Kristen Gottschalk and David Liegl to the Nebraska Power Review Board.

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

**BRANDT:** Thank you, Mr. President. Once again, good morning, colleagues. On behalf of the Natural Resources Committee, today I offer for your consideration the nomination of David Liegl and Kristen Gottschalk for reappointment to the Power Review Board for a term from January 2, 2026 to January 1 of 2030. The Nebraska Power Review Board was created to regulate Nebraska's electrical utility industry. The board consists of five members appointed by the governor and confirmed by this body. Board members serve four-year terms, and cannot serve more than three

consecutive terms. No more than 3 board members may belong to the same political party as, as the governor. The board must include an engineer, an attorney, and three lay persons with no geographic boundary restrictions. The Natural Resources Committee had a public hearing on February 11, 2026, where Mr. Liegl and Ms. Gottschalk both appeared in person and answered the committee's questions. Mr. Liegl lives in Lincoln, Nebraska and is currently self-employed as an attorney and CPA. Mr. Liegl has served on the board since December 2023 and represents the accountant position on the Board, and is a Republican. Ms. Gottschalk lives in Colon, Nebraska and was formerly employed by the Nebraska Rural Electric Association. She has a degree from UNL in agriculture, natural resources, and wildlife management, and has served on the board since 2022, and is a registered independent. Both nominees were advanced to the body by an 8-0 vote of the committee. I ask for your green vote for the confirmation of Mr. David Liegl and Ms. Kristen Gottschalk to the Power Review Board.

**KELLY:** Thank you, Senator Brandt. Seeing no one else in the queue, you're recognized and waive closing. The question is the adoption of the committee report from Natural Resources. All of those in favor, vote aye; all of those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** 36 ayes, 0 nays on adoption of the committee report, Mr. President.

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

**CLERK:** Mr. President, the Natural Resources Committee would report favorably on the appointment of Tassia Falcon da Silva Steidley and Alden Zuhlke to the Environmental Quality Council.

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

**BRANDT:** Thank you, Mr. President. On behalf of the Natural Resources Committee, today I offer for your consideration the nominations of Tassia Falcon da Silva Steidley, and Alden Zuhlke for reappointment to the Environmental Quality Council for a term from June 23, 2025 to June 22, 2029. The Environmental Quality Council is a 17-member public body appointed by the governor to represent specific interests and adopt regulations that are then administered by DWEE. The Natural Resources Committee had a public hearing on February 5, 2026, where both

nominees appeared in person and answered the committee's question. Ms. Falcon da Silva lives in Lincoln, Nebraska and is currently employed as an environmental engineer specialist at Divert, Incorporated. She has a master's degree in environmental technology management. Ms. Falcon da Silva has served on the council since 2021 and represents the minority's position on the council. Mr. Zuhlke lives in Brunswick, Nebraska, and is a retired farmer. He fills the position of livestock industry on the council. Both Ms. Falcon da Silva and Mr. Zuhlke's nominations were advanced to this body by an 8-0 vote of the committee. I ask for your green vote for the confirmation, confirmation of Ms. Tassia da Silva Steidley, and Mr. Alden Zuhlke to the Environmental Quality Council.

**KELLY:** Thank you, Senator Brandt. Seeing no one else in the queue, you're recognized to close, and waive closing. The question is the adoption of the committee report from Natural Resources. All of those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** 37 ayes, 0 nays on adoption of the committee report, Mr. President.

**KELLY:** The committee report is adopted. Senator Glen Meyer would like to recognize some guests in the north balcony from Wayne County: they are from Leadership Wayne Class 17. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk.

**CLERK:** Mr. President, the Judiciary Committee would report favorably on the appointments of Kathleen Bauer and G. Randall Hansen to the Crime Victims Reparations Committee.

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

**BOSN:** Thank you, Mr. President. Good morning, colleagues. The Judiciary Committee held a confirmation hearing on January 26, 2026-- excuse me, January 28, 2026 to consider the gubernatorial appointments of Kathleen Bauer and G. Randall Hansen, both to the Crime Victims Reparations Committee. For Ms. Bauer, this is a new appointment, and she would serve a four-year term until September 30, 2029. And for Mr. Hansen, this is a reappointment, and he would also serve a four-year term until September 30, 2029. Mr. Hansen was first appointed to the Crime Victims Reparations Committee in 2009. Ms. Bauer currently serves as the executive director of Sandhills Crisis Intervention Program, and

has held that position since 2012. She brings a wealth of knowledge and experience to the committee, and has been deeply committed to meeting the diverse needs of survivors of domestic violence, sexual violence, and human trafficking. She resides in Ogallala and holds a bachelor of arts degree from Chadron State College. She appeared in person at the public hearing, and the committee voted 7-0 with one member not voting to advance her confirmation. Mr. Hansen is a retired CPA. He lives in Omaha, and has been an advocate for victims for the last 16 years. He has served on multiple professional ethics boards throughout his career, including the Independence and Behavioral Standards Subcommittee for the Nebraska Society of CPAs, and is a frequent volunteer and speaker for several community and service groups. He holds an accounting degree from the University of Nebraska in Lincoln. He appeared in person at his hearing, and the committee voted 7-0 with one member not voting to advance his confirmation. Colleagues, I would ask for your green vote for both Ms. Bauer and Mr. G. Randall Hansen to the Crime Victims Reparations Committee. Thank you, Mr. President.

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

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

**KELLY:** The committee report is adopted. Mr. Clerk, next item.

**CLERK:** Mr. President, the Transportation Committee would report favorably on the appointment of James W. Hawks to the State Highway Commission.

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

**MOSER:** Thank you, Mr. President. The Transportation and Telecommunications Committee held confirmation hearings on February 2, 2026 for the appointment to the Nebraska State Highway Commission. The commission's mission is to ensure public input on the development and operation of Nebraska's state highway system. The commission is an eight-member governor-appointed committee, and they serve six-year terms. Each member represents one of the eight highway districts. The district of

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate February 17, 2026

Rough Draft

Nebraska Department of Transportation-- the director of the Nebraska Department of Transportation serves as an ex officio member. James Hawks certain-- currently serves on the commission as the representative from Nebraska's sixth highway district. He earned his master's in business administration from the University of Nebraska, and is also a business owner who owns Brothers Tavern in North Platte. The Transportation and Telecommunications Committee recommended this confirmation with a majority voice vote. We'd appreciate your support. Thank you.

**KELLY:** Thank you, Senator Mosers [SIC]. Seeing no one else in the queue, you're recognized to close, and waive closing. Senators, the question is the adoption of the committee report from Transportation and Telecommunications. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** 28 ayes, 0 nays on adoption of the committee report, Mr. President.

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

**CLERK:** Thank you, Mr. President. Your Committee on Health and Human Services chaired by Senator Hardin reports LB732, LB888, LB914, LB955 to General File. Your Committee on Banking, Commerce and Insurance chaired Senator Jacobson reports LB953, LB1044 to General File. Amendments to be printed from Senator Juarez to LB1261. Additionally, communication from Senator Arch designating LB1087 as his personal priority bill for the session. And a communication from Senator Moser designating Senator DeKay's LB1261 as his personal priority bill for the session. That's all I have at this time.

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

**CLERK:** Mr. President, Select File, LB653 introduced by Senator Murman. When the Legislature left the-- pending was the bill itself, as well as the-- excuse me. The E&R amendments were adopted to the bill previously, Mr. President.

