

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 24, 2026
Rough Draft

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-second day of the One Hundred Ninth Legislature, Second Session. Our chaplain for today is Father Augustine Reimers, Blessed Sacrament Catholic Church in Lincoln, a guest of Senator Lonowski. Please rise.

AUGUSTINE REIMERS: Almighty God, we thank you for the gift of this day and all the many blessings you bestow upon us. We thank you for the gift for our country, our great state, and all of the many freedoms we enjoy. We pray that you fill this Chamber with your powerful presence today. Please pour out your spirit upon all the men and women who gather here in service of their fellow man. Fill us with the spirit of wisdom and understanding, a spirit of counsel and strength, a spirit of knowledge and a fear of the Lord. Lord, you are the defender of the downtrodden. You secure the rights of the oppressed. Please open our hearts so that we might have a deep concern for all, especially the most vulnerable. Enlighten our minds so that we may serve the common good in truth. Give us your grace so that we might glorify you and serve our fellow man in all that we do. We make this prayer in your most powerful name. Amen.

KELLY: I recognize Senator Kauth for the Pledge of Allegiance.

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

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

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

KELLY: Are there any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

KELLY: Are there any messages, reports, or announcements.

CLERK: There are, Mr. President. Your Committee on Education, chaired by Senator Murman, reports LB966 and LB1086 to General File. Amendments to be printed from Senator Conrad to LB1237. Senator Holdcroft, amendment to be printed to LB1001A. Notice that the Rules

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hearing on Friday, February 27 will be held in Room 1200 at noon instead of Room 1510 at 12:30. Rules, Friday, in Room 1200 at noon. Additionally, the Retirement Committee will have its public hearing scheduled for noon Friday in Room-- excuse 1023, not 1525. Retirement Committee, noon in Room 1023. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. Senator Bosn would like to recognize the doctor of the day, Dr. Rachel Blake of Lincoln. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk, please proceed to the first item on the agenda.

CLERK: Mr. President, General File, LB1237, introduced by the Executive Board. It's a bill for an act relating to the State Capitol; it prohibits bringing weapons or prohibited substances into the State Capitol as prescribed; defines terms; provides a penalty; provides a duty to the Nebraska State Patrol; harmonize provisions; repeals the original section. The bill was read for the first time on January 21 of this year and referred to the Executive Board, that committee placed the bill on General File with committee amendments. When the Legislature left the bill, Mr. President, pending was the bill itself after adoption of both the committee amendments as well as an amendment to the committee amendments from Senator Conrad.

KELLY: Thank you, Mr Clerk. Senator Hansen, 1 minute for a refresh on your motion--

HANSEN: Thank you, Mr. President.

KELLY: --on the bill.

HANSEN: Thank you. Again, colleagues, we're on LB1237, if you remember yesterday, we did pass a couple amendments on this bill. One of them had to do with--from Senator Conrad, that had to do with striking the Class 3 misdemeanor part out of the bill, and the other part was the committee amendment, which allowed then those with a carry and concealed license, who have taken the class to be able to be in the Capitol, to be able to carry and conceal. As I mentioned before, I am working on another amendment on Select File to strike some of the prohibited weapons. Narrowed that list down as much as we possibly can and then for some of my other colleagues we did get some confirmation yesterday from the NRA that they are now in neutral on this bill with the amendment and some of the changes that we have made. So we are now on a neutral stance with the NRA and the Nebraska Gun Owners Association and even like I mentioned earlier Colonel Brewer had to

text me and I talked to him and he's even coming out in a neutral stance with the bill. So it seems like we're on the right track of kind of finding that good middle ground between maintaining Capitol security or enhancing it, and also making sure we respect the rights of gun owners in Nebraska. So with that, I would encourage your green vote on LB1237, and I will bring the amendment on Select File. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Moving to the queue, Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. We are, I think, in some ways making headway on this legislation, and I appreciate my friend Senator Hansen's leadership on this issue, even though I have a disagreement with the direction that this is headed. And, friends, I will tell you, I've heard from a lot of citizens, I've heard from a lot of members privately that there are just a, a host of concerns about the approach here. And even though our public policy goals may be aligned, the implementation and the execution matters. And there's a significant fiscal note on this measure that's literally written in the alternative. So we don't even have clarity at this point as to what costs we're committing to. Additionally, there was very credible testimony given at the Executive Committee hearing on this measure from longtime Capitol Administrator Bob Ripley indicating that the fiscal note itself was woefully understated and costs in this regard could most likely balloon significantly. I think in order to get it right, we should slow it down, and we should make sure that there's more than just one public hearing to figure out the details of how this might work, and to figure out what the actual price tag might be. Personally, I think putting off implementation beyond the biennium and understating the fiscal note is an attempt to move it, because we know that we're in the midst of a budgetary structural deficit. And I think if we're going to move forward in this direction to restrict access to our beautiful, beloved, welcoming State Capitol, we should have at least clarity in terms of the fiscal components that come with whatever this plan may be. I trust Capitol Security and NSP to keep us safe. They have done so professionally, professionally and more than adequately during the course of this body's deliberation over literally decades. I think there's just too many, too many unanswered questions with this proposal at this juncture. I understand that there's an effort to perhaps refine or narrow the proposal in between General and Select File as sometimes is our process, but I, I really think we need to move this off the agenda, go back to an interim study, create a task force, have some more hearings, get some more

