

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 19, 2026
Rough Draft

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

CLOUSE: Colleagues, before we take an attitude of prayer, I was reading through my devotion, and one of them really stuck out to me, and it was slow, steady progress, which I thought was appropriate. It's Ecclesiastes 7, Verse 8. It says, the end of the matter is better than its beginning. Patience of spirit is better than arrogance of spirit. I think that's so appropriate for how we handle things in this body. Please join me in an attitude of prayer. Heavenly Father, we come before you today just to ask for your guidance and your direction and please give us the humility as we work with one another and the patience as we work through all the issues that-- before this body. Help us to discern right from wrong, and, and really make the, the decisions that are best for our state and best for our constituents. And-- but, but above all things, we need to keep in mind that, that your will always needs to be done. We ask that you guide us and direct us, forgive us of our sins and shortcomings, and we ask all this in the name of your son, Christ Jesus. Amen.

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

IBACH: Colleagues, 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.

ARCH: Thank you. I call to order the twenty-ninth day of the One Hundred Ninth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

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

ASSISTANT CLERK: I have no corrections for the Journal.

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

ASSISTANT CLERK: Yes, there is, Mr. President. Communication from Senator Fred Meyer, designating LR24CA as his personal priority for this session. Communication from Senator Dover, designating LB768 as his priority. Communications from Senator John Cavanaugh, designating

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LB7-- excuse me, LB933 as his personal priority bill; as well as a communication from Senator Storm, designating LB938 as his personal priority bill; Senator Ballard designating LB997 and his personal priority bill; and a notice of committee hearing from the Committee on Rules, Mr. President. That's all I have.

ARCH: Thank you, Mr. Clerk. Senator Glen Meyer would like to recognize the-- Dr. Dave Hoelting of Pender, who is serving as our family physician of the day. Thank you for serving, Doctor. Senator Tom Brandt has some special guests seated under the south balcony, Michelle Rayburn and Holli Lovegrove, both from Geneva. They are special education administrators. Please rise and be welcomed. Mr. Clerk, we will now proceed to the first item on the agenda.

ASSISTANT CLERK: Thank you, Mr. President. The General Affairs Committee would report favorably upon the appointments of John Michael Coffey, James Elworth, Robert "Bud" Synhorst to the Nebraska Liquor Control Commission.

ARCH: Senator Holdcroft, you're recognized to open on your confirmation report.

HOLDCROFT: Thank you, Mr. President. I have, I have three nominees this morning. First, I am pleased to present Judge John Michael Coffey for gubernatorial appointment to the Nebraska Liquor Control Commission. Judge Coffey appeared before the General Affairs Committee, where there were no testifiers in opposition to his appointment, and the committee unanimously advanced his appointment to the Liquor Control Commission. Judge Coffey is a lifelong resident of Omaha and a retired judge of the 4th Judicial District in Douglas County. He was admitted to the Nebraska State Bar in 1974 and practiced law in a broad range of areas before being appointed to the district court in 1998. He served with distinction on the bench for nearly 25 years, retiring on June 1, 2023. In 2022, he was invited to sit with the Nebraska Supreme Court. Throughout his career, Judge Coffey has been actively engaged in leadership within the legal profession. He has served in chairman-- as chairman of the House of Delegates for the Nebraska State Bar Association, as a member of the Executive Councils of both the Nebraska State Bar Association and the Omaha Bar Association, and as president of the Barristers Club. He is also admitted to practice before the United States District Court for the District of Nebraska, the Eighth Circuit Court of Appeals, and the United States Supreme Court. Judge Coffey is also a decorated veteran of the United States Army, serving in 19-- from 1969 to 1971,

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including service in Vietnam. His honors include the Bronze Star and the Army Commendation Medal, among others, and he was honorably discharged. Judge Coffey brings extensive judicial experience, a strong record of public service, and a deep commitment to this state. I am pleased to present him as an appointment to the Nebraska Liquor Control Commission. My second recommendation, I am pleased to present James A. Elworth for gubernatorial appointment to the Nebraska Liquor Control Commission. Mr. Elworth appeared before the General Affairs Committee, where there were no testifiers in opposition to his appointment and the committee unanimously advanced his reappointment-- or his appointment to the Liquor Control Commission. Mr. Ellsworth [SIC] brings more than three decades of distinguished legal, regulatory, and investigative experience to his role. He began his legal career as a Nebraska prosecutor in 1983 and served into early 1997, primarily with the Drug and Violent Crime Unit in the Nebraska Attorney General's Office, where he was one of its first members. His work required sound judgment, meticulous preparation, and a steadfast commitment to public safety and the rule of law. From October 1990 to January 1997, Mr. Ellsworth also served as the assistant attorney general with the Nebraska Department of Justice, further strengthening his experience in state government and regulatory enforcement. In 1997, He transitioned to collegiate athletic administration, serving as assistant athletic director at the University of North Dakota before joining the N-- the Nebra-- I'm sorry-- the National Collegiate Athletic Association in 1999. Over a 21-year career with the NCAA, Mr. Elworth held several significant roles, ultimately serving as associate director. He spent five years investigating allegations of rules violations and presenting evidence in formal hearings. For the next 16 years, he worked directly with the NCAA Infractions Committee, researching case precedents, advising during deliberations, and drafting published decisions. This work demanded impartial analysis, careful review of complex regulatory frameworks, and the ability to weigh evidence and apply established standards consistently and fairly. Throughout his career, Mr. Elworth has demonstrated integrity, independence, and a deep respect for due process-- qualities essential in the work of the Liquor Control Commission. His background in criminal prosecution, regulatory enforcement, and adjudicative support uniquely positions him to continue serving the citizens of Nebraska with fairness and professionalism. And my final nominee is: I am pleased to present Robert "Bud" Synhorst for gubernatorial appointment to the Nebraska Liquor Control Commission. Mr. Synhorst appeared before the General Affairs Committee, where there were no testifiers in opposition to his appointment and the committee unanimously

advanced his reappointment-- or his appointment to the Liquor Control Commission. Mr. Synhorst brings a strong record of leadership, public service, and executive experience to this role. He is currently the owner of Robnick Strategies, a position he has held since January of 2017. His background also includes serving as president and CEO of Lincoln Independent Business Association from October 2019 to December 2023, and as executive director of the Alpaca Owners Association, from December 2016 to October 2019. In each of these roles he has demonstrated strategic leadership, organizational management, and the ability to work effectively with diverse stakeholders. In addition to his professional experience, Mr. Synhorst has a distinguished history of public service. He previously served as a member of the Nebraska State Board of Health and on the Judicial Nominating Commission. These appointments reflect the trust placed in his judgment, integrity, and commitment to serving the people of Nebraska. His combined experience in executive leadership, regulatory environments, and public service has served the Liquor Control Commission well. Mr. Synhorst understands the importance of balance, oversight, fair enforcement, and responsible regulation in supporting both public safety and Nebraska's business community. I am pleased to nominate these three for the Liquor Control Commission. All of them had no opposition testimony, and they all three came out of committee 8-0. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I just want-- wanted to lend my support to these appointees. I know, folks-- the Liquor Control Commission is obviously a very important position in appointing three very qualified people to the Liquor Control Commission. It is important, especially at this point in time. These folks also sit on the Medical Cannabis Commission, and so we've had conversations about previous appointees to these. This appointee-- actually, I think this, this, this vote will be just on the first two: Judge Coffey and Mr.-- is it Ellsworth [SIC], I think. But Judge Coffey, I can actually speak to personally. I, I worked in front of him when I was a public defender, and practiced in his courtroom. He was a very fair, reasonable judge. Ruled against me more than he ruled for me, which was common, but was somebody who was lis-- willing to listen to facts and the law, and was willing to rule in my favor when the, the facts and the law required it. And in the hearing for both of these folks, I, I think they've got very good perspective on the task ahead of them at the Liquor Control Commission. And I, I do think that

they come in with a, a specific perspective on cannabis, but they all expressed-- both of these appointees and Mr. Synhorst expressed a willingness to make changes when presented with alternative facts and evidence, a willingness to learn and grow on the issues of cannabis. And so, I think it is really important that we have members of the commission who are working toward a system of regulation that will actually make cannabis available and accessible to the patients in Nebraska, which has been frustrated by the Liquor Control Commission and the Cannabis Commission up to this point. So I'm hopeful and optimistic that these three new appointees will come in with a fresh perspective. I think they expressed a willingness to do that in their time, in, in the hearing, and so I would encourage your green vote for these appointees to the Liquor Control Commission. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in support of these nominees, and just wanted to make sure to put a note in the record about the level of frustration that Nebraskans feel in terms of having their voice be heard and effectuated instead of delayed and frustrated by powerful political actors in Nebraska, including the majority of this Legislature, the Attorney General, and Governor Pillen. Nebraskans spoke resoundingly, over 70% of Nebraskans, that they want access to a sensible medical cannabis program, years ago. And yet, we still don't have a structure and a system in place to facilitate their will. The vast majority of our sister states-- well over 40, maybe even well over 45 or more-- have some sort of program in place to provide access to care for little kids with epilepsy and seniors, for veterans with PTSD, for cancer patients, and for other treatments and ailments, from mental health and anxiety, which can be debilitating, to pain, to a host of other issues. Nebraskans want to have an opportunity to utilize medical cannabis as a cure, not a crime. For more than a decade, these families have gathered together to petition their Legislature for change-- to follow the examples of our sister state, to make sure that a thoughtful, humane program was in place. And despite arduous work, they were unable to get this body to take action. So they did what they're supposed to do: they organized, they associated, they talked to their neighbors and friends, they ran countless grassroots campaigns to, to gather the requisite signatures to put a thoughtful measure on the ballot for a vote of the people in the face of inaction by this body. Those efforts were thwarted through confusing legal decisions, through various and sundry hurdles they faced in organizing

and fundraising. But finally, finally, they were able to reach the ballot, and what they thought would happen did happen. When Nebraskans finally had a chance to vote on medical cannabis, they voted resoundingly that said we want a sensible structure and system in place. Now years later, we're still trying to effectuate the will of the people. And the language of the ballot initiative itself was clear, but the Attorney General and the Governor and the majority of this body have done everything they can at every turn to undercut and thwart the will of the people on this issue. I had an opportunity to make the rounds in my district over the interim period, and I talked to literally thousands of voters. And I love how our nonpartisan Legislature facilitates and fosters dialogue across the political spectrum, because we talked to everybody: Independents, Democrats, Republicans. One, two, three, four, five, six. And resoundingly, resoundingly, I heard from voters in north Lincoln, regardless of political party, they were frustrated that powerful actors were silencing their voice and erecting barriers to effectuating their will on countless issues, but particularly on medical cannabis. I heard this a lot, and frequently from conservative voters who were frustrated. So we need to get good nominees in place, we need to stop the political gamesmanship, and we need to ensure that we effectuate the will of the people as indicated in the ballot initiative or otherwise, to make medical cannabis--

ARCH: Time, Senator.