**KELLY:** Thank you, Mr. Clerk. Senator Murman, you're recognized for a two-minute refresh.

**MURMAN:** Thank you, Mr. Lieutenant Governor, and good morning, Nebraskans. LB653 makes two changes. One, it makes a small change related to option enrollment, to ensure if one sibling is accepted, the district may not deny their sibling, even if they have a disability. This is ultimately a matter of fairness, and this is a compromise where we were able to get the schools either on board or neutral with that change. The other piece of LB653 allows for the suspension of a K through Second student if they engage in violent behavior capable of causing harm to another student or staff member, originally in LB430. This is for a number of reasons. While the suspension should be used sparingly, LB653 is narrowly-written to ensure they are only used in significant cases. Finally, some may have reasonable concerns about the overuse or unfair use of suspensions. This is why this bill has safeguards in place, to ensure that, that, that does not happen. LB653 does not simply remove the prohibition on suspensions; instead, under this plan, if the school does suspend a young student, they must have an opportunity to meet with the parents or guardians and develop a plan for moving forward. This was a system that was supported by school boards, the administrators, social workers, and a number of individual school districts. I ask for your green vote on LB653. Thank you.

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

**CLERK:** Mr. President, Senator Dungan would move to amend with AM2041.

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

**DUNGAN:** Thank you, Mr. President. Good morning, colleagues. I rise today to bring an amendment to LB653 that I think addresses some of the concerns we brought up last week, and continues some of conversation we had, but in a way that I think is a, a, a true compromise between some of proponents of this bill and some of the opponents of this bill. So, as Senator Murman said-- Mr. President, could I get a gavel? [GAVEL] Thank you. Sorry, colleagues. I know it's the first day and people kind of like talking, but I just want to make sure we're paying attention to the amendments. So, this is a compromise amendment. I've been actually working with Senator Murman's office on some of this language, going back and forth, and it's a very simple amendment that just does a couple of things. One, it clarifies that if there is a meeting after these suspensions occur, that it not

just include the student, but also the parent, the guardian, or educational decision maker as defined in 79-530, so that's to make sure that we have those making decisions about the student's educational future in that meeting. In addition to that, it requires that rather than just verbal notice, there also has to be that written notice of the charges against the student with regards to the suspension, and that's to make sure that there's some documentation or knowledge provided to the parents or the caregivers. And then finally, as Senator Murman mentioned, having these meetings is very important to make sure that we know what the underlying causes are for the issues leading to the suspension, especially for young kids K through Second grade. All that this additionally changes, the second part of my amendment, is that in the event that the school does not host a meeting, which this currently says that they should do, this says they shall make reasonable efforts to hold a conference with the parents and the guardians to discuss the suspension. This says in the event that that meeting doesn't happen, the parents or the guardians or the educator-- educational decision makers can request that that meeting happen. So, again, it's optional. Originally, there were some recommendations or proposals we had to make that an obligatory meeting. I understand that we're always walking the fine line here between local control and being overly prescriptive while still making sure that we have safeguards in place, and so all this does is provide an additional backstop in the event that a meeting doesn't happen and the parents or the guardians think that a meeting should happen to better discuss the educational needs of that kid. It says if such conference has not been held, a parent, guardian or educational decision maker as defined may submit a written request to the school for a conference with the principal relating to the short-term suspension of that child. So, it's a request, it's not mandatory. It requires that the notice of the suspension be given written, not just oral, so nothing gets lost in the wash, and then it makes sure that at that meeting we have parent, guardian, and educational decision maker instead of just parents. So, with that colleagues, I appreciate Senator Murman working with me on some of this language. I know we have kicked this bill around for a couple of weeks to try to figure out some of this language, and I would appreciate your green vote on AM2041. Thank you, Mr. President.

**KELLY:** Thank you, Senator Dungan. Senator Spivey would like to recognize a guest under the north balcony, Ai'Yauna Young of Omaha. Please stand and be recognized by the Legislature. Moving to the queue. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. I rise in support of AM2041. I just wanted to get up and first, you know, give a quote from Jesse Jackson, which states that leadership cannot just go to-- go along to get along. Leadership must meet the moral challenge of the day. I think it's very important, considering the times we're in, and what is going on in this Legislature. Also, I love recess days because it allows us to get away and go talk to people that are not in this body, and I had a few conversations about this bill with multiple people, and they all thought it was stupid that we are moving forward with suspending pre-, pre-K and second graders. They all did. Everybody I talked to did not think it made any type of sense. I even talked to a high schooler, and he was, like, hey coach, what's going on or what are you doing? Then, I told him about this bill, and he was, like, why would somebody suspend a kindergartener? That makes no sense. Or, why would you suspend them? What-- you know, are we considering the families? You know, how are the parents going to take off when daycare prices are on the rise every day? All those type of things, just going home to watch tablets, those type of things. And then, the other thing that, you know, I did is I reached out to OPS and asked them what was their real position on my amendment and Senator Spivey's amendments last week, and they stated they, they had no position on either amendment. They wasn't for or against either amendment, although it felt like and it seemed as though-- comments on the mic made it seem as though they were against them, which ultimately killed those amendments. I do support Senator Dungan's amendment, but I just strongly will always stand against suspending kids, especially five-year-olds, to solve adult problems, when we have schools that have refused to utilize alternatives that they already can use. So, we're just going to see a rise in black boys being suspended, and that's going to show in the numbers, and then people are going to be outraged and say, what are we going to do? We need a plan to solve this problem. We can't have this. And nothing's going to happen because the same people who care-- seem-- act as if they care about those kids don't actually want to solve the problem, because it would put a lot of people out of jobs if you would solve a lot problems that I could go all day on. But that's America for you. And with that, thank you.

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

**SPIVEY:** Thank you, Mr. President. Good morning again, colleagues, Nebraskans, and of course, good morning, grandma. I rise in support of AM2041. I do not support some of the underlining components of LB653, which we talked about a lot on Thursday, and I'm still disappointed that this body does not see the value add for having data that really helps to drive policy decisions. But this is where we are, and I appreciate Senator Dungan working with Senator Murman on this amendment. I wanted to take a moment to give some insight to my colleagues around my guest, Ai'Yauna, who is here. I have a bill that will be up today, LB751, that looks at doing a study for missing and murdered black women and girls. And I read a story on the mic about Camisha Hollis. Camisha Hollis was-- is missing, her remains never found, has been deemed deceased, and her partner charged with that disappearance. But Ai'Yauna is her oldest daughter, and so-- can I have a gavel, Mr. President? [GAVEL] I think this is important. This body talks about protecting women and girls, so I think y'all-- you all can pause for two minutes while I uplift Ai'Yauna being here today, a senior in high school that came to see her Legislature at work. So, Ai'Yauna is here today, and has been watching LB751 because this is her actual life story. Her mother did not come home. She has been impacted by her mother being gone and having to navigate very hard circumstances, and wants to ensure that no other family, no other girl, no other child has this happen to them. She is a fierce advocate who is brilliant, and has already suggested ideas around how we can ensure law enforcement has better investigative processes based on her personal experience, how we can ensure families are heard that are navigating domestic violence, not just from the partner side, but the children's side. And so, I hope that everyone, while you're on the floor today, goes and says hello to her, and make sure that you say-- and get to know her. I have enjoyed my time just getting to know her over the last couple of weeks. And again, her advocacy on LB751 which is on Select File. She decided to come and, and miss part of school today-- excused. We got permission from her family to be able to see, again, how this bill operationalizes through the Legislature, to hear debate. She's actually really interested in LB653, and we were sitting down talking about the impacts and her point of view. And so, our young people are watching us. They're watching what we do. They are interested in how we are governing and passing policy that affects our day-to-day lives, and I hope that she and others keep us accountable. I don't think we always meet the mark, and, and we let our constituents down, and it has been disappointing to say the least in some of the aspects around debating and the things that