points of view and let's clear some room on our agenda for things like property tax relief, balancing the budget, ensuring our schools stay strong, ensuring our natural resources are protected, that seems to me that would be a, a better use of our very limited and remaining time and give an opportunity for more robust and thoughtful deliberation on this matter, including the dollars and cents of it moving forward. It's no small thing to restrict the rights of Nebraskans, including their Second Amendment rights. And those are things that we should be very skeptical of as a government. Whenever government is attempting to restrict the rights and individual liberties, individual rights and liberties and freedoms granted to Nebraskans under not only our U.S. Constitution, but our State Constitution, which has even more robust protection for firearm owners and otherwise, let's get an Attorney General's Opinion on it. Let's bring in some legal experts. Let's make sure that we have all of the key stakeholders, including from the three branches of government, at the table to sort this out so that Nebraskans know actually what we're dealing with here and what we are not. Because right now it's kind of a vague grant of authority with a significant fiscal note that we don't even have any clarity on terms of how it will work in practice. So I, I think this measure should not move forward this year and appreciate the, the body's thoughtful consideration and I encourage a red vote. Thank you. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Murman would like to, to announce some guests in the north balcony, members of Nebraska Educational Service Unit. Please stand and be recognized by the Nebraska Legislature. Returning to the queue, Senator Moser, you're recognized to speak.

MOSER: Thank you, Mr. President. Good morning, Nebraskans. Good morning, colleagues. Well, this bill is-- the subject is kind of a complex subject, but spending \$1 million a year to put checkpoints coming into the Capitol, I just think is crazy. That's way too much money to spend. And I-- you know, it may make you feel more secure, but, really, if somebody wants to come in, they're probably going to get in anyway. Checkpoints just keep the polite people from coming in. They have cameras all over the building. They're watching everything we do. One time I was talking to a senator down in front of the vending room, and some lady started screaming about global warming, among other things. And before she got her second sentence out, security was there, and they were talking to her and trying to settle her down. I mean, they're, they're watching everything we do as it is. And I don't feel insecure here, but spending \$1 million a year to put

checkpoints in I think is, is foolish. It's a waste of money for what it accomplishes. I think that we should go back and rethink this plan and see if there isn't something we could do that would be as effective and spend a lot less money. You know, I've, I've never really felt threatened in the Capitol. Well, one lady yelling about global warming, but she didn't weigh half of what I weighed, so I was not threatened. But I just think, you know, that we should go back and rethink this, and I don't know if amendments on Select are going to fix it, but I'd be willing to discuss with anybody that if they have any ideas how to scale this back. Thank you.

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

MURMAN: Thank you, Mr. Speaker. I just want to take-- I, I do stand in support of LB1237. I am concerned about the cost. I, I think we need to do what we can to reduce the cost but as of now I do support the bill. But I just want to take a quick moment to recognize the Nebraska Educational Service Units that are up in the north balcony. They play an essential work alongside local school districts every day across all 17 regions of our state. ESUs are one of the best examples of Nebraska solving Nebraska problems. They help schools access high-quality services they could not afford or staff on their own. That includes statewide literacy efforts and coaching support that strengthen early reading and help students meet higher expectations. It includes cybersecurity services that protect student data, keep networks running, and help districts prevent and respond to threats that can shut schools down. And it includes special educational supports, highly specialized professionals and networks that ensure students with disabilities receive the services they are entitled to. Importantly, these supports extend to both public schools and approved nonpublic schools, strengthening educational opportunities for students across Nebraska. I want to thank the ESU staff, school leaders, teachers, and educators for their partnership and their commitment to students. Nebraska is stronger when our schools are supported, and ESUs are a key part of that success. Thank you, Mr. Lieutenant Governor.

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

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans watching on TV. You know, this is the first time I've weighed in on this subject matter. And I do support it. I