CONRAD: --a cure, not a crime. Thank you, Mr. President.

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

HOLDCROFT: Thank you, Mr. President. I just want to clarify that, that this vote will be for all three nominees. We did vote out Mr. Synhorst in a separate vote because of some paperwork issues, but all three have been combined into the one report from the General Affairs, so the report-- so the vote we are about to take are for all 3 nominees. Thank you, Mr. President.

ARCH: Seeing no one left in the queue, Senator Holdcroft, you are recognized to close on the reports. And Senator Holdcroft waives close. Colleagues, the question before the body is the approval of the confirmation report from General Affairs. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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

ARCH: The report is approved. Mr. Clerk, for items.

CLERK: Mr. President, communication from the Transportation and Telecommunications Committee, designating LB972 as a committee priority bill. Additionally, LB1126 as a community priority bill from the TNT Committee. Communication from Senator Jacobson, designating LB525 as his personal priority bill for the session. Your Committee on Government, Military, and Veterans Affairs, chaired by Senator Sanders, reports LB786, LB869, LB899, LB1074, LB730, LB754, and LR as-- reports them to General File, some having committee amendments. Additionally, your Committee on Government, Military, and Veterans Affairs, chaired by Senator Sanders, reports LR293 to the Legislature for further consideration. Additional communication from Senator Raybould, selecting LB1000 as her personal priority bill for the session. New LR, LR 341 from Senator Arch, and LR342, from Senator Arch. Both will be laid over. That's all I have at this time.

ARCH: Thank you, Mr. Clerk. You may proceed to the next item on the agenda.

CLERK: Mr. President, Select File, LB795, from Senator DeKay. When the Legislature left the bill, pending was the bill itself, as well as an amendment from Senator Storer, and an amendment to said amendment from Senator Conrad.

ARCH: Senator Conrad, you're recognized for a minute to refresh us on your floor amendment.

CONRAD: Thank you. Thank you, Mr. President. My floor amendment is a opportunity for discussion about a more thoughtful approach to establishing or updating a sentencing structure around this issue. Thank you.

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

McKINNEY: Thank you, Mr. President. So I rise again in support of FA-- my vision is messed up. I think that says FA980. And I'm against AM292 for all the reasons I spoke about yesterday. You know, I just think that we need to slow the brakes on all of these offenses that we're just enhancing, and also think about the consequences of the things we do. I know things might, for some people, make them feel good and

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those type of things. But at the end of the day, there is a cause and effect to everything we do in this place, and the, and the effect of this piece of legislation will be, potentially, if the issue is as severe as being advertised, an increase in the population, and not just an increase. Because as I said yesterday, it's already a felony, which means they can already be prosecuted for this offense. What it will do, if this passes, is guarantee the length of stays going up, which is already has been an issue, and is why our state's overcrowding problem is what it is. So some people are OK with that. It is what is. I just think that too many people have been over prosecuted. At what point does somebody be allowed a second chance? At what point do we think about what is actually justice and what is actually rehabilitation? What is actually corrections? Because justice is different for many people. It's some people that justice is that that person was held accountable for a short period of time. Then it's some people that want more severe penalties, but it's different and it's individualized for different people and different families. So it's not to say accountability isn't needed. It's not to say that this drug should be sold or people should be consuming it or distributing it. That's not what I'm saying. What I'm saying is, it is already a penalty. And when we get into the budget and we talk about why we cannot get out this crisis, I will always point back to the dark hole that is our institutional system, our corrections system. But I don't know if they're correcting if we're continuing to build prisons. We're continuing to put money into something that's not working. And then, Senator Clements said the other day that, you know, the new prison will allow for better programming. How is that possible when it's going to be overcrowded, and the issue with the current prison currently, in programming, is that it's overcrowded and understaffed? How does that solve the problem? Also, when you're going to keep the Nebraska State Penitentiary open, where are you going to get the staff and how are you going to do programming if it's overcrowded? It doesn't make any sense. There's no logic in that. And you can disagree with me all day, but that's just the truth. And then I'll go back to it. Some people don't like it. Some people like to hear it, because on one hand, they want property tax relief, and on the other hand, they want to be super tough on crime. Both can't work at the same time, especially with the \$470-plus-million budget deficit. You could be smart on crime, probably actually save money, and potentially get better property tax relief, because if we wouldn't be dropping \$350 million into a system that hasn't worked for the past 30 years. You wouldn't need new prisons and you wouldn't need, wouldn't need new penalties if the tough-on-crime approach worked. It just is not

possible. And, and, and you can just, just think about it. How does it work? Why are we keep [MALFUNCTION]. And the United States and the state of Nebraska have been tough on crimes since the '90s. It doesn't make any sense, does it? I didn't think so, but I'll be back on the mic. Thank you.

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

CLEMENTS: Thank you, Mr. President. I stand in opposition to FA980, in support of AM2092, in support of LB795. I was-- received a handout regarding the potency of fentanyl and the risk of overdose. And the-- at the bottom, it says 0.002 grams means certain death, and a teaspoon is 5 grams, so it's-- then there's another handout regarding-- from LB817, on the penalties that are proposed in AM2092. It says, 10 to 28 grams would be 3 to 50 years. 10 grams of fentanyl can kill 5,000 people. That's 2 teaspoons, and they could-- may only get 3 years for potentially killing 5,000 people. The next level is 29 grams, which would be 6 teaspoons, could kill 14,500 people with the 0.002 grams is certain death, and the-- but they might only get 5 years of sentencing. And the third category is 140 grams or more. That would be 28 teaspoons. But it's a 20-year minimum, but that's enough to kill 70,000 people, the 140 grams. And so, the-- I believe the sentence structure has been set so the judge has a lot of leniency. And somebody who may have had enough product to kill 5,000 people might only get a 3-year sentence. I think this is a very reasonable bill. I would yield the rest of my time to Senator Storer.

ARCH: Senator Storer, 3 minutes.

STORER: Thank you, Mr. President. I appreciated-- we can always rely on Senator Clements to do the math. And those are, those are astounding numbers when you start to work out, as he so well, so well explained, the grams. How many-- 0.002 grams, death is certain. And how many grams, these penalties would-- how many people could be killed for the possession-- so let me, let me explain it this way. In order to even reach the point of weight enhancements that this bill would put into law, in order to even get to that point, you would have to be in possession of 100 pills. To even, to even get to the point of a weight enhancement penalty. That would put you at, at potential 3 to 50. 100 pills. Then to get to the next level, it would be 280 pills. That puts you up to a penalty of 5 to 50. We don't get to the point of an enhancement for life and potentially life in prison until, until you get to the point of being in possession of 1,400 pills. 1,400 pills. So the conversation that we've heard from some of the

opposition on this is really, is, is really distracting and, and inaccurate in this idea that all of the sudden, this bill is going to start sending people that are caught with a trace amount of fentanyl to prison for life. That is not true. That is not true on any level. So again, what the bill is doing-- and I'll be back on the mic here in a minute to talk more about this. We're, we're aligning fentanyl, the penalties of fentanyl distribution based on weight, with, with the same penalties that currently exist in law for cocaine, methamphetamine, and heroin. We're aligning them with those other exceptionally hazardous drugs, as they are already in statute. We are not creating a new segment of criminal law here. When you hear again, some of the opposition that all of the sudden, you know, somebody that might get caught with a little trace of something in a plastic bag is going to go to prison for life, that is objectively untrue on every level.

ARCH: Time, Senator. Senator Moser, you are recognized to speak.

MOSER: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I stand in support of LB795 by Senator DeKay, and also in support of AM2092 by Senator Storer. Senator Storer's bill-- or amendment, aligns the penalty for possessing and dealing fentanyl with what other drugs are currently slated for, and it's not aiming at users of drugs, but dealers of drugs. And as dangerous as fentanyl, fentanyl is, it should be equal to the other drugs in penalties or worse-- more. And I appreciate Senator Storer bringing this amendment and I'm going to support it. And then, I would yield the rest of my time to Senator Storer. Thank you.

ARCH: Senator Storer, 3 minutes, 50.

STORER: Thank you, Mr. President. Again, I just want to, want to explain what the issue is now and what we're trying to rectify and fix with LB817, otherwise known as AM2092. Nebraska law today already increases penalties for major drug dealers based on the type and weight of the drug involved for methamphetamine, cocaine, crack cocaine, and heroin. The more that someone possesses with intent to distribute, the more serious the felony. Large quantities carry mandatory minimum sentences. But fentanyl currently, despite being far more lethal than those drugs I previously mentioned, does not currently have the same weight-based penalty enhancement. As a result, a dealer with 140 grams of methamphetamine can face 20 years to life, while a dealer distributing a similar quantity of fentanyl faces a significantly lower sentencing range. This creates an inconsistency in

our law that does not match today's public safety reality. So what LB817 or AM2092 does is it adds a weight-based penalty enhancement for fentanyl distribution, not possession, it aligns fent-- fentanyl penalties with those already in place for other exceptionally hazardous drugs, and it ensures Nebraska law reflects the serious threat that fentanyl poses-- not just poses, but is, but is creating. There are cases currently before the court-- many-- related to, to fentanyl overdose-- someone who was sold something that killed them. This is destroying many of our communities and we're losing people on a regular basis. And LB817 or AM2092 simply puts the penalties for fentanyl based on weight enhancements in line with those that already exist for those other hazard-- extremely hazardous drugs. So again, you would have to possess 1,400 pills of fentanyl to be subject to a 20-to-life penalty. Now I'm going to do the math while I'm off the mic, or ask Senator Clements to help me do the math on that one, to figure out how many people 1,400 pills would, would kill. These are not small crimes. We're talking about the potential of massive destruction. So I appreciate your support on AM2092, as well as LB795. I stand in opposition to FA980. It is not a friendly amendment. So again, ask for your green vote as we come close to cloture. Thank you.

ARCH: Senator Storer, you are next in the queue.

STORER: Thank you, again. This has been a long conversation. And I know that, you know, there's some-- we have lots of bills to get to, that, that are very important as well. And I can tell you that I'm equally as frustrated that we have had to spend 4 hours talking about something that is so common sense. Again, we're not, we're not creating new criminal law here. We're aligning a lethal drug, killing people in our communities, aligning those penalties with other drugs that already are subject to those penalties-- just catching up. We're modernizing, if you will, those penalties, but yet we have had to spend 4 hours here talking about it. The votes are here to move this forward, so this isn't a matter of, of if, but when. Good debate is certainly valuable. That's what we're here to do. It's important to hear all sides of the issue. So I don't want to sound like I'm disparaging debate in its entirety. We all learn something from one another here. But this one has been pretty clear cut from the beginning. And again, the idea that all of a sudden we're going to be sending some innocent person that got caught with a little trace in a backpack to prison for life is abjectly untrue. 100% untrue. That is, that is a manipulative explanation. And, and so when you, when you really start to look again at the-- and I passed that out, so you have it all in front of you. I know I tend to understand things best by

seeing them, not just hearing them. So you have in front you the grams of fentanyl consumed and at what point the risk of death versus certain death occur. So as Senator Clements pointed out, a teaspoon is 5 grams. One teaspoon is 5 grams, yet 0.002 grams will kill you. Just try to wrap your head around that. One fentanyl pill weighs about 1/10 of a gram, so one gram is 10 pills. One gram is 10 pills. You don't reach the level in this bill under sub-- subjectivity to enhanced penalties until you're caught with the possession of 100 pills. So again, this matters. It matters for a lot of reasons, but fentanyl is-- there is no disagreement, I've heard no disagreement here, about the uniquely-- fentanyl being uniquely fatal. That's very small amounts that result in overdose or death, and allowing large-scale fentanyl dealers to face lighter penalties than other major drug traffickers sends the wrong message, and quite frankly, weakens our ability to respond to this crisis. So AM2092 and ultimately, LB795, help us, help us to bring these things into alignment, give our law enforcement, our courts, and, and the judicial system the tools they need to match the penalty with the crime. Again, I appreciate-- I, I stand opposed to FA980. I am in favor of AM2092, and ultimately, LB795, and I ask for your green vote on cloture. Thank you.