are in front of us, but that's, I guess, how the sausage is made. That's the point of government, it's the point of why we're here as policy makers. And I hope one day she considers being in this seat. She wants to go to law school after her undergraduate, and, again, is interested in and how laws are passed and, and what we're doing to ensure that every Nebraskan-- and especially folks that are pushed to the margins, working families-- have what they need to be successful. And so, I just wanted to take some time to uplift and, and talk about how special our young people are, how grateful I am for Ai'Yauna being here today, and her advocacy specifically on LB751 which will be up, up later today, and, and just even her engagement in conversations like LB653. So, I think to your point, Senator McKinney, our, our kids are way more in tune than what we think. We don't give them enough credit, and they really are watching what we're doing, and they want to-- they want us to align to their expectations of what they are needing. And, and I think we could do better on LB653, but again, support the amendment, AM2041, as I think it's a, a, a piece and chipping off in the right direction. Thank you, Mr. President.

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

**MURMAN:** Thank you, Mr. Lieutenant Governor. I just wanted to briefly stand up and say I'm totally in supportive of Senator Dungan's amendment. It does exactly what schools do with young students. They-- the schools often are almost forced to suspend a student for just usually a half a day or a day to get the parents or whoever is responsible for the child to come in and just determine what is the best way forward for, for the best education of that child-- but not only that child, but also the whole classroom. So, I think that's a good amendment and I recommend your green vote on AM2041 and LB653. Thank you.

**KELLY:** Thank you, Senator Murman. Seeing no one else in the queue, Senator Dungan, you are recognized to close on AM2041.

**DUNGAN:** Thank you, Mr. President, and thank you to Chair Murman for getting up and sharing his thoughts on that. Like I said, we did work on this language to try to find some ability to move forward constructively on this bill. I do want to underscore that I, I do absolutely agree with everything that's been stated so far by Senator McKinney and Senator Spivey, and to reiterate the points that I made as well on the first round of debate on

this. We know that any suspension of young students increases the likelihood of the school-to-prison pipeline becoming a factor in their life. And one of the things that I think everybody in this body agrees on is that we should be doing everything we can to prevent students from getting involved in the juvenile justice system, and subsequently the criminal justice system, as early as possible, and that we owe it to our, our state and to our youth to, to make those upstream investments because ultimately, it creates a safer community. If students are acting out in school, there's a reason. And I know all of us know young children who have had either mental health issues or their parents have struggled with other socioeconomic issues, and maybe there's behavioral issues that have gone unaddressed because people don't have the means with which to address those issues. But I fundamentally don't believe that any child is born bad, and certainly no child is a bad kid simply because they have a bad time. And so, I do understand that there are certain circumstances where people are nervous about violent behavior in schools, and I understand that that's what this bill is seeking to address. I still disagree with the general suspension of a, a student who is in kindergarten or at a second grade, but I think Senators McKinney and Spivey have made those points very well. LB653 with AM2041 seeks to codify best practices, to ensure that there are meetings between students and parents and, and decision makers and the school. I understand that right now, most schools make an effort to achieve that goal, but in the event that it doesn't happen, parents need to have the opportunity to have their voice heard and to make sure that the underlying issues are being addressed, and frankly, it gives the schools a chance to better understand, possibly, what's going on at home or what's going on outside of the four walls of the school, to best determine what the cause of some of these problems is and how they can address those in a collaborative fashion moving forward. So, with that, colleagues, I appreciate the, the work on this. I hope we can vote green on AM2041. I don't have my glasses on today and my eyes seem blurrier than normal. AM2041. And thank you, Mr. President.

**KELLY:** Thank you, Senator Dungan. The question is the adoption of AM2041. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

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

**KELLY:** AM2041 is adopted.

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

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

**GUERECA:** Mr. President, I move that LB653 be advanced to E&R for engrossing.

**KELLY:** You've heard the motion, and there's been a request-- it's a debatable motion. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. Hope everybody had a restful long weekend and an opportunity to reset and recharge as we recommence our work together. I wanted to not throw a wrench in the work, so-to-speak, in regards to the substantive amendment that was pending on the board, and I appreciate Senator Dungan's good work on that, and the grace in which Senator Murman accepted that as a good-faith effort to improve the legislation, so thanks to both of them for their leadership. I do just want to add a few points in regards to this measure as a whole before it moves to the next round of debate. So, just to kind of re-route where LB653 started and where it is today, I can tell you that I was actually very excited about LB653, and because of Senator Murman's leadership on the Education Committee and based upon his personal experiences, he's been a really passionate advocate for kids with disabilities and ensuring that they have equal rights to a great education, and what we kept hearing anecdotally in the Education Committee was that option enrollment program was not working well for kids with disabilities. And so, one way that we were able to discern whether or not we needed an additional policy solution in that regard was by first adopting a data and reporting requirement, which I introduced, was passed by this body and signed by the governor. And then, for the first time, instead of just reliance upon anecdotal stories about kids with disabilities being turned away in the option enrollment program, we actually had data. We actually had data to look and see what was happening at our districts across the state in regards to this issue. And so, I know people sometimes think that data and reporting requirements or amendments or legislation is not important, but in many instances, it is. And in many instances, it's a precursor for this Legislature to understand whether or not there is actually an issue there or whether there's not. So,

it can be clarifying to help us understand how to set the best policy for the state. So, we had the data piece, which was really a precursor to what LB653 started out to be. We know that the option enrollment program in Nebraska supports about 25,000 kids, give or take, over the course of any given year. We know it works well for about 90% of kids that are utilizing this program. We know that there's a ton of questions out there in regards to how this program is utilized in relation to sports and athletics and extracurricular activities, but we also know that there has been prima facie discrimination when it comes to how kids with disabilities are treated by this program at many districts in Nebraska. Not all. Many. We know that there was almost a 40 percent rejection rate for kids with disabilities who are trying to utilize the option enrollment program despite only making up about 17 percent of the student population. And if you go back and you look at the actual individual data for different school districts, you can see some of the disparities in regards to rejections for option enrollment for kids with disabilities are really, really striking, are really eye-popping. And so that's what LB653 originally meant to address, and I was very excited about this legislation. I had a very good committee hearing, and it was something really cool that I had an opportunity to work with Senator Murman on. As a civil rights attorney and a policymaker, I'm happy to work with any colleague at any time to try and reduce discrimination, and in this instance, reduce discrimination on the basis of disability in terms of educational rights and access. So, we, we, we were able to weather a lot of criticism and opposition from the school districts and other educational interests. We had to make some concessions, which-- I wish we would have just stuck to the, to the original strong bill. But I think this issue is, is going to continue to deserve legislative attention and monitoring moving forward. I think it's particularly important that we remove-- oh. Thank you, Mr. President.