ARCH: Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I do rise today, I think, in favor of FA980, and obviously opposed to AM2092. I just wanted to make sure that I put that on the record. I don't know when cloture is. And because we're running a little bit short on time, Senator Conrad did ask if I would yield her some time, to make sure she could put some comments on the record here, before we hit cloture. So I would yield the remainder of my time to Senator Conrad.

ARCH: Senator Conrad, 4 minutes, 35.

CONRAD: Thank you, Mr. President. Thank you, Senator Dungan. Good morning, colleagues. I wanted to make sure to draw your attention specifically to the committee transcript, in regards to underlying legislation, which is contention-- contentious. It is dated January 22, 2026, of this year. If you look on pages 38 and 39, the Attorney General, who was testifying in support of this measure, said unequivocally on the record, in sharp contrast to my friend, Senator Storer's most recent remarks in regards to her amendment and related legislation-- Senator Holdcroft asked the Attorney General about how this test works, about what the quantity means. And the Attorney General said in this instance, quote, the test here, the test here

would be to tect-- detect just the presence of fentanyl in the substance, as opposed to doing additional testing to actually determine the purity or the exact quantity of the fentanyl in the larger substance. The questioning goes on, with committee members and the Attorney General, who was testifying in support of this measure, making our point. If Senator Storer and her allies are interested in ensuring that we have appropriate or increased penalties in place-- because mind you, we already have significant penalties in place-- for the actual amount of fentanyl, that's FA977 that I filed on this measure. That's not what her bill nor her amendment does, and that is completely and totally contradicted by the Attorney General's testimony on this measure at the committee level, 100%, who has expertise on these issues and that was subject to question and answer by committee members. So whether intentionally misleading or confused, what is before us does penalize trace amounts. It was discussed in detail at the committee level. That was concurred by supporters of this measure. And the handouts that my friend, Senator Storer, has passed out make our argument. She's passed out some information about how more fentanyl causes more harm or is likely to cause more harm. Agreed. That's why we should have a sentencing structure in place that penalizes for the actual amount, the actual quantity, the actual weight, the actual purity, which her amendment does not do. It does not do that. I know not everybody is a lawyer in this measure-- I-- in this, this body. I know everybody is trying their best to advance their policy goals, but precision matters. We can't just make misleading statements because it feels good or we're trying to a cau-- a case. We have to look at the record. The record in regards to this issue from proponents of this bill is unequivocal. This isn't amount-- about additional penalty for quantity or purity. This is about additional penalty for trace amounts. Period. If you're interested in updating already significant penalties for the quantity of fentanyl, I have a floor amendment that does that, FA977. Colleagues, you don't have to take my word for it. Take the word of your colleagues on Judiciary Committee. Take the word of the Assistant Attorney General. Look at the committee transcript, dated 1-22-26. I draw your attention to communications listed on pages 38, 39, and subsequently. There is a clear and unequivocal discussion from proponents of this bill that this isn't about increasing penalties for increasing weight. This is about increasing penalties for trace amounts. Thank you, Mr. President.

ARCH: Mr. Clerk, you have a motion.

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

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

DeKAY: Mr. President, I would move to invoke cloture, and would request a call of the house and a roll call vote in regular order. Thank you.

ARCH: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Dungan and Hansen, please return to the floor. The house is under call. All members are now present. There has been a request for a roll call vote in regular order. Mr. Clerk, please call the roll.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKinney voting no. Senator Fred Meyer voting yes. Senator Glen Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop. Senator Prokop, I'm sorry? Voting yes. Senator Quick voting no. Senator Raybould not voting. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator

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Wordekemper voting yes. 35 ayes, 13 nays to invoke cloture, Mr. President.

ARCH: The motion to invoke cloture is adopted. Members, the next vote is on the adoption of FA980. All those in favor vote aye; all those opposed vote nay. There has been a request for a roll call vote. Mr. Clerk, please call the roll.

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 voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting yes. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Fredrickson voting no. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senor Juarez voting yes. Senator Kauth voting no. Senator Lippincott voting no. Senator Laonowski voting no. Senator McKinney voting yes. Senator Fred Meyer voting no. Senator Glen Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop not voting. Senator Quick voting yes. Senator Raybould voting yes. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Vote is 13 ayes, 34 nays, Mr. President.

ARCH: The amendment is not adopted. The next vote is the adoption of AM2092. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting

yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKinney voting no. Senator Fred Meyer voting yes. Senator Glen Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting yes. Senator Quick voting no. Senator Raybould voting yes. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. The vote is 36 ayes, 13 nays on adoption of the amendment, Mr. President.

ARCH: The amendment is adopted. Colleagues, the next vote is the advancement of LB795 to E&R for engrossing. All those in favor, say aye. There has been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKinney voting no. Senator Fred Meyer voting yes. Senator Glen Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting yes. Senator Quick voting no. Senator Raybould voting no. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. The vote is 35 ayes, 14 nays, Mr. President, on advancement of the bill.

ARCH: LB795 advances to E&R for engrossing. I raise the call. Mr. Clerk, for items.

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CLERK: Thank you, Mr. President. Some items for the record. Communication from sen-- the Education Committee, designating LB1050 and LB937 as the committee priority bills for the session. Additionally, communication from Senator Prokop designating LB1091 as his personal priority bill for the session, LB1091, Senator Prokop, personal priority bill. Additionally, communication from the Natural Resources Committee, designating LB1010 as a committee priority bill, Natural Resources Committee, LB1010, committee priority bill. Communication from Senator Hughes, designating LB1124 as her personal priority bill for the session. Senator Juarez would designate LB1034 as her personal priority bill for the session. Senator Dungan would designate LB762 as his personal priority bill for the session. Senator Storer designates LB1083 as her senator personal priority bill for the session. The Planning Committee would designate LB1179 as a priority bill for the session. Mr. President, your Committee on Judiciary, chaired by Senator Bosn, reports LB985 to General File, with committee amendments. Notice of committee hearing from the Education Committee, as well as the Nebraska Retirement Systems Committee. Amendments to be printed from Senator Hansen to LB972 and 9-- excuse me-- LB1001; Senator John Cavanaugh to LB1156; Senator Hallstrom to LB455; and notice that the Education Committee will have an executive session now in room 2102, Education Committee now in 2102. That's all I have at this time, Mr. President.

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

CLERK: Mr. President, Select File, LB807 from Senator Ibach. There are E&R amendments, first of all, Senator.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB807 be adopted.

ARCH: Members, you've heard the motion. All those in favor, say aye. Opposed, nay. They are adopted.

CLERK: Senator Kauth, I have FA436, with a note you'd withdraw.

ARCH: So ordered.

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

ARCH: Senator Guereca, for a motion.

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GUERECA: Mr. President, I move that LB807 be advanced to E&R for engrossing.

ARCH: Members, you've heard the motion. All those in favor, say aye. Opposed, nay. It does advance. Mr. Clerk.

CLERK: Select File, LB70. There are E&R amendments, Senator.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB70 be adopted.

ARCH: Members, you've heard the motion. All those in favor, say aye. Opposed, nay. They are adopted.

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

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB70 be advanced to E&R for engrossing.

ARCH: Members, you've heard the motion. All those in favor, say aye. Opposed, nay. It does advance. Mr. Clerk.

CLERK: Mr. President, Select File, LB87, first of-- LB877, excuse me. Senator, there are E&R amendments, first of all.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB877 be adopted.

ARCH: Members, you've heard the motion. All those in favor, say aye. Opposed, nay. They are adopted.

CLERK: Mr. President, Senator Conrad would move to bracket the bill until April 17, with M0416.

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

CONRAD: Thank you, Mr. President. And good morning, colleagues. I had an opportunity to give a heads up to you, Senator Hallstrom, before I filed some measures on the underlying legislation, LB 877, which I don't have a significant quarrel with, but in light of what was

happening in regards to the previous measure, which had sparked considerable debate, LB795, which has a similar policy goal and opened up a related relevant area, I was and remain deeply concerned about this legislation being hijacked by other members who are seeking to find vehicles to introduce and move debate towards additional crimes, additional penalties, additional enhancements, particularly in regards to doubling down on our failed war on drugs. So I haven't really decided whether or not I'm going to take up all of the motions and potential amendments at this juncture. Again, my quarrel is not necessarily with Senator Hallstrom's bill. I think it can and should be a good vehicle to capture the substance of the original LB795, which Senator DeKay introduced, which could provide a vehicle to take up that original legislation and leave behind the amendment that we just adopted from Senator Storer, on that measure. So I think some of those negotiations and discussions will continue to happen, but knowing what we know about what's flying out of the Judiciary Committee literally at every moment, and seeing a steep and significant rise in the past few years in this Legislature that stands in contrast to the smart justice approach that the federal government and our sister states have taken, members who care about prison reform, saving taxpayer dollars, a better approach to public safety, are going to have to be ever-vigilant in filing measures on what otherwise would be perhaps even worthy or innocuous, innocuous pieces of legislation, because the felony factory is moving too fast. And we know from the consultants' reporting over just the last few years that in order to deal with Nebraska's prison overcrowding crisis, we're going to have to put hundreds, if not thousands of new beds in play. And that's beyond the hundreds of millions of dollars we've appropriated for a brand new prison that has not come online yet. And, that report was looking at the sentencing structure that existed prior to the exponential increase in rise of felonies and enhancements that this body has moved forward with over the past just few years. Peeling back, in many instances, modest but meaningful reforms to our sentencing structure, to collateral consequences, to diversion, to treatment, programming, and services that we know are proven strategies. Simply creating new crimes, simply reflexively enhancing existing sentences is the exact opposite of what we should be doing to get a better value for taxpayers and to advance our shared public safety goals. And you don't have to, of course, just take my word from it-- for it. I've been reading and have been an active participant in the analysis and considerable discussions that this body and key stakeholders have had in recent years about these issues-- whether it's the Council of State Governments, whether it's the Crime and

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Justice Initiative, that literally, our Governor, our Supreme Court Justice, and our Speaker invited to come to Nebraska to do independent, credible, nonpartisan analysis of how to help us fix our prison system crisis and mess. And they gave us the data and they gave us a roadmap, and we're walking away from it, with no explanation and no plan in sight for how we're going to pay for this and what that means for human rights and what that means for public safety. And I know people don't want to think about it because they want to just kick the can down the road. I don't-- sorry. I saw that-- said the house was under call. That's not right. But we have an obligation and a responsibility to be good stewards of the taxpayer dollars and to engage in planning. We have a huge budget deficit that's growing. We have no identified opportunity to figure out where we're going to find hundreds of millions of dollars to build more prisons. But every session, we're stepping away, we're pulling back from reform that's worked in other places and we're doubling down on failed policies, in sharp contrast to what our sister states and the federal government is doing. So I haven't decided exactly how I want to structure the debate on this measure for the rest of today, or perhaps even headed into tomorrow, but we're going to have to find some legislative strategies to slow down the felony factory. And innocuous or otherwise good bills like Senator Hallstrom might have before us today may become collateral damage or may have to suffer a longer time on the agenda than they otherwise would have. Because we know what's happening and we know where the body's at and I've seen that and I'm pragmatic, in regards to the debate on the controversial amendments and how the body decided to move forward, including how Senator DeKay decided to move forward on LB795. Thank you, Mr. President.