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

**CONRAD:** I think it's-- thank you, Mr. President. I think it's particularly important that we continue to shine a spotlight on this issue in the wake of the fact that, through Governor Pillen's leadership and collaboration in this body, we've actually done some really good things on the school funding front, including ensuring that the state has made a commitment to picking up 80 percent of special education funding, recognizing some of these challenges both in terms of the

provision of services and pressure on local governments and taxpayers to meet the ever-evolving needs of our student population. So, I think it's important, particularly as we're providing more state support to local school districts in this regard, particularly for special education needs. I think it's really important that the Legislature draws a clear and bright line that says no more discrimination when it comes to our option enrollment program. And I think LB653 in today's form makes some strides forward, but unfortunately, it's not the, the strong solution that myself and many other advocates and families with kids with disabilities were hoping for. I, I just wanted to make sure to address the data reporting context for this, and to demonstrate its importance and to recognize kind of where we are in regards to the original intent of the bill. I also think it's disappointing that this really strong effort that had garnered significant support from myself and others, trying to, to really rally with what Senator Murman was trying to do in option enrollment and disability rights in LB653 has now been hijacked by a divisive battle about school-- punitive school actions with suspensions and expulsions for our youngest children. I understand how the process works, and I understand that each senator has the right to attach measures as they see fit, and then it's up to the body to decide how to dispose of those amendments when they're presented to us, but I, I do think that we need to be thoughtful about that, because it can be a distraction from a vehicle on a piece of legislation that was, was very powerful, in my regard, and meant to address a very serious issue with very, very strong support. So, I just wanted to make sure those pieces were inserted in the record, and, and I thank you for your time, Mr. President, and colleagues.

**KELLY:** Thank you, Senator Conrad. Seeing no one else in the queue, the motion was previously made to advance LB653 for E&R engrossing. There was a request for a record vote. All those in favor, vote aye; all those opposed, vote nay. There's been a request to place the house under call. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 29 ayes, 0 nays to place the house under call, Mr. President.

**KELLY:** The house is under call. Senators, please record your presence. All unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Bosn,

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate February 17, 2026

Rough Draft

DeBoer, and Hansen, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. The question is the advancement of LB653 to E&R engrossing. There-- the vote was underway. Senator Murman, would you request-- would you accept call-ins? Mr. Clerk.

**CLERK:** Senator Ibach voting yes. Senator Hansen voting yes. Senator Moser voting yes. Senator DeKay voting yes. Senator Bosn voting yes. Senator Riepe voting yes. Senator Raybould voting no.

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

**CLERK:** 28 ayes, 7 nays on the advancement of the bill, Mr. President.

**KELLY:** LB653 is advanced to E&R engrossing. I raise the call. Mr. Clerk.

**CLERK:** Mr. President, notice that the Revenue Committee will have an executive session today at 11:00 in Room 2102; Revenue, exec session this morning now in 11-- or, 2102. Excuse me. Mr. President, next bill: Select File, LB783 from Senator Hallstrom. There are no E&R amendments. Senator Kauth, I have FA412 with a note that you would withdraw.

**KELLY:** So ordered.

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

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

**GUERECA:** President, I move that LB783 be advanced to E&R for engrossing.

**KELLY:** Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. LB783 is advanced to E&R engrossing. Mr. Clerk.

**CLERK:** Mr. President, Select File, LB836. First of all, Senator, there are E&R amendments.

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

**GUERECA:** Mr. President, I move that the E&R amendments to LB836 be adopted.

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

**CLERK:** Senator Kauth, I have FA476 with a note that you'd withdraw.

**KELLY:** So ordered.

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

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

**GUERECA:** Mr. President, I move that LB836 be advanced to E&R for engrossing.

**KELLY:** Senators, you've heard the motion. All those in favor, say aye. Those opposed, say nay. LB836 is advanced to E&R engrossing. Mr. Clerk.

**CLERK:** Mr. President, Select File, LB741. Senator, there are no E&R amendments. Senator Kauth, I have FA370 with a note that you'd withdraw.

**KELLY:** So ordered.

**CLERK:** In that case, Senator, I've nothing further on the bill.

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

**GUERECA:** Mr. President, I move that LB741 be advanced to E&R for engrossing.

**KELLY:** Senators, you've heard the motion. All those in favor, say aye. All those opposed, say nay. LB741 is advanced for E&R engrossing. Senator John Cavanaugh would like to recognize guests in the north balcony. They are NSEA retired teachers from across the state. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate February 17, 2026

Rough Draft

**CLERK:** Mr. President, Select File, LB751. There are no E&R amendments. Senator Kauth, I have FA830 with an-- excuse me, FA380 with a note that you'd withdraw.

**KELLY:** So ordered.

**CLERK:** No, excuse me, Mr. President. I'm sorry. Senator Kauth would open on FA380.

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

**KAUTH:** Thank you, Mr. President. Actually, I wanted to talk-- I had talked to Senator Spivey before about possibly amending the bill, making sure to clarify the language in LB751 to ensure the definition of women. Senator Spivey, are you available for a question?

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

**SPIVEY:** Sure.

**KAUTH:** And when we talked, you had said that the State Patrol has language. Can you explain what, what your response was?

**SPIVEY:** Yes. So, I've already pulled data, and that's how we arrived at this bill around missing and murdered black women and girls. The law enforcement agencies, State Patrol and FBI, utilize a definition to be able to get that data, and so that would be a part of this policy process.

**KAUTH:** Thank you. So, so, per the State Patrol, so this study would not incorporate men who believe they are women into the research.

**SPIVEY:** I don't know what that means. I-- all I know is that there's already a definition that is used by the State Patrol when looking at data that they utilize, and that is a-- one of the partners. And so, that's what will be a part of this study.

**KAUTH:** OK, thank you very much. I withdraw.

**KELLY:** So ordered.

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

**KELLY:** Thank you, Mr. Clerk. Senator Guereca, you're recognized for a motion.

**GUERECA:** Mr. President, I move that LB751 be advanced to E&R for engrossing.

**KELLY:** Members, you've heard the motion. All those in favor, say aye. Those opposed, nay. LB751 is advanced for E&R engrossing. Mr. Clerk.

**CLERK:** Mr. President, Select File, LB795. There are no E&R amendments. Senator McKinney would move to bracket the bill until April 17. MO414.

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

**McKINNEY:** Thank you, Mr. President. So, I put this motion up because I think-- not that I think. There are attempts to move forward things that-- a bill that would create more felonies in the felony factory called the Nebraska Legislature. And I voted against a bill coming out of committee that is being attempted to be amended to this bill. For a lot of reasons, I'm against this. Number one, the issue is already a felony, but we keep adding new enhancements for just the thrill of it, it seems like. Two, it puts people, whether you agree with it or not, in, in, in bad situations because, because of the language of the bill. The issue that I have is, when is it going to stop? Do we need a million more felonies every, every session? Because when you look at the crime statistics that people highlight, crime is down in the state. A lot of things are down. Admissions to our prisons are down, although the length of stays are up because a lot of people have been overly incarcerated. But this whole "we need to have all these new felonies every year, and we need all these new enhancements"-- every year, if somebody in judiciary thinks that their industry or their profession needs to-- needs a felony enhancement for already a felony. It happens all the time. This-- in this case, this deals with a drug, but even so, it's already a felony. So, that is my issue, is that-- when is it going to stop? When is enough felonies enough? I-- and, and I ask this because people come back with all these suggestions for new enhancements and things like this, and new felonies. It's like, is law enforcement not doing their job? Cause last time I