ARCH: Seeing no one in the queue, Senator Conrad, you are recognized to close on your bracket motion.

CONRAD: I'd like to withdraw the bracket, please.

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

CLERK: Mr. President, Senator Conrad would move to recommit the bill to committee.

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

CONRAD: Thank you, Mr. President. And good morning, colleagues. I haven't had a chance to fully compare the recent announcements for a priority bill designations with the one-liners or with the committee

statements for the legislation before us. But just generally speaking, it sounds like members have prioritized additional mem-- measures to increase criminal penalties on a variety of different fronts. So we're going to have a lot of time and opportunity for the remainder of this session, which-- what do we have, about 20 days left before we get to budgetary debate, in the context of this short session-- only a few hours each morning this week and next week, because we're still concluding committee hearings. And then, just perhaps a few weeks of full-day debate before our attention turns to the budget, which should be our primary focus, particularly in the midst of not only an affordability crisis but a self-created fiscal crisis for this state. So time is of the essence. But members have not been thinking or looking at the crisis that we have in regards to corrections. Committing hundreds of millions of dollars to a new prison doesn't solve the problem. The new prison will be crowded on-- overcrowded on day one, once it's finally up and running. Perhaps it will have more humane conditions. Perhaps it will have more access to programming and services, which help to provide for reduced recidivism and increased rehabilitation, and those can be good things and are good things. But it also begs the question and it remains to be seen how prison overcrowding will ultimately be impacted by the Governor's ill-fated decision, supported by members of this body, to cede control and authority of the McCook Work Ethic Camp that actually was working well to provide job skills, to provide, to provide rehabilitation, to reduce recidivism, to keep our communities safer, and with no consultation with the local community, no consultation with legislative leaders. The Governor ceded authority of one of our state institutions to the federal government to curry favor with President Trump, to advance an ever-evolving and broadening weaponization of ICE to terrorize immigrant communities. And the hundreds of people that had been sentenced to the Work Ethic Camp in McCook are now warehoused in bunks, in temporary accommodations, because our prison system is overcrowded-- one of the worst in the country. Yet, we cede authority for an entire institution that was focused on rehabilitation, and we simply move and warehouse people into already-crowded facilities with little to no access to programs and services. And it makes no sense. And in sharp contrast to those actions, this body moves forward at every day at a furious pace, with doing the exact opposite from a policy perspective from what all the experts who have looked at these issues recommend. They recommend that you stop creating new penalties and enhancements, in order to address mass incarceration. Even the sentencing reform task force, ordained by LB50, that members of this body and other stakeholders are a part of, did not put forward

recommendations or roadmaps to reflexively create a host of new crimes and enhancements. It doesn't exist in their reporting. And if all members of this body want to ignore the significant body of evidence that exists and has garnered support across the political spectrum for smart criminal justice reform to save money and have better outcomes for public safety, then we're going to have to take some time on that. I know not all members were here due to term limits during the heart of those debates and discussions. And so perhaps we're going to have to spend time and energy helping to educate and engage all members about the importance of these issues and this work, which touches upon all aspects of our work. Thank you, Mr. President.

ARCH: Seeing no one in the queue, Senator Conrad, you are recognized to close on your motion to recommit to committee.

CONRAD: Thank you, Mr. President. I'd like to withdraw the motion.

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

CLERK: Mr. President, Senator Conrad would move to indefinitely postpone the bill with MO418.

ARCH: Senator Conrad, you are recognized to open on your motion to indefinitely postpone.

CONRAD: Thank you, Mr. President. I'd like to withdraw the motion.

ARCH: Without objection, so ordered.

CLERK: Mr. President, Senator Conrad would move to amend with AM-- with FA975.

ARCH: We have some special guests that I would like to announce. First of all, Senator Clouse has members from the Leadership Nebraska Class XVII, and they are located in the north balcony. Please rise and be recognized by your Nebraska Legislature. Senator Fredrickson also has some special guests. There are 15 members of the Jewish Community Relations Council and the Jewish communities of Lincoln and Omaha. They are also seated in the north balcony. Please rise and be recognized by your Nebraska Legislature. Senator Conrad, you are now recognized to open on FA975.

CONRAD: Thank you, Mr. President. I'd like to withdraw that.

ARCH: Without objection, so ordered.

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CLERK: Mr. President, Senator Conrad would move to amend with FA976.

ARCH: Senator Conrad, you're recognized to open on FA976.

CONRAD: Thank you, Mr. President. I'd like to withdraw that.

ARCH: So ordered.

CLERK: Mr. President, Senator Kauth, I have FA517 with a note that you would withdraw.

ARCH: So ordered.

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

ARCH: Senator Guereca, you are recognized for a motion.

GUERECA: Mr. President, I move that LB877 be advanced to E&R for engrossing.

ARCH: Members, you have heard the motion. All those in favor, say aye. Opposed, nay. It does advance. Mr. Clerk, next item.

CLERK: Mr. President, General File, LB759, from Senator Brandt. It's a bill for an act relating to the Department of Water and Energy, (and Environment); changes the composition of the Water Well Standards and Contractors' Licensing Board; harmonizes references regarding the department with changes made by Laws 2025, LB317; provides authority relating to the Perkins County Canal Project Act; provides a remedy; redefines terms; changes provisions relating to the allocation and distribution of funds from the Nebraska Litter Reduction and Recycling Fund; harmonizes provisions; repeals original section. The bill was read for the first time on January 7 of this year and referred to the Natural Resources Committee. That committee placed the bill on General File, with committee amendments. There are additional amendments, Mr. President.

ARCH: Senator Brandt, you're recognized to open on the bill.

BRANDT: Thank you, Mr. President. Good morning, colleagues. Today, I ask for your green vote on LB759 and the underlying committee amendment, AM1939. LB759 is primarily an agency cleanup bill that updates and harmonizes Nebraska statutes to reflect the 2025 merger and name change that created the Department of Water, Energy, and Environment. This bill maintains multiple statutory references with

the new department structure to ensure consistency and clarity in statute. In addition, LB759 grants department personnel the authority to enter land for the purpose of investigating, examining, and studying sites necessary to determine the location of the Perkins County Canal project. The department is also authorized to acquire permits and construction materials necessary to carry out that project. Finally, the bill updates the procedure for allocating and distributing funds from the Nebraska Litter Reduction and Recycling Fund by removing the requirement for an annual public hearing before the Environmental Quality Council to determine the percentage of funds to be distributed under the act. With that, Mr. President, I would like to move into the committee amendment, AM1939. AM--Go, go ahead.

ARCH: Senator Brandt, you're recognized to open on AM1939.

BRANDT: Thank you. AM1939 is a white copy amendment that incorporates three additional bills to LB759. These bills are LB760, LB761, and LB1076. LB760, as amended, makes changes that shift rulemaking authority, inspections, permit requests, violations, enforcement measures, and penalties for swimming pools, mobile home parks, and recreation camps under the Environmental Safety Act from DWEE to the local government entity with jurisdiction. Local government is defined as a county, city, or village, or a local public health department. In setting health and safety standards governing these areas, the local government must meet or exceed the minimum sanitary or safety requirements adopted and made available to it by DWEE. The Environmental Safety Cash Fund is eliminated. The fund was created to cover the cost incurred by DWEE for the duties that are now shifted from DWEE to local government. Local governments are authorized to set, collect, and enforce fees to cover their costs. LB761, as amended, changes the use of the Integrated Solid Waste Management Cash Fund, and the Department of Water, Energy, and Environment Cash Fund implements new or increased existing fees related to four DWEE programs. The affected programs are water well registrations, livestock facility permitting, hazardous waste management under the Federal Resource Conservation and Recovery Act, the RCRA, and permitted activities under the Federal National Pollutant Discharge Elimination System, NPDES. Fee amounts and transfers to the Integrated Solid Waste Management Cash Fund and the DWEE Cash Fund are amended. The water well registration fee is increased from \$40 to \$200. Water well permits under the Industrial Ground Water Regulatory Act are increased from \$40 to \$200. The tiered initial annual fee for swine less than 50 pounds, larger than 55 pounds, is changed to a fee for swine less than 55 pounds, and a fee for swine 55 pounds or larger.

The department's annual review and adjustment of the fee structure is changed from ensuring fees adequate to meet 20% of the previous fiscal year's program costs to 30% of these costs. Section 81-1505 is amended to require that the fee schedule for fees paid by hazardous waste generators be based on an annual fee determined by the quantity of hazardous waste generated by weight or volume or both. The fund to be credited by the fees is changed from the General Fund to the Integrated Solid Waste Management Cash Fund, to be used to pay for the direct and indirect costs of the regulation of hazardous waste management. The Water Quality and Quantity Cash Fund is created by a new provision to be included in the Environmental Protection Act, to receive gifts, grants, reimbursements, or monetary transfers from any source that are intended to be used to pay the reasonable direct or indirect costs required to develop and administer programs to regulate discharges under Section 402 of the Federal Clean Water Act. Beginning July 1 of 2027, the fee for a national pollutant discharge elimination system application and annual permit requirements from licensees or permittees operating hazardous waste processing facilities or disposal areas, along with rules and regulations to be set by DWEE, in an amount no more than the actual cost of services provided, are credited to the Integrated Solid Waste Management Fund and must be used to implement the rules and regulations adopted for hazardous waste management. Finally, LB1076, as amended, codifies the Oil and Gas Conservation Commission's authority to take administrative action and impose penalty sanctions when violations occur or are threatened to include a provision that any person who knowingly or willfully violates any provision of the act, or any rule, regulation, or order of the commission commits fraud and is guilty of a Class I misdemeanor and may be subject to a civil penalty of at least \$2,500 to \$10,000 per day imposed by the commission. The bill also allows for proceedings by the commission or the individual, establishes procedural guidelines and considerations for enforcement, proceedings, notice requirements, and allowable hearings, provides that funds received under the sections to be credited to the Carbon Dioxide Storage Facility Administrative Fund, and authorizes restraining orders issued by the commission or obtained through judicial proceedings to be brought by the Attorney General upon the commission receiving the information that any person is violating or threatening to violate any provisions of the act by engaging in any unauthorized activity which is endangering or causing damage to public health of the environment. With that, colleagues, I, I would ask for your green vote on AM1939 and LB759.

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

STROMMEN: Thank you, Mr. President. Hey, I just wanted to say thank you to Senator Brandt, for bringing this. I agree with 99% of everything that is in this particular bill. I just wanted to comment quickly on the fee increase side of this. So we have seen a 49% increase in cash fund appropriations over the last 4 years. If you look at your budget book, you can go to page 57, and that will show you exactly what's happening there. And while most of the focus is on General Fund expenditures, cash fund spending via fees and fee increases, it's essentially a tax increase. And at a time where cost of living is-- become number one on people's minds, we should be extremely mindful when we look at these fee increases and we look at, at how we're going to be spreading that money out. So I, I think even-- I, I do agree with the rest of the bill. I, I just want to make people aware of what we're doing when it comes to fee increases, and how that affects an individual's bottom line at the end of the day. So thank you, Mr. President.

ARCH: Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I appreciate my friend, Senator Strommen, for raising the issue on increased fees and what that means for Nebraskans. That's been a reoccurrent theme in recent years, as we are scrambling to manage the fiscal recklessness that this body and this Governor have wrought upon the state with their unsustainable, inequitable millionaire and billionaire and large corporation tax cuts, which are really driving the structural deficit in our budgetary matters, presently and ever-growing in the future. So, in a sneaky way to try and paper over those budget holes and to carry out additional state obligations in programs and services, is to jack up fees on Nebraskans. And we saw a lot of this in the last few years, whether it's increased garbage fees, whether it's increased tuition fees, the list goes on and on and on, and I've tried to be a consistent voice against that, because a lot of those fees hit low-income, working Nebraskans the hardest. They're very regressive in nature. There'll be a bunch of other bills before the Legislature, adjusting or increasing fees for various programs and services. And there's a particularly troubling measure, pending before the Judiciary Committee, that would increase court fees, really, in unprecedented ways. I noticed that the preliminary budget that the Appropriations Committee put forward did not necessarily take that massive fee increase into account for the

Supreme Court's budget, and I hope that holds as they finalize their deliberations. But I did just want-- I'm not going to belabor the point, but I'm glad Senator Strommen brought that up. And I was planning to just let the body know and put a note on the record that what looks like perhaps an innocuous committee cleanup bill is not. And if you look at the component parts-- and you can see I was "no" out of committee on these, there's significant fee increases throughout this measure, hitting Nebraskans who rely on well water, hitting livestock producers-- those were subject to considerable opposition at the public hearing and have mitigated-- been mitigated somewhat but not completely. So I do just want to put that note into the record that the increase in fees here is directly correlated to our Governor and this Legislature's fiscal mismanagement and everyday Nebraskans are now have to get-- gonna-- they're going to have to pay more for these goods and services, because we can't make good policy decisions. It also removes, in component parts in this legislation, opportunities for citizen engagement, public participation, and transparency, with how certain programs have operated for a long time. And any time we remove opportunities for citizen engagement, public participation, and transparency around governmental programs and services, that should be a pause for concern. Finally, there is a component in this legislation that simply tramples over private property rights, and I think that's wrong. Private property rights should be and are, in my opinion, sacrosanct and should only be subject to governmental overreach in the most narrow of circumstances. As I understand it, there are perhaps some private property owners in greater Nebraska that are presently negotiating with governmental officials about whether or not they can access their land for certain preparatory work in regards to the Perkins County Canal, and those private landowners have a right to make those negotiations with the government if that, if that's the right call for them. And this completely frustrates the private property rights, the ongoing negotiations, and just gives a license to government entities and agencies to trample on private property rights as they see fit, as they're doing preparatory work for the Perkins County Canal-- whether or not, of course, that ever comes to fruition or not. But this isn't a simple cleanup bill. It's significant from fiscal perspective, from private--

DeBOER: Time, Senator.

CONRAD: --property rights perspective, and from public transparency perspective. Thank you Mr. President-- Madam President.

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

M. CAVANAUGH: Thank you, Madam President. As I'm sitting here listening to the debate and reading over the bill, and then looking at the committee statement and seeing what other bills are in here, I am going to be opposed to LB759 and AM1939, for many of the reasons that both Senator Strommen and Senator Conrad mentioned, that this is essentially a, a tax increase-- fee increase, tax increase, whatever term you want to use, it's, it's raising costs for Nebraskans. And, and we are using the cash funds, as Senator Strommen mentioned, we're sweeping cash funds that are funded by fees like these, in fact, these fees, exactly, and we're putting them into the General Funds to offset the budget. And this is a practice that has grown to, as Senator Strommen mentioned, 49% over the last 4 years-- have we been taking more and more out of cash funds that are funded by fees that Nebraskans pay for specific services or reasons, and, and doing that in the name of property tax relief. And it is all in the name of property tax relief, because we don't have an actual deficit. We are choosing to put nearly \$2 billion into a property tax relief fund, a tax we do not levy at the state level. And we are cutting funding to pediatric cancer research, to bio-- biomedical research, to Public Health, to Medicaid, to developmental disabilities, to all these things that I think are generally viewed as essential government services, so that we can provide property tax relief, which, again, we don't levy. And we're doing it not only on the backs of those essential government services, but also on the backs of Nebraskans, with these fee increases. This is a systemic problem that continues to be invading our Legislature and I think it is time that we stand up and say no thank you. We are not going to continue to infringe upon the wallets of everyday Nebraskans to pay for the Governor's property tax relief. We want the government to do what it was sent there to do, to provide essential services, be good steward of taxpayer dollars, and don't steal our money. Thank you, Madam President.

DeBOER: Thank you, Senator Machaela Cavanaugh. Seeing no one else in the queue, the question before the body is the adoption of AM1930-- 18-- Senator Brandt, to close.

BRANDT: Thank you, Madam President. Just a few comments on fees. A lot of these fees haven't been raised in 20 years. The difference between a fee and a tax is a fee is a user fee. People that are drilling wells or irrigation wells or building livestock lagoons, they pay the fee for the service. When these agencies run short of money over the

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years, a lot of times, that money will come from the General Fund, and so the effect tends to be that all the taxpayers in the state end up paying for these. And it's unfortunate that we don't have an automatic escalator on fees for all of our agencies. So then what happens is eventually, it has to come here to the Legislature, we have to raise these fees, and it, it-- it's not a good look. I would, I would agree with that. Putting it into context, on an irrigation well today, it's going to cost you probably about \$40,000 or more to drill that well. The guy that's drilling a well gets the permit fee. I think we raised it to \$250. I don't remember there were a lot of fees in here. It's really not a, a large cost of, of doing business. And same way on a livestock lagoon, and I know it-- it's probably-- hurts a little worse if you're drilling a house well, but even a house well's going to run you \$10,000, \$15,000, or \$20,000, so this is just more of the people that use these services are paying for them. Thank you.

DeBOER: Thank you, Senator Brandt. Now the question before the body is the adoption of AM1939 from the Natural Resources Committee to LB759. 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: 20 ayes, 2 nays to place the house under call.

DeBOER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house under call. Senator Spivey, Senator Armendariz, Senator Lonowski, Senator Jacobson, Senator Ibach, Senator Dorn, please return to the Chamber. The house is under call. Senator Spivey, Senator Armendariz, Senator Lonowski, Senator Jacobson, the house is under call. Please return to the Chamber. All unexcused members are now in the Chamber. Senator Brandt, a vote was open. Would you accept call-in votes? Mr. Clerk.

CLERK: Senator DeKay voting yes. Senator Arch voting yes. Senator Hansen voting yes. Senator Lippincott voting yes. Senator Sanders voting yes. Senator Lonowski voting yes. Senator Riepe voting yes. Senator Glen Meyer voting yes. Senator Murman voting yes.

DeBOER: Record, Mr. Clerk.

CLERK: 26 ayes, 1 nay on adoption of the amendment, Madam President.

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DeBOER: The amendment is adopted. Seeing no one in the queue-- I raise the call. Seeing no one in queue, we turn to the next amendment. Mr. Clerk.

CLERK: Madam President, Senator Brandt would move to amend with AM2182.

DeBOER: Senator Brandt, you're recognized to open on your amendment.

BRANDT: Thank you, Madam President. AM2182 to LB759 is a white copy amendment that primarily addresses two areas of the bill. First, it brings the language found in Sections 6 and 8, concerning violations of the Nebraska Geologic Storage of Carbon Dioxide Act, in compliance with federal EPA requirements, and adds an E clause for this section for that purpose. Second, AM2182 sunsets the Environmental Safety Cash Fund found in Section 38 of the amended bill on December 31, 2026, in order to streamline a transfer of rulemaking and fee-collecting authority from the state to local government control, which will eliminate concerns about a gap in collecting fees and properly using the fees at the state level between the effective date of the bill and the end of 2026. If you recall, the right to collect fees for services surrounding mobile home parks, recreation camps, and swimming pools and the uses for this sun-- fund are being transferred to local government entities. Local government means a county, city, or village, or a local public health department as defined in Section 71-1626. Lastly, the section are renumbered, beginning with Section 38, to reflect the insertion of the sunset clause for the fund and the emergency clause. Thank you.

DeBOER: Seeing no one in the queue, Senator Brandt, you're recognized to close on your amendment. Senator Brandt waives closing. The question before the body is the adoption of AM2182. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 26 ayes, 2 nays on adoption of the amendment, Madam President.

DeBOER: The amendment is adopted. Seeing no one else in the queue, Senator Brandt, you're recognized to close on LB759. Senator Brandt waives his closing. The question before the body is the advancement of LB70-- LB759 to E&R Initial. All those opposed-- all those in favor vote aye; all those opposed vote nay.

ARCH: Has everyone voted who wishes to vote? Mr. Clerk, please record.

CLERK: 26 ayes, 5 nays on advancement of the bill, Mr. President.