checked, they were. So, what is going on? Our prisons are overcrowded. I know I've said that a lot in my time in the Legislature, although the department tries to push back against that. The facts are the facts. We have an overcrowded prison system. Our state is spending \$350 million, which is going to be almost a half a billion dollars on a new prison, in the prison capital of the state, which is Lincoln, Nebraska. They're not closing the old prison because-- although I tried to demolish it, because they wanted a new prison because the old prison was in such disarray, we can't close that either because felonies, the felony factory. Length of stays are up. They're even trying to move youth from the correction-- the youth correction facility in Omaha to the RTC now. Then, they're trying to move youth from Kearney to the youth prison when the youth prison isn't designed for treatment for youth. It's a lot of things going on in the felony factory and the felony capital of America, it seems like. It's just-- where is the logic? Where is the data that backs up any of these? It's just saying let's enhance this penalty, let's find a new way to make a crime that is already a crime a crime again. I just-- you know, but I shouldn't be surprised about this place. Just advanced a bill to suspend five-year-olds again, and that's very disappointing because what I know will be true in a year or two is that black boys will be the most-suspended population and demographic of students in the state of Nebraska next year, when the data comes out, or however long it takes for this bill to go into effect. But then, we talk about the school-to-prison pipeline. We voted-- well, I didn't vote for it because I was against it, but this body voted to also begin to detain 11-year-olds because law enforcement was saying they was getting smacks on the wrist and, you know, they were just being sent home and nothing was happening. So, if that was the case, and that was the argument for the allowance of detaining 11-year-olds, what sense does it make to just start that process of suspending five-year olds that's going to go home to watch cartoons? So, you just beginning the process of the school-to-prison pipeline which will further overcrowd our state's prisons, and probably we'll be, be building another prison in our lifetime. But it all goes back to all these enhancements and all these felonies that keep coming and coming and coming. Where's the solution to solve, to solve the societal problems that cause people to offend? No, we don't got those. We got-- let's pass tax incentives for corporations, but let's cut the budgets of the Department of Health and Human Services. Let's give tax breaks to these people, but let's raid cash funds to make up for a manufactured budget deficit because we wanted income tax cuts that we're

projecting that we would be in this situation anyway. But no, we replace no revenue. We don't want to really allow medical marijuana to be a thing. Our gambling and sports betting is not really allowed in the state of Nebraska unless you got a VPN, or you go on the bridge by Council Bluffs somewhere, or go into a casino. But what I'm trying to get at is, your solution to decreasing crime-- which, statistics say crime is down-- is not more felonies. It's helping people; it's making sure people have a bite to eat, making sure people lights on, lights on at home, making sure they have good jobs and all these type of things. Not tax breaks for corporations. And it's so crazy, like-- the, the other thing is, there was another bill in judiciary where if a kid is assaulted in school, the kid can't [INAUDIBLE]-- well, currently, because of a court ruling, if a kid is assaulted in a school, the kid's family cannot sue the school, in our public schools. But you know what the crazy thing about this is? If that same kid was in private school, that kid's family could sue that private school, but we can't sue our public schools, which want to allow-- want to be allow-- well, they are allowed now to suspend five-year-olds, send them home, offer no alternatives, have classrooms with 30-plus kids, and wonder why there's issues. If you don't see why we're in a space where people think that more enhancements and more prisons is a thing, and the connection between our schools and prison, you're blind. We're openly failing kids. We got kids that can graduate high school with D minuses. And it's perfectly OK, because they don't want a uniform grading system because everybody wants to do it, do it their own way, and it just doesn't make any sense because people would have to do their jobs. So, my frustration-- and I, I could go all day with this because I've been frustrated with this place for a while now-- is that-- bring the data, bring the research that shows that enhancements improve our society. Bring the data that shows that over-incarceration improves our society. Because if that's the case, then why do we keep having all these enhancements every year? Because the first one you did should have worked, right? If the logic is that we need enhancements to, you know, make people not do things, our prisons wouldn't be overcrowded. We wouldn't building a, a prison costing \$350 million, and we're in a budget deficit and scraping pennies and taking money from sick kids. Where is the logic in this? Thank you.

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

**STORER:** Thank you, Mr. President, and good morning. I'm just going to introduce a brief introduction to the amendment that, really, the opposition from Senator McKinney and presumably Senator Dungan is on, and that is AM2092, which is-- we will get to. But it is the equivalent of my LB817 bill, which was heard in Judiciary. This is simple. This is really not a complicated bill. It is updating our Uniform Controlled Substance Act by scheduling-- or, excuse me, it, it is updating-- really complementing, I guess, and updating the laws to treat fentanyl trafficking and distribution with the same clear proportional and consistent penalty structure that we already apply to methamphetamine, heroin, and cocaine. We're bringing fentanyl in alignment for the same enhancements that already apply to methamphetamine, heroin, and cocaine, cocaine. The amendment is about alignment and consistency; it gives prosecutors, courts, and law enforcement clear tools to target the highest-level traffickers responsible for the harm we're seeing in our communities. A couple of grams of fentanyl will kill you. People are dying at the hands of this drug. Nebraska already uses a graduated weight-based framework for those other drugs that I mentioned, but yet fentanyl is more lethal than those, those other substances, yet our statutes currently treat it differently. AM2092 simply applies the same structure. We're not recreating the wheel here. The same thresholds, the same mixture language, the same enhancements that already exist in statute for other Schedule I and Schedule II drugs. This is not-- this is not a new theory of criminal law. It is aligning fentanyl with existing Nebraska policy. It's a public safety issue. Fentanyl is driving overdose deaths nationwide, and is increasingly found mixed into other substances, often without the user's knowledge. The user's knowledge, not the distributor, not the drug dealer. They know. As was discussed in committee, even small amounts mixed into larger substances dramatically increased the lethality. Without waste-- without weight-based enhancements, Nebraska lacks a clear way to distinguish between low-level possession and large-scale trafficking operations, bringing significant quantities into our communities. You're going to hear some opposition about double jeopardy, and if I run out of time, I will come back to that issue. But the concern raised here-- which, which again, you're likely to hear-- is not a double jeopardy issue in the constitutional sense. Double jeopardy prevents someone from being tried twice for the same offense. What this amendment does is define how a single offense is classified and sentenced, just like we already do for cocaine, heroin, and methamphetamine. Nebraska law already permits multiple charges when multiple controlled substances are

involved. That's already the case. That is not new, and it-- and is not created by this amendment. Courts already address any overlap or sentencing concerns through merger doctrines, prosecutorial discretion, and sentencing structure. So, again, the amendment that we will get to does not create a new constitutional issue; it simply applies the same long-standing statutory framework that we already use for other controlled substances: cocaine, methamphetamine, and heroin. The mixture or substance-- and I'll get to that when I get back on the mic. We'll, we'll enter into that next topic next time. But when you listen to some of the concerns, we're aligning this with the, with the framework of the current existing law, bringing fentanyl up to that same standard, and the double-jeopardy issue is, is really kind of a red flag here. That, that does not-- this is not creating--