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ARCH: LB759 does advance. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Communication from Senator Conrad designating LB779 as her personal priority bill. Communication from Senator Clouse, designating LB889 as his personal priority bill. Communication from Senator Hunt, designating LB966 as her personal priority bill. Communication from Senator Spivey, prioritizing LB1067 as her personal priority bill. Communication from Senator Guereca, designating LB878 as his personal priority bill. Communication from Senator Dorn, designating LB1187 as his personal priority bill. Communication from Senator DeKay as Chair of the Agriculture Committee, designating LB948 and LB894 as committee priority bills. Communication from Senator Hallstrom, designating LB455 as his personal priority bill. Communication from Senator McKinney, designating LB962 as his personal priority for the session. Communication from Senator Clements, designating LB1209 and LB1210 as the Appropriation Committee priority bills for the session. Communication from Senator Bostar, designating LB1096 as his personal priority bill. Communication from Senator Bosn, designating LB965 and LB935 as the committee priority bills for the Judiciary Committee. Communication from Senator Hansen, designating LB1219 as his personal priority bill for the session. Amendment to be printed from Senator Hansen to LB1219. New LR, LR343 from Senator Quick. That will be laid over. Notice that the Transportation Committee will have an executive session under the south balcony at a-- now, Transportation and Telecommunications Committee, executive session, under the south balcony now; and the Business and Labor Committee will have executive session in room 2022 now, Business and Labor, executive session, 2022, now. As it concerns the agenda, Mr. President, General File, LB721, introduced by Senator Quick, it's a bill for an act relating to Intergenerational Care Facility Incentive Grant Program; it changes provisions relating to eligibility for grants as prescribed; and repeals the original section. The bill was read for the first time on January 7th of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File, with committee amendments, Mr President.

ARCH: Senator Quick, you're recognized to open on LB721.

QUICK: Thank you, Mr. President. And good morning, colleagues. Today, I'm introducing LB721. LB721 re, re-- refines the Intergenerational Care Facility Incentive Grant Program and does two primary things. First, it allows nursing homes and assisted living facilities to apply to the grant program for expansion of intergenerate care facility

costs. The second is that it clarifies eligibility to ensure for-profit facilities would serve a significant portion of our Medicaid population can have, can have access to these resources. No new funds would be appropriated for this bill. Intergenerational care programs are an innovative approach to addressing the growing need for both child care and elder care services. These facilities may provide shared care and programming for young children and older adults in one location, addressing multiple challenges facing service providers in both industries, as well as families who struggle to, to care for their young children and aging relatives. In addition, these programs foster emotional and cognitive needs for seniors while providing a nurturing environment for young children. Beyond the social benefits, this model addresses staff turnover in elder care programs, which tends to be very high. Onsite child care facilities are a powerful tool for recruitment and retention for staff with child care needs of their own. Furthermore, co-locating these services provides the option to share co-infrastructure such as kitchens, maintenance surfaces, and outdoor areas, making both operations more sustainable. In, in 2024, the Legislature and Governor affirmed the benefits of intergenerational care facilities by enact-- enacting LB904 into law, creating an Intergenerational Care Facility Incentive Grant and appropriated \$300,000 from the Medicaid Managed Care Excess Profit Fund. However, the grant program has hit a bottleneck. Despite five rounds of applications last year, only \$100,000 had been awarded to a single applicant in early 2025, leaving \$200,000 in the fund. LB721 addresses the two main concerns-- two main reasons these funds remain untouched. The first is statutory. Current law restricts grants to startup costs. Several nursing homes are interested in expanding such programs. This means that approximately 11-- or 13 existing intergenerational, intergenerational care facilities operating in Nebraska would be ineligible for expansion of capacity. The second is administrative. The Department of Health and Human Services, which administers the program, has restricted for-profit facilities from applying, despite the intent from the original legislation. LB721 came out of Health and Human Services Committee 7-0. There was no opposition. Thank you for your attention, and I ask for your green vote on LB721 and the following committee amendment. Thank you, Mr. President.

ARCH: Senator Dover would like to recognize some special guests. They are from the Elkhorn Rural Public Power District and the Stanton County Public Power District from Battle Creek and Stanton, and they are located in the north balcony. Welcome. Turning to the committee

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amendment, Senator Hardin, you are recognized to open on the amendment.

HARDIN: Thank you, Mr. President. LB721 amends Section 81-3145, to require the Department of Health and Human Services to accept applications from existing intergenerational care facilities for grant funding under the Intergenerational Care Facility Grant Program related to child care expansion costs. The bill also amends the eligibility criteria to explicitly include all nursing homes, both nonprofit and proprietary, thereby expanding access to the existing grant program. AM1786 to LB721 adds a restriction, prohibiting a facility from reapplying if it has previously received a grant under the program. The HHS Committee advanced LB721 with AM1786 by a 7-0 vote. I'd appreciate your green vote on AM1786 to LB721. Thank you.

ARCH: Seeing no one in the queue, Senator Hardin, you are recognized to close, and Senator Hardin waives close. Members, the question before the body is the adoption of AM1786 to LB721. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 30 ayes, 0 nays on adoption of the committee amendment, Mr. President.

ARCH: AM1786 is adopted. Mr. Clerk.

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

ARCH: Senator Quick, you are recognized to close on LB 721. Senator Quick waives close. Members, the question before their body is the advancement of LB721 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 36 ayes, 0 nays on advancement of the bill, Mr. President.

ARCH: LB721 does advance. Mr. Clerk, next item.

CLERK: Mr. President, General File, LB903 from Senator Storer. It's a bill for an act relating to public assistance; provides for a referral for home visitation services for certain families by case managers as prescribed; and repeals the original section. The bill was read for the first time on January 8th of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File, with committee amendments, Mr. President.

ARCH: Senator Storer, you're recognized to open on LB903.

STORER: Thank you, Mr. President. I rise this morning to introduce LB903. What this does is creates a referral pathway to allow child welfare case managers to refer at-risk families with children under the age of two to home visiting services, enabling home visiting agencies to bill for these services through the Families First Prevention Services Act. The referral mechanism is optional, increasing case manager awareness of available home visiting supports while allowing professional discretion in determining when referrals are appropriate. LB903 addresses the current barrier where home visiting agencies cannot access FFPSA reimbursement without formal case manager referrals identifying those at-risk families. So home visiting is an evidence-based service. It supports the health and well-being of families with young children. It is voluntary, free for families, and cost effective. Home visiting programs pair young families with trained professionals who tailor services to meet the family's specific needs. And in my district, home visiting has been tremendous-- has seen tremendous growth because of the support of this Legislature. Home visiting providers in Nebraska are able to offer this critical service, utilizing a variety of funding streams and supports. The base amount of funding for many home visiting programs comes from the Maternal, Infant, and Early Childhood Home Visiting-- Home, Home Visiting, a federal-funded source. While this provides support to each some-- to each, some eligible families, many home visiting providers-- Panhandle Public Health included, have become very savvy in figuring out how to draw down additional funds, federal dollars, to reach more families with this important service. In fact, Panhandle Public Health in my area was the first public health district to pilot and iron out the wrinkles in billing the Families First Prevention Services Act for home visitation. So why is LB903 important? Billing FFPSA is challenging because in order to draw down those funds, two requirements must first be met. One, the case manager must find that the child or family is at risk of court involvement, and two, the case manager must refer that family to home visiting. Both of these prerequisites must be met before a home visiting agency can draw down those federal dollars. Many case managers are incredibly busy juggling large caseloads and in multifaceted-- and the multifaceted needs of their clients, so this has led to a lack of referrals in home visiting, a service that we now know can keep young families out of the child welfare system. LB903 seeks to increase the case manager awareness of home visiting services for these at-risk families while maintaining professional discretion. The language is permissive, stating: when appropriate, a case manager may refer families with a child two years of age or younger for evidence-based

home visitation services, as provided in the Family Home Visitation Act. The age of two is important because home visiting is designed for families with young children exclusively. Prior to the hearing, we were informed by the Early, Early Development Networks of EDN that they wanted to make sure there was no overlap between families referred to home visiting services in this statute and those sent to EDN. So as we've discussed, evidence-based home visiting services are for healthy families at-- for healthy families at risk of involvement with the child welfare system, whereas EDN services are for children with developmental disabilities or health concerns. So in order to offer clarity, I have brought the committee amendment, AM1819, to include a line about referrals to the Early Development Network. I also support AM1869 and ask for your support on that as well, which is a committee amendment that Senator Hardin will be speaking to. Again, home visiting programs in the state of Nebraska are doing incredibly significant work for our youngest children and families, often called the silver bullet for child abuse prevention. A robust and coordinated home visiting network between case managers and home visiting providers can only improve outcomes for vul-- for vulnerable families. This bill advanced from HHS Committee with no opposition from committee members or the public. I urge you to vote green for LB903 and AM1869. Thank you, Mr. President.

ARCH: As the Clerk indicated, there is a committee amendment. Senator Hardin, you're recognized to open on that.

HARDIN: Thank you, Mr. President. LB903 amends Section 68-1212 to allow child welfare case managers to refer at-risk families with children age two or younger to home visitation services under the Family Home Visitation Act, enabling participating agencies to seek federal reimbursement under the Families First Prevention Act. The referral is permissive, not mandatory, preserving case manager discretion and is intended to remove the current barrier that prevents agencies from billing without a formal referral. AM1869 expands this authority by also allowing case managers, when appropriate, to refer families with a child age three or younger to early intervention services, and it repeals Section 68-2306, so that the Family Home Visitation Act no longer excludes programs that provide only a single or infrequent home visit. The HHS Committee advanced LB903 with AM1869 by a 7-0 vote. I'd appreciate your green vote on AM1869 to LB903. Thank you.

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

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RAYBOULD: Thank you, Mr. President. I first and foremost want to thank Senator Storer for including this correction in her bill. This was introduced last year, and it was passed unanimously out of committee last year. And then, in General, it was approved 47-0. So this really is a cleanup provision. It removes an unnecessary sentence from the Family Home Visitation Act that speaks to frequency of visits. The sentence that makes up Section 68-2306 states that home visiting is not just one visit or infrequent visits, and DHHS has interpreted that sentence to imply that the Family Connects program of nurse home visiting, is not a home visiting program. That was not our intention when this body unanimously adopted the Family Home Visitation Act. To clean that up, we need to remove that sentence to include Family Connects under the act. We had a very positive hearing, and I also want to thank Senator Hardin and the HHS Committee members for including LB792 and unanimously advancing LB903 with this amendment, AM1869. I strongly encourage your green vote on the committee amendment and the bill. Thank you so much.

ARCH: Seeing no one in the queue, Senator Hardin, you're recognized to close, and Senator Hardin waives close. Members, the question before the body is the adoption of AM1869. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 31 ayes, 0 nays on adoption of the committee amendment, Mr. President.

ARCH: The amendment is adopted. Mr. Clerk.

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

ARCH: Senator Storer, you are recognized to close on LB903, and Senator Storer waives close. Members, the question before the body is the advancement of LB903 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 38 ayes, 0 nays on advancement of the bill, Mr. President.

ARCH: LB903 advances. Mr. Clerk, next item.

CLERK: Mr. President, General File, LB945 [SIC - LB954], introduced by Senator von Gillern. It's a bill for an act relating to the Nebraska Advantage Act; provides for the recalculation of base-year employees as prescribed; harmonizes provisions; and repeals the original section. The bill was read for the first time on January 12 of this year and referred to the Revenue Committee-- and referred to the

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Revenue Committee. That committee placed the bill on General File-- placed LB954 on General File.