**KELLY:** That's your time.

**STORER:** Any provision that doesn't already exist in law--

**KELLY:** That's your time, Senator.

**STORER:** --for the enhancements. Thank you.

**KELLY:** Thank you, Senator Storer. Senator Moser would like to recognize some guests in the south balcony. Teachers and students from fourth grade in Immanuel Lutheran School in Columbus, Nebraska. Please stand and be recognized by your Nebraska Legislature. Returning to the queue, Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. Colleagues, I do rise in favor of Senator McKinney's motion to bracket. Not actually opposed to LB795 in its current iteration, but as has been broadcast here, and I think talked about already, there's an amendment from Senator Storer that I think, if it is brought up, or if it has certainly attached to LB795, makes this bill an entirely different conversation. So, I, I want to start by talking a little bit about obviously, the issues we have here both from a, a process and a content perspective. And I want to start by saying thank you to Senator Storer for talking with me prior to today's debate. So, last week, when I think her amendment got added, Senator McKinney and I both filed some motions on Senator DeKay's bill. Had a chance to speak with Senator DeKay, had a chance to talk a little bit about what those were about, and

what I said was that I don't have an objection to LB795 proceeding in its current iteration, but I do have an objection if Senator Storer's AM gets adopted as a part of this bill. And that, in the event that that amendment gets pulled off, that I'm happy to remove my motions. I don't know if Senator McKinney would be able to-- or, willing to. I'm guessing he would, but I don't want to speak for him-- in which case we could proceed to a, a vote on LB795 and move on. So, the attachment of the amendment at this stage is, is part of the reason there's a problem. But Senator Storer did come and talk with me earlier today and asked if there's any conversation we can have about this, and I do appreciate that we're always willing to have-- willing to have those discussions. I do have objections, though, to the content of the AM, specifically for the underlying bill, which we'll get to more in a moment, but also to them being attached at this stage of debate. So, if LB795 had had the Storer amendment attached on General File, these exact same motions would have been up, and it could have potentially gone eight hours of debate. And the reason for that is I would respectfully disagree with the categorization that this amendment simply aligns current statute with other parts of the statute. If the amendment is adopted, it enhances penalties and felonies to a degree that we have not seen with regards to this particular sub-statute, and what you're going to start seeing are these "hyperfelonies" attached to circumstances where I don't think it necessarily reflects the underlying intent, which is to capture these so-called like cartels or kingpins or drug dealers, or things like that. And so, to attach an amendment on Select File of this magnitude, I think is worthy of debate, and certainly, I think it's worthy of having this conversation. And so, in the event that colleagues do want to get to a vote on LB795, and if Senator DeKay, who I know is next in the queue, wants to get to a vote on this, if the amendment from Senator Storer is removed or withdrawn, I think we're happy to withdraw our motions and move forward only because this amendment fundamentally changes what we're dealing with with LB795. So, that's part of my objection from a process standpoint. I anticipate we're going to have, potentially, a lengthier conversation about the bill and about the AM, and what it seeks to do. And I want to zoom out and situate the conversation over what it is that we're trying to achieve, and whether or not the AM actually does achieve that goal. Since I've been in the Legislature, colleagues, for the last three years-- this is now my fourth session-- as has been brought up by many others, our Legislature has continued to defy national standards and has continued to ignore objective analysis done by third-party

groups about our statutes here in Nebraska. And rather than address our criminal justice system in a way that is smart on crime, that simultaneously saves taxpayer dollars and reduces our prison population, this Legislature continues to double down on enhancing penalties, enhancing felonies, and creating new crimes in an era where many of the crimes that are being created are already covered by other statutes. And what we know-- and I know what Senator McKinney talked about, and I would like to reiterate-- is that we do not create a safer community by enhancing these penalties. And I think the one thing we can all agree on is we want safe streets, safe sidewalks, we want safe communities. The way that we fix that is by addressing the underlying causes of the issues that we're talking about, whether it's substance use disorder or folks who are unhoused or mental health issues, we know, statistically speaking, that if we address those problems, crime goes down, and you have safer streets. In addition to that, we know that enhanced penalties without any kind of rehabilitative services create a cycle of people going into custody and coming out of custody without reducing recidivism, and without addressing the underlying causes of these offenses which leads to less-safe communities. So, if what we all agree on is true-- which I think we do-- that we want safer streets and safer communities, we need to address the problems and not simply seek these punitive measures, as I believe this amendment does. So, I will punch back in and talk more about that in a moment. Thank you, Mr. President.

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

**DeKAY:** Thank you, Mr. President. Again, LB795 proposes a couple changes to the Uniform Controlled Substances Act. First, the bill would add bromazolam as a Schedule I controlled substance. Bromazolam is a designer drug that is in the same class of drug as Xanax, an existing regulated Schedule IV drug. Six states have designated bromazolam as a Schedule I substance at the state level, and the Drug Enforcement Agency has completed initial rulemaking to designate bromazolam as a Schedule I substance at the federal level, a process that started in 2024. Second, LB795 would make a number of technical corrections in the unified-- Uniform Controlled Substance Act. The three substances that need to be spelled correctly are, number one, 2,5-DMA; number two, brorfine; and number three, psilocin. With regard to Senator Storer's AM2092, she did talk to me prior to introducing this amendment. I appreciate being given a heads-up

on that. If someone can show me an updated vote card with 17 senators opposing AM2092, I would ask Senator Storer to withdraw her amendment so that way we can move this bill to Final Reading and continue making progress on the agenda. Thank you, Mr. President.

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

**CLOUSE:** Question.

**KELLY:** The question's been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor, vote aye; all those opposed, vote nay. 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.

**ASSISTANT CLERK:** 27 ayes, 0 nays to place the house under call, Mr. President.

**KELLY:** The house is under call. Senators, please record your presence. All unauthorized personnel, please leave the floor. All senators outside the Chamber, please return to the Chamber and record your presence. The house is under call. Senators Machaela Cavanaugh, Senator Quick, Senator Jacobson, and Senator Hughes, please return to the Chamber and record your presence. The house is under call. Senator Machaela Cavanaugh, please return to the Chamber and record your presence. The house is under call. Senator Clouse, the vote is open. Would you accept call-ins? Mr. Clerk.

**ASSISTANT CLERK:** Senator Kauth voting yes. Senator Dorn voting yes. Senator Ballard voting yes. Senator Wordekemper voting yes. Senator Ibach voting yes. Senator Hansen voting yes. Senator Sorrentino voting yes. Senator Lonowski voting yes.

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

**ASSISTANT CLERK:** 25 ayes, 8 nays to cease debate, Mr. President.

**KELLY:** Debate does cease. Senator McKinney, you're recognized to close on the bracket motion.

**McKINNEY:** Thank you, Mr. President. Very interesting vote. I think what we need to understand here is-- you know, remember in the '90s when we had regular cocaine and crack, right? But you could get more time for crack than cocaine, although the-- they were the same substances. This is kind of what this bill is attempting, or this amendment is attempting to do, and because of that is why I'm opposed to it. It's not that I think the sale of fentanyl is good, or I think that fentanyl in our communities is a good thing. But if we do not learn from history, we will repeat the same mistakes. That's why this bill shouldn't pass. Because, as I stated, if you guys just like building prisons, we're already dropping \$350 million, and that's not even talking about operations, into a new prison in the, in the prison capital of Nebraska, also keeping another prison open because nobody wants to demolish the prison that was supposedly in such disarray that we needed a new prison. We're, we're going to be spending about a billion dollars on prisons in the state, but people want property tax relief. So, do what you want, just don't complain to me when property taxes keep going up and there's no relief. It's, it's just interesting. The felony factory, otherwise the Nebraska Legislature-- we just keep having things like this. This will impact our prison population. Whether you agree or not with people selling fentanyl, I don't think nobody agrees with it. What I'm saying is we already, one, have laws on the books that address this crime. Two, when you overdo something like this, it will have drastic, drastic impacts that will affect our General Fund, which is also why I don't be understanding why we don't-- especially with bills that deal with criminal justice, that we don't have impact statements, and the Department of Punitive Services don't send over real numbers. It's a whole 'nother topic for another day. But whether here or there, this shouldn't go forward. You voted to end debate, and I think three people might have spoke, maybe three. Me, I think Senator Storer, Senator DeKay, and Senator Dungan. That, to me, isn't full debate. But we don't care about full debate; we care about whatever gets us to our destined goal. Well, not we, you. So, we're here. I have other amendments as well, so we're going to go till noon. We're not going to get on a vote-- get to a vote on this because even if you call the question again, I'll have another 5, 10 minutes that-- you're not getting to a vote. So, I don't even know why you did that. It made no sense, because you were never getting to a vote or moving past this, or getting to the amendment because of time, which is on the side of the opposition currently. You know, my predecessor talked about time a lot in this place, and he used time against this place to slow down and prevent things from