ARCH: Senator von Gillern, you are recognized to open on LB954.

von GILLERN: Thank you, Mr. President. And thank you, Mr. Clerk, for clarifying that. I appreciate that. Good morning, colleagues. Good morning, Nebraskans. I rise to introduce LB954, which would allow the Department of Revenue to recalculate the number of base-year employees of a Tier 6 advantage participant under certain circumstances-- and came out of the Revenue Committee 8-0. For background, under Nebraska Advantage, when a company applies for incentives to help them invest and create jobs in Nebraska, they agree not only to create jobs, but also to maintain their base-year employment, or the jobs they already have in Nebraska the year before application. LB954 would allow for recalculation of the number of base-year employees, though only under very narrow and reasonable circumstances. In the event that a Tier 6 participant transfers a portion of its business operations to another entity, the bill would allow the Department of Revenue to subtract the number of employees included in the por-- in that portion of the business before the date of sale from the number of base-year employees originally calculated, if and only if those jobs continue to exist in Nebraska for at least 2 years following that transfer. Furthermore, this provision would only apply when the primary purpose of the transfer is to not only close-- or is to not close an existing business location, and the advantage agreement was entered into after December 31, 2016. This bill rectifies a discrepancy, which I believe remains within the spirit of the Advantage Act, by not punishing participants for finding sensible and practical ways to maintain and create jobs in Nebraska. The Nebraska Economic Developers Association testified in strong support of the bill, and there were no opponents. There is no fiscal impact to this bill. And again, it was voted out of committee 8-0. With that, I kindly ask for your green vote to advance LB954 to Select File. Thank you, Mr. President.

ARCH: Seeing no one in the queue, you are recognized to close. Senator von Gillern waives close. Members, the question before the body is the advancement of LB954 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 29 ayes, 1 nay on advancement of the bill, Mr. President.

ARCH: LB954 advances. Mr. Clerk, some items for the record.

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CLERK: Thank you, Mr. President. Additional priority designations: communications from Senator Brandt, designating LR298CA as his personal priority for the session; communication from Senator Bosn, designating LB1059 as her personal priority bill for the session; and a communication from Senator Murman, designating LB978 as his personal priority bill for the session. That's all I have at this time.

ARCH: Please proceed to the next item.

CLERK: Mr. President, as it concerns the agenda, General File, LB778, introduced by Senator Dungan. It's a bill for an act relating to the Civic and Community senator fi-- Center Financing Act; changes eligibility requirements and authorized amounts for grants of assistance; and repeals the original section. The bill was read for the first time on January 7 and referred to the Revenue Committee. That committee placed the bill on General File, Mr. President.

ARCH: Senator Dungan, you're recognized to open on LB778.

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I rise today to introduce LB778 and ask for your green vote to advance this bill to Select File. At the heart of this bill, colleagues, this is a bill that simply allows a little bit easier access to creative districts, which many of you have in your districts, and I'm going to talk about more in a moment-- to access funding that already exists from the CCCF funds, which are the Civic and Community, Community Center Financing Act Funds, commonly referred to as CCCFF. This is money that's already allocated through turnback taxes and that is already being utilized to go into villages and towns across the entire state to provide for various community investment. And what we are doing here, is we are changing, for a period of one year, the application guidelines, to make it so that if a village or a city partners with a creative district, It essentially gives you preference in accessing those funds. It does not cut out any other villages or towns. It allows anybody in the state who is otherwise available to access the CCCF funds to do so. This is just trying to encourage further usage of creative districts across the entire state to add a little bit more preference to that. The Nebraska Creative Districts Program utilizes the arts as an economic driver to support communities in Nebraska by telling their stories and elevating the value of arts. Creative districts are designated cultural and economic areas where innovation flourishes and neighborhoods come together in the name of art. They have a significant economic impact by creating purposeful spaces, such as art galleries, theaters, and music venues, thereby

attracting employees and businesses. Arts and cultural events in Nebraska drew 1.5 million people, adding \$42.8 million in related spending to local economies. These districts revitalize communities, boost tourism, increase property values, and attract talent by fostering entrepreneurship. The program's design makes it adaptable to communities of any size and in any location. As of today, we have 37 certified creative districts. There is one creative district in Lincoln, which is in the historical University Place neighborhood in my district in northeast Lincoln. But there are creative districts located across the entire state, all the way from Omaha to Scottsbluff, and all of these have been proven economic drivers in your districts, colleagues. These positive economic impacts of creative arts districts are realized across the whole state: from Omaha, in Benson and Dundee; and Lincoln in University Place; all the way to North Platte in the Canteen District, the Haymaker District in Cozad, and the Iron Horse Arts District in Holdrege, just to name a very specific few. If you haven't had an opportunity to visit a creative district, I absolutely would recommend it. To provide a little bit of background on the origin of this legislation, a few years ago, the late Senator Rich Pahls introduced legislation that made municipalities that partnered with a certified creative district eligible for grants under the Civic Community Center Financing Act. In Rich Pahls' LB927, The amount for these grants were set to be no less than \$100,000, and applied only to one fiscal year, '23 to '27. That legislation was prioritized by former state senator and current U.S. Congressman Mike Flood, and it was signed in about a, about a year or two ago. My LB778 is similar to that, and it builds upon that legislation. Like the Pahls and Flood legislation, this applies only to one fiscal year, 2027 to 2028. My bill also differs slightly. Instead of mandating that these grants go to municipalities that partner with a creative district, LB778 directs the department to prioritize such municipalities when awarding grants under the CCCF Act. This is a fairly straightforward piece of legislation aimed at boosting a program with a proven track record of success across the whole state. This bill does not have a fiscal note, because we are not changing the funding for the grant. We are simply for one period-- one year, prioritizing these creative districts, which have proven success and return on investment. I appreciate all the hard work of the Nebraska Arts Council in helping advertise these creative districts. They've been a true economic driver in everybody's community here in the state, and absolutely appreciate the support for LB778. With that, thank you, Madam President.

DeBOER: Thank you, Senator Dungan. Senator Hardin would like to recognize a number of special guests, the Nebraska's Nursing Association, registered nurses and nursing students from across the state, in the north balcony. Please stand to be recognized by your Nebraska Legislature. Seeing no one in the queue, Senator Dungan, you are recognized to close. Senator Dungan waives his closing. The question before the body is the advancement to E&R Initial of LB778. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays on advancement of the bill, Madam President.

DeBOER: The bill is advanced. Mr. Clerk, for the next item.

CLERK: Madam President, General File, LB834, introduced by Senator Kauth. It's a bill for an act relating to counties; it redefines a term; provides for the appointment of deputy county assessors; provides for certain cert-- certification examinations for county assessor as prescribed; provides powers and duties to the Property Tax Administrator; changes the duties of certain county assessors; changes provisions relating to real property assessments; changes the deadline for reporting certain improvements to real property; changes provisions relating to the preparation of tax lists; changes in required-- the required contents of statements for taxes levied in counties; changes provisions relating to the cancellation and extinguishment of certain delinquent taxes; changes provisions relating to the remittal of certain taxes and use-- sales and use taxes; eliminates a fee and changes certain application provisions relating to mobile homes; changes provisions relating to certain annual reports and opinions provided by the Property Tax Administrator; and eliminates obsolete provisions; harmonizes provisions; and repeals, repeals the original section. The bill was read for the first time on January 8 of this year and referred to the Revenue Committee. That committee placed the bill on General File.

DeBOER: Senator Kauth, you are recognized to open on your bill.

KAUTH: Thank you, Madam President. This bill contains seven ideas from NACO to increase county efficiency and modernize procedures. It started with an idea that would actually reduce county revenues but make up for the losses in efficiency, and we expanded it to include six other efficiency and cleanup ideas. The initial provision would eliminate a \$5 annual mobile home park permit fee that park owners are required to pay county treasurers. When this isn't paid, county

treasurers quickly spend more in time and county resources to attempt collection than the actual fee. Section 21 would eliminate the fee. This would not affect the mobile home reports that are filed with the county assessor or the annual application for a license from the Department of Water, Energy, and Environment. I'll briefly outline the rest of the issues in order of-- in the bill. Sections 1 and 2 would specifically authorize county assessors to appoint a deputy. Counties with populations over 200,000 are required to appoint two chief deputies. There are inferences that assessors in smaller counties can appoint deputies, but this will give clear statutory authority to do so, should one be needed. Section 4 would allow county boards to request an emergency assessor's exam for a deputy assessor. There's already authority to request an emergency exam for an assessor, but requests for a deputy assess-- deputy assessor's exam would be infrequent. The Property Tax Administrator would determine whether or not to grant the request. In Section 12 and 11 other sections, it's harmonizing population references to counties over 100,000 and 150,000. This is for consistency within and between statutes. Section 15 would remove a phrase from legislation adopted last year on recreational trail easements. When parts of the bill were re-- rewritten on Select File, a requirement to indicate recreational trail tax credits that were not reimbursed by the state on tax lists was inadvertently left in. Since the credit doesn't exist in that form in the version of the bill that was adopted and every county would always have a zero in this column, it can be removed. Section 16 would clarify language on tax statements that was adopted in LB34 during the 2024 Special Session that requires listing the cost of public safety services for all political subdivisions on tax statements. This would limit that requirement to counties and cities, since they are the taxing entities primarily tasked with public safety. Section 17 and 18 mirrors a bill introduced by Senator Bostar in 2022. LB850 came out of committee 8-0 and ran out of time. It would allow delinquent taxes on mobile homes, cabin trailers, and manufactured homes to be extinguished after 15 years. The taxation of these homes is convoluted. They are considered real property for some aspects of taxation, but are currently treated as personal property when taxes are delinquent. Nebraska's Constitution allows delinquent real estate taxes to be extinguished after 15 years. Section 77-1862 permits delinquent real estate taxes to be extinguished after 15 years except for mobile homes, cabin trailers, and manufactured homes. This bill would harmonize the treatment of these entities so that taxes could be extinguished after 15 years in the same way as other real property. These are all common sense ideas to streamline and modernize county

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government, and it came out of committee 8-0. Those testifying were Nebraska Association of County Officials, Nebraska Association of County Treasurers, Nebraska Association of County Officials, and Nebraska Association of County Officials, and Nebraska Association of County Assessors. I would appreciate your green vote. Thank you.

DeBOER: Thank you, Senator Kauth. Senator von Gillern, you're recognized. Senator von Gillern waives. Seeing no one else in the queue, Senator Kauth, you're recognized to-- Senator Kauth waives her closing. The question before the body is the advancement to E&R Initial of LB834. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays on advancement of the bill, Madam President.

DeBOER: The bill is advanced. Next item.

CLERK: Madam President, General File, LB883, introduced by Senator Andersen. It's a bill for an act relating to grants for political subdivisions; changes provision-- provisions relating to the Civic and Community Center Financing Act and the revitalizat-- Revitalize Rural Nebraska Grant Program; and repeals the original section. The bill was read for the first time on January 8 of this year and referred to the Revenue Committee. That committee placed the bill on General File.