passing. So, you know, it's a good lesson to learn, that time isn't always on your side. And just because you could do something, it doesn't mean that you have the time to do it. It's just simple logic. We could have had a-- just a decent discussion about this; the proponents could have gave their positions, the opponents could have gave their positions, and we just could have went back and forth about how and why this is good or bad. But no. Nobody wants to have a real debate because it's convenient to just try to move things forward. Which, I'm just telling y'all, if y'all care about property tax relief, passing a bunch of new felonies every year is not going to get you to that goal, because it's never going to happen. You're going to keep building prisons and you're not getting property tax relief because the money will go to the prison industrial complex in the prison capital of Nebraska. So, disagree with me or not, the truth is the truth. So, thank you.

**KELLY:** Thank you, Senator McKinney. The question is the adoption of the bracket motion. All those in favor, vote aye; all those opposed, vote nay, and there's been a request for roll call vote. Mr. Clerk.

**CLERK:** Senator Andersen voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Bosn voting no. Senator Bostar not voting. Senator Brandt voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting yes. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan not voting. Senator Fredrickson not voting. Senator Guereca not voting. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKinney voting yes. Senator Meyer voting no. Senator Glen Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop not voting. Senator Quick not voting. Senator Raybould not voting. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Vote is 7 ayes, 33 nays to bracket the bill, Mr. President.

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

**CLERK:** Mr. President, Senator Dungan would move to reconsider the vote just taken.

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

**DUNGAN:** Thank you, Mr. President. Colleagues, I do rise to reconsider the bracket motion for a couple of different reasons, not the least of which is the process and the procedure with which Senator McKinney was just talking about that kind of got us here. So, if Senator Storer's bill-- the underlying bill, I think was LB817-- if LB817 had come to the floor for debate by itself, this absolutely would have been an eight-hour debate, assuming that there was no compromise or changes or things like that. And so, it's a-- make no mistake about it, colleagues, it's a very substantive amendment. And so, the amendment that is being added onto LB795 or is attempted to being add onto LB795 is a bill that in and of itself would have garnered significant debate, and a bill that I think would have be worthy of debate. And intelligent minds can disagree about what is or what isn't the best way to proceed, but if we're just talking about whether or not there has been full and fair debate on an underlying issue, I think it's, it's an important thing to talk about. So, I understand the amendment's not on the board yet, and I understand that's probably why Senator Clouse called the question, but I think we need to think hard about whether or not that's the right strategy here. This bill is, in and of itself, relatively innocuous. LB795 by itself was a-- almost a consent calendar bill that it felt like, coming through General File. So, on Select File, when there's only four hours of debate instead of eight, to attach a bill that everybody in the committee knows was going to be contentious, that at the time in which the amendment was filed had not yet even, I believe, been read across, or maybe it had just been read across as coming out of committee, is, I think, procedurally problematic. Is it allowed? Absolutely. Do we sometimes add bills onto other bills on Select File? Sure. But to do so and to pretend like folks who have an opposition to it are holding up this otherwise innocuous bill, I think, is incorrect. And the introducer of both the bill and the introducer of the proposed amendment that's down the line here, as well as the rest of the Judiciary Committee, absolutely knows that this is not an uncontentious issue. This is a, a contentious debate that, by itself, would have either

taken eight hours, possibly needed a priority to get up on debate, and that's why it's being added at Select File as an amendment, is because it would have not probably made it on its own without a priority. And so, I think to call the question when there's only been a few people debating-- and I haven't heard many people actually get up and defend the underlying bill, other than Senator DeKay, which I appreciate-- but certainly not get up and defend why the addition of this enhanced penalty amendment is important, I think is, is worthy of discussion. So, I think we should reconsider the vote on the motion to bracket because I think if this bill is going to turn into a vehicle for an otherwise contentious package, we could potentially spend our time doing other things on the floor of the Legislature. And so, I appreciate Senator McKinney filing the bracket motion and helping situate the conversation as to why there's an opposition to this amendment getting added. I started talking about this a little bit earlier on the mic, and I have a little bit more time now with an open, and so I do want to talk, yet again, as I've done multiple times-- although I feel like many of my colleagues aren't listening when we have these conversations-- about some big-picture goals of the justice system. Why does that matter? Oh, is, you know, Senator Dungan just getting up and, and rambling and taking time? No. I think this actually is an important thing for us to discuss and to debate as a Legislature because, far too often, we just pass bills or support increased penalties or new crimes because people think it's the right thing to do. But they don't ask themselves, "Why are we doing this? What is the goal that we are trying to achieve?" There are about four-- I'm going to overstate this, and I apologize for any professors or anybody who's watching this who's mad at me not going into a more nuanced discussion. There's about four penological goals that a justice system tries to implement. And when I say a penological goal, colleagues, what I mean is a reason for, I guess, the, the justice system existing, for the punishment existing. There's, there's four underlying purposes. One of those is retribution. Punishment. Right? The idea that we are simply going to punish somebody because they did something we don't like. It's your classic eye-for-an-eye, Hammurabi hand-for-a-hand, right? It's pure retribution. Another one of those is deterrence, right? We're going to pass a new crime, we're going to pass an enhanced penalty with the intent, with the penological goal of deterring people from committing that crime. There's incapacitation: we're going to increase this penalty and make it so if you commit this crime, we're going lock you up so you literally cannot do it again; we are going to incapacitate you from committing this

offense in the future; we're going to remove you from society. And then, there's rehabilitation, right? We're going to pass this law or we're going to implement this penalty, be it probation or post-release supervision, with an effort to address the underlying issues to make sure that we are actually talking about rehabilitation and ways that we can fix or address the cause, the root cause of the offense that's been committed. There's decades, centuries of debate about these four penological goals and what does and what doesn't work, and what or does not actually matter for a society. And I think that, far too often, when we're debating bills like this, we don't start from that conversation. Because if you and I, a colleague of mine, disagree about what the intent of this legislation is, if we disagree about the penological goal that we are seeking to achieve with a piece of legislation or an amendment, then we're just going to talk past each other. If you fundamentally believe that people should be punished, retribution, because they did something that you find morally wrong, I simply am not going to agree with you that that is the government's role. There is also studies, a lot of data, that's been done over what penological goals are successful in reducing crime and therefore creating a safer society, and which ones fail to achieve that objective. I talked about this a lot last year when we talked about enhanced penalties and new crimes, and it gets even more complicated than just which penological goal works and which one doesn't. Deterrence theory is real, right? Whether or not somebody can be deterred from something is a real conversation, and it's a real thing that people talk about. But what the studies have shown, colleagues-- and I can try to find some of these over the next day or so, as we continue to debate this, and I try to pass these out if people are interested, but I would imagine that if I pass it out, they're just going to get tossed in the recycling bins like they normally do-- deterrence theory really only works when you're talking about increasing the likelihood of somebody getting caught. And even then, the findings are relatively suspect. If somebody thinks it's more likely than not that they're going to actually get caught for something, I think there's some data to back up the idea that that can reduce the incident of the crime. Now, I still don't think that should be the key penological goal. I'll get to that more in a minute of rehabilitation, because that's how you actually create safer communities. But deterrence theory has really only shown demonstrative evidence of success when it has to do with whether or not somebody's going to get caught doing the crime. When you talk about enhancing penalties that are already significant-- for example, the sale and distri-- or, the distribution of