DeBOER: Senator Andersen, you're welcome to open on your bill.

ANDERSEN: Thank you, Madam President. And good morning, colleagues. I introduce LB883 at the request of the Nebraska State Historical Society. This is a commonsense bill which will reduce the regulatory burden for communities and provide for effective disposition of historical properties. There is no fiscal note, as state funds come from the Revitalize, Revitalize Rural Nebraska Grant Program. In the course of its work, the Nebraska State Historical Society identified the need for technical revisions to both the Civic and Community Center Finance-- Financing Act, overseen by the Department of Economic Development, and the Revitalize Rural Nebraska Grant Program, run by the Department of Water, Energy, and Environment. The primary goal of these two programs is to fund the safety and modernization of Nebraska communities via the construction of community centers and demolition of buildings that pose a public safety hazard. The State Historical Preservation Office is the-- a department under the national historical-- Nebraska Historical Society, responsible for the historic preservation and reviews of both programs. They have noted several

instances where current statutes have left the SHPO and the municipal applicants at an impasse. Currently, the applicant must check with the SHPO on the historical status of the property in question. If that property is deemed historic, it is not eligible for demolition, even if the building is a threat to the health and safety of the general public. Demolition of historic property should not be taken lightly, and in most cases, would still be the last resort. LB883 seeks to protect historic property but ensures communities can continue to develop. This bill creates a mitigating opportunity to ensure public benefit when historic property needs to be demolished. The mitigation activities are tailored to the needs of the community. Examples might include documentation of the resource, historical markers, or other methods which commemorate the resources that were lost. In closing, it should be noted that the Historic Society has coordinated with the Department of Education [SIC] Development and Department of Water, Energy, and Environment, who are in agreement with the proposed changes. Historic preservation should not be seen as a tool for community and economic development, not an uncompromising barrier to the community needs. I thank you for your time, Madam President.

DeBOER: Thank you, Senator Andersen. Senator von Gillern, you're recognized.

von GILLERN: Thank you, Madam President. I just want to take a moment to affirm the comments that Senator Andersen made. This was of particular note for me, because in my past life, we did a lot of work that was historic renovation, and did a lot of work with this, this organization, and what I wanted to make sure was that they were not motivated, motivated in any way to destroy historic structures. But this-- again, the, the bill is clear. The motivation is clear that demolition of historic structures would only occur as a, as a means of last resort, and this is a tool that's needed by the Society. So I affirm the comments that Senator Andersen make-- made, and also ask for your green vote on LB883. Thank you, Madam President.

DeBOER: Thank you, Senator von Gillern. Senator Dungan, you're recognized.

DUNGAN: Thank you, Madam President. Not to love a bill to death, I don't want to belabor the point. I know we're getting late in the day, but I wanted to echo the same comments from Senator von Gillern. When I first saw the bill, I was a little bit concerned about what was in it. But hearing the-- going through the hearing and hearing from the Nebraska Historical Society about the importance of this, and how they

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are going to continue to commemorate the history of a lot of these buildings, but need to be able to renovate or occasionally change the actual physical structures in order to honor them appropriately, I think makes sense. So this was a good example of a hearing changing your mind on a bill, based on reading the one-liner and then having a hearing. So I appreciate the opportunity to hear the bill. It did come out unanimously, and I'd encourage your green vote on LB883. Thank you, Madam President.

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

ANDERSEN: Thank you, Madam President, and thank you to Senator von Gillern and Senator Dungan for your comments. LB883 is a commonsense bill about reducing regulatory burden and finding a balance between historic preservation and community modernization. I thank you all for your time today, and I'm asking for your green vote to advance this bill. Thank you, Madam President.

DeBOER: Thank you, Senator Andersen. The question before the body is the advancement to E&R Initial of LB883. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays on advancement of the bill, Madam President.

DeBOER: The bill is advanced. Next item, Mr. Clerk.

CLERK: Madam President, General File, LB797, introduced by the Urban Affairs Committee. It's a bill for an act relating to municipalities; it increases the minimum bidding amount requirements for cities of the first class, cities of second class, and villages as prescribed; and repeals the original section. The bill was read for the first time on January 7 of this year and referred to the Urban Affairs Committee. That committee placed the bill on General File.

DeBOER: Senator McKinney, as chair of the Urban Affairs Committee, you're welcome to open on LB797.

McKINNEY: Thank you, Madam President. LB797 alters Nebraska statutes related to municipalities by increasing the approval and minimum bidding amount requirements for public work contracts made by cities of the first class, cities of second class, and villages, to 90-- to \$90,000. The bill also increases the minimum bidding amounts requirements for municipal electric utility contracts, depending on the gross annual revenue from retail sales. This bill comes, comes to

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us from the League of Municipalities. The dollar figure of \$30,000 has been in statute since 2008, when it was increased from \$20,000. League staff, in talks with municipalities around the state, have recommended that this number needed to be increased to \$90,000. Overall, this bill is a simple bill that'll help our smaller municipalities stay updated with current economic demands. This change in costs will have no effect on our state budget. It is simply something coming from the municipalities themselves. LB797 advanced from the Urban Affairs Committee 6-0-1. This is a good bill, and I hope to see it advanced. Thank you.

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

CLOUSE: Yes, thank you, Madam President. Also in this bill, it, it discusses if they have their own municipal electric utility and that raises some of the numbers there, which is important to, to consider. Because many times, if it's part of the electrical system, those expenditures can get quite high, and a lot of those are OEM purchases, so they really don't have the opportunity to go out and bid. So that's another key part of this. So I would ask for the green vote on LB797. Thank you.

DeBOER: Thank you, Senator Clouse. Seeing no one else in the queue, Senator McKinney, you're recognized to close.

McKINNEY: Thank you, Madam President. Again, this is a simple bill to assist our smaller municipalities, and I ask for your green vote. Thank you.

DeBOER: The question before the body is the advancement of LB797 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 1 nay on advancement of the bill, Madam President.

DeBOER: The bill is advanced. Mr. Clerk, for the next item.

CLERK: Madam President, next item, General File, LB798, introduced by the Urban Affairs Committee. It's a bill for an act relating to municipalities; changes provisions relating to the composition of the planning commission of a city of the second class or village; allows a city of the second class to elect some council members by award as provided; and repeals the original sections. The bill was read for the

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first time on January 7 of this year and referred to the Urban Affairs Committee. That committee placed the bill on General File.

DeBOER: Senator McKinney, as the chair of the Urban Affairs Committee, you are recognized to open on the bill.

McKINNEY: Thank you, Madam President. LB798 revises various Nebraska statutes relating to municipalities. It amends Section 19 to alter provisions governing the composition of the planning commission for a city of the second class or village, to allow the option of having three regular members. This bill also amends Section 32 to provide for submission to the voters at a general election the question of creating a consistent nomination and election process for at-large council members in cities of the second class and establishes a uniform framework for staggered terms, based on the number of at-large seats. This bill comes to us from the League of Municipalities. As a general background, firstly, in current law, cities of the first class have the option to nominate and elect some of the members of their governing body by ward and some at-large. The city of Yutan, who approached the League, proposed to expand the state law to allow cities of the second class to also have the option of having some members nominated and elected by ward and some at-large, as the city found difficulties with election of city council members just by ward. Secondly, in regard to the three-member planning commissions, the League was, was contacted by a number of villages in Senator Hughes' district that were struggling to fill seats on both the village board and planning commissions. Currently, cities of the second class and villages have either-- can have either five, seven, or nine regular members of a planning commission. These cities are recommending that these municipalities also have the option of three-member planning commissions. This is a very simple bill. I introduce-- this is similar to a bill I introduced last year, LB289, which changed law to allow the option of three-member village boards instead of previous requirements for only five-member village boards. LB798 advanced from the Urban Affairs Committee unanim-- unanimously. Overall, this is a simple bill that will help our smaller municipalities expand the option of those who are able to serve in leadership. It's good for them and it's good for Nebraska. Thank you.

DeBOER: Thank you, Senator McKinney. Senator Sanders, you're recognized. Senator Sanders waives her opportunity. Senator Clouse, you're recognized.

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CLOUSE: Thank you, Madam President. Senator McKinney covered it very well, but I'd just like to emphasize outstate or rural parts of the state, it's very difficult oftentimes to find those who are willing to step up and assume some of those leadership roles. So this is a, a good bill that gives Class II cities and villages more options on how they manage their communities, and so I would urge your green vote on LB798. Thank you.

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

STORM: Thank you very much. Yutan's in my district, so I would ask the colleagues to support this bill. It's a very good bill. Small cities deal with volunteer fatigue, getting people to, to step up and run, so it's a good bill. Thank you.

DeBOER: Thank you, Senator Storm. Seeing no one else in the queue, Senator McKinney, you are recognized to close.

McKINNEY: Thank you, Madam President. Again, this is a simple bill that will help our smaller municipalities fill some seats. It came out of the committee unanimous, and I ask for your green vote. Thank you.

DeBOER: Thank you, Senator McKinney. The question before the body is the advancement to E&R Initial of LB798. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 33 ayes, 0 nays on advancement of the bill, Madam President.

DeBOER: The bill is advanced. Mr. Clerk.

CLERK: Madam President, some items. Communication from the State Tribal Relations Committee, prioritizing LB1032 for the session. Additionally, communication from Senator Fredrickson, designating LB929 as his personal priority bill. Communication from Senator Ibach, designating LB815 as her personal priority bill for the session. Communication from Senator DeKay, designating LR283CA as his personal priority bill for the session. Your Committee on Natural Resources, chaired by Senator Brandt, reports LB1261 to General File, with committee amendments. Amendment to be printed from Senator DeKay to LB1261. Series of name adds: Senator Spivey to LB171, LB602, LB710; Strommen, 8-- LB987; Hallstrom, LB987; Ballard, LB987; Juarez, LB1034; Dover, LB1159; Hallstrom, LB1163; and Juarez, LR298CA. That's all I have at this time.

DeBOER: Speaker Arch, for an announcement.

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ARCH: Thank you, Madam President. I don't want to adjourn before noon today. We're done with our agenda, but, but this is the day for senator and committee priorities to be submitted. We are still missing, I won't tell you how many, but we-- I need to wait. And so, to be fair to everybody, we're going to stand at ease until noon, at which time, then we will adjourn. Thank you, Madam President.

DeBOER: The leger-- Legislature is at ease.

[AT EASE]

DeBOER: Mr. Clerk?

CLERK: Madam President, some items. Sen-- I have a communication from Senator Armendariz, prioritizing LB1089 for the session. Additionally, LR-- new LR, LR344 from Senator Rountree, that will be laid over. And a priority motion, Senator Hunt would move to adjourn the body until Friday, February 20, at 9:00 a.m.

DeBOER: Colleagues, you've heard the motion. All those in favor, say aye. All those opposed, say nay. We are adjourned.