possession of a controlled substance is a 0-20, it's a Class IIA felony, so a maximum of 20 years in prison currently exists. When you increase penalties for offenses that already have high penalty ranges, deterrence theory fails to work. What you end up with are people being punished for longer with diminishing returns for society. And if you punish people longer with diminishing returns, what it really comes down to, colleagues, is it's a waste of money. It's a waste of money, and I think it doesn't successfully achieve our shared goal of having safer communities. So, Senator McKinney talked briefly about property tax relief, talked about the amount of money that our counties are currently pouring into our jails, that we as a state are pouring into the Department of Correctional Services as it pertains to long-term detention. Before my time, we had objective third-party analysis companies that we, as a Legislature, as a State, hired to come in here and look at what we're doing wrong. And one of the things they always agreed on was that our sentences have been getting longer, and those longer sentences have not been resulting in safer communities or a decrease in crime. So, the reason I talk about this is to situate the conversation of why are we doing this in the first place. If you just want to punish somebody because it makes you feel better, I don't think that's what we in the Legislature should be in the business of doing, because I think we should be spending taxpayer dollars to actually create safer communities. So, when we can have a genuine discussion or a debate about what our goals are, I think it allows us to better situate the conversation moving forward. I hope we don't just keep calling the question. I would appreciate to have some folks who are in favor of increased penalties or increased felonies get up and explain why they think that works, and why they, they think it's a good use of our taxpayer dollars. Thank you, Mr. President.

**KELLY:** Thank you, Senator Dungan. Senator Storm has some guests under the south balcony: Taylor Murren and Jason Harms, please stand and be recognized by your Nebraska Legislature. Senator Dorn, you're recognized to speak.

**DORN:** Thank you, Mr. President. Sitting here listening to some of the conversation, and I find it kind of interesting that I, I, I, I-- Senator McKinney, he, he-- he's-- when he's testified or spoken, he's always about we're putting too many people in jail and all of this stuff. But Senator Duncan [SIC] here, when we talked about it too, along that line or whatever, we still are missing out something to me, yet. We're missing something.

We have these laws, people know these laws, and yet they keep breaking them. They keep ending up in prison. Maybe Duncan [SIC] is right, maybe we don't need to pass any laws; let's just people-- let people do what they want to do and no consequences. I don't think we, as a country, as a Legislature, want to that. The bigger thing going on here. I mean, it's not just, oh, Senator DeKay, it's one drug that we want to put on the thing that is now considered something that you can get prison for. Quit using it. If we don't use it, if we don't have it, quit using it, you won't get arrested, you won't get in jail. And Senator McKinney, his comments, too, always are because we're overpopulating the jails. Why are we overpopulating the jails? Because we pass all these laws? Maybe. Maybe it's we pass these laws. But we pass those laws so that we're protecting a certain segment of society, or we protecting society out there. So, we come back to, then, let's not put people in jail; let's let them go ahead and do some of this stuff. And is that right? In my mind, no. We, as the Legislature, part of our responsibility is, is to make good bills, good laws, to protect or to enforce the things that are good for the people of Nebraska. And maybe we have a different view on what something's good or something bad, but I still always come back in my mind-- and maybe somebody could explain it. Maybe Duncan [SIC] or Senator Duncan [SIC] or somebody could explain it. Why do we have those laws, and then, yet, people keep breaking them and they keep getting in jail? You know, something here is maybe not right. I don't know. I, I,-- it just keeps-- we put the law out there so that if they know they do wrong, here is the consequence, and yet they continue to do it. And maybe that's a society issue. I don't know. But that is something that we will have discussion on a lot. We, we-- yeah, we have property taxes and we have other things, but it's also with the jails, and why we have so many people in them, so. I am for Senator DeKay's bill; I am against the other motions, and I will yield the rest of my time to Senator Storer.

**KELLY:** Senator Storm, 1 minute-- Storer, 1 minute 56 seconds.

**STORER:** Thank you, Senator Dorn. Again, I just want to state the importance of not only LB795, but also the amendment that is-- will be coming up. You know, and, and in terms of some of the frustration of how quickly we-- the question is called, or how much time we spend, there are two more priority motions filed on this bill. We're going to be here for, for a bit of time, so I think there is ample opportunity for those in opposition as well

as those proponents to get up and talk about the concerns. And so, I, I don't-- I'm not sure that that's a valid, valid concern, given the motions that are already filed. So, we will be-- we will be here a while. But, but clearly, there is strong support for both Senator DeKay's bill as well as the amendment, so the discussion is always good. It's good to-- that's why we're here, that's the purpose of debate. But again, I support LB795 as well as the upcoming motion, and I oppose the motion to reconsider. Thank you.

**CLERK:** Thank you, Senator Storer. Mr. Clerk.

**CLERK:** Mr. President, some items for the record. Your Committee on Enrollment and Review reports LB103, LB202, LB320, LB397, LB441, LB663, LB718, LB717, LB719, LB794, LB821 as correctly engrossed and placed on Final Reading. Additionally, your Committee on Banking, Commerce and Insurance chaired by Senator Jacobson reports LB1205, LB875 to General File, LB875 having committee amendments. Your Committee on Urban Affairs chaired Senator McKinney reports LB839, LB840 to General File, both having committee amendments. Your Committee on Revenue chaired By Senator von Gillern reports LB1110, LB873, LB1240, LB1253 to General File. Your Committee on the Executive Board chaired by Senator Hansen reports LB1236 to General File with committee amendments. Notice of committee hearings from the Appropriations Committee. Amendments to be printed from Senator Meyer to-- Glen Meyer to LB1003; Senator John Cavanaugh, LB429; Senator Armendariz, LB992; Senator Dorn to LB1143; Senator Conrad to LB877. Communication from Senator Ballard: the Nebraska Retirement Systems Committee has selected LB820 as a committee priority bill, as well as LB1101. LB1101 and LB820, both as Retirement Systems Committee committee priority bills. Additionally, communication from Senator McKinney. The Urban Affairs Committee has selected LB1114 as a priority bill-- committee priority bill. Urban Affairs, priority bill, LB1114 as well as LB1135. Communication from Senator Clements designating LB468 as his personal priority bill for the session. Senator Clements, LB468, personal priority. New A bill, LB1101A from Senator Holdcroft. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB1001. LB1127A from Senator Dover. It's bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB1127. Name adds: Senator DeKay name added to LB304, LB745, LB762; Senator Kauth to LB938; Senator DeKay, LB1032; Senator Machaela Cavanaugh,

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate February 17, 2026

Rough Draft

name added to LB1124; Senator Andersen, LB1159. Notice that the Transportation and Telecommunications Committee will have an executive session following their hearing today in Room 1510. That's all I have this time.

**KELLY:** Senator Moser would like to recognize some guests in the north balcony. They are from Leadership Columbus, Columbus, Nebraska. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk.

**CLERK:** Mr. President, a priority motion. Senator Armendariz would move to adjourn the body until once-- Wednesday, February 18 at 9:00 a.m.

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