know the fiscal note is daunting in this time of serious budget deficits, but I, I want to assure the public that this is something that as an elected official we've been talking about in light of the increased divisiveness that we see in our country, the increase in acts of aggression and violence, it gives all elected officials pause. It certainly worries many of our families who are concerned about our day-to-day activities and our outreach that is so important in our community to reach out to our constituents to show up at their events, to listen to their concerns, and to be available and transparent at every, every opportunity that we can. It, it comes with risk, but it comes with great rewards. And so I do support this. I do think it's a step in the right direction to give some assurances to our families that the state is looking out for us, and it's not just for us. I mean, we have amazing staff that come in daily to do the hard work of operations and running our state and keeping the wheels on the bus. I think it's a step in the right direction. I would encourage our administrative services to, to start out slow and to take baby steps and do it with a minimal amount of disruption to our constituents. I would recommend the north entrance to take a look at that. It's already set up for handicap accessibility. And for those with disabilities, I think that is a perfect entrance to do a test pilot, a test project to see how easily it would be to just put up metal detectors at that entrance way, monitor it, assess it, reevaluate it, what is the right expenditure. In the meantime, that will give the administrative services opportunities to really go out for bids and see what are the priority elements and modifications that actually need to be done to incorporate this on a more permanent basis rather than doing a temporary test project and how it impacts our constituents. We certainly don't want to deter people from coming and exploring our beautiful, amazing Capitol, but we want to make sure that there are safeguards and safety measures in place for all of those folks who enter this amazing Capitol. So I do intend to support this and I look forward to continuing discussions and really come down to the simple evaluation and looking at this project as a temporary fix, evaluate, assess, and look at the options for coming up with other alternatives. That'll give us more time to come up with the appropriate fix that is not a deterrent for those who visit our Capitol. Thank you, Mr. President.

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

LONOWSKI: Thank you, Mr. President. On November 5, 2009, I was at Fort Hood, Texas, when another soldier illegally brought a gun on the

military post. Sometime before that, there had been an executive order by a President that military members could not carry weapons on post unless they were going to the range. 13 people died that day. 14 because one lady was pregnant. She lost her baby and her own life. It was the worst one-day shooting in my entire year of Afghanistan and it happened at Fort Hood, Texas. Why did it happen? When we heard gunfire we all took cover inside of buildings waiting for someone else to protect us. The only people allowed to carry weapons on that base were the military police. Well, the military police were 8 minutes away on the other side of the base. And in that time, Nidal Hasan was able to shoot up an entire clinic where soldiers, nurses were preparing to go to combat. For our part, we could only wait it out and hope that those MPs got there. I'm not sure where I stand actually on LB1237, but I will tell you that I believe strongly in the Second Amendment and I believe in my right to, to bear arms. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. I was just wondering if my friend, Senator Hansen, would yield to a quick question.

KELLY: Senator Hansen, would you yield to a question?

HANSEN: Yes.

CONRAD: Thank you, Senator, and I know it's not in my nature to be brief, but I'm going to try my best here. As you are working on this measure from General to Select, I don't know what the board is going to look like, but my instincts indicate that it'll probably move forward at least at this stage. I know you're going to work to refine some of the language and definitions and address perhaps some other concerns. I was also wondering if you would be open to working to ensure that if this measure is brought forth for public safety purposes, for law enforcement purposes, that we can have some limiting or clear language or understanding that the tools of public safety and law enforcement will not be misappropriated or weaponized for political purposes. Would you be willing to take a look at some of those issues?

HANSEN: Yeah, yeah, I'll take a look at anything. I just have to look specifically at what you mean by that.

CONRAD: Yeah, well--

HANSEN: Which you can probably explain to me, I'm sure, later.

CONRAD: Sure. I, I, I-- thank you, Senator. I, I had mentioned some of this when we commenced debate on this measure earlier-- well, actually last week, and then just wanted to kind of pick up the thread here. Because I think regardless of how folks feel about issues related to the 250th Commemoration and the displays that were part of the Capitol to commemorate such, I think that there has been at least a serious concern amongst members across the political spectrum that tools of law enforcement, tools of public safety ended up on campaign accounts for public officials. And I, I think that's a pretty serious issue that we need to grapple with. And if we're going to talk about Capitol safety in this issue, I just wanted to readdress that and let the body know that I'm happy to work with you and others on that matter because public safety and law enforcement should be about that. It shouldn't be about scoring political points and it shouldn't be about utilizing tools of mass surveillance for political purposes. And hopefully that's something that's not partisan or political, but I think that we need to address in this, this measure if it moves forward. So thank you, Senator.

KELLY: Thank you, Senators Conrad and Hansen. Seeing no one else in the queue, Senator Hansen, you're recognized to close.

HANSEN: Thank you, Mr. President. I think some good points have been brought up about this bill, and I think a lot of discussion needs to be had, and I think it definitely has been had here so far in General File. I'm going to continue those discussions between now and Select File. I think Senator Raybould made a good point that this isn't just about the people in this room, and our staff, but it's about all the people outside this room. All the fourth graders that come through every year, their parents, visitors, people getting tours here every year. I think we are also responsible for their safety as well. And so that's what this bill hopefully addresses. In response to maybe Senator Lonowski's concern that about security in the Capitol maybe not just solely on the hands of State Patrol or Security, I think the amendment should hopefully address some of his concerns as well because we are now allowing those people who have taken the class and what many people in this room have stated those are the, quote unquote, responsible gun owners to be in, in the Capitol carrying now as well. So, again, trying to respect their Second Amendment rights as best that we can. And when it comes to the cost of this bill, I know that's been mentioned by Senator Murman, by some others, actually, the, the, the carryover funds that we currently have in the

legislative body will take care of the costs of the initial implementation of this bill. The setup, metal detectors, that cost is covered. And according to last calculations, the Executive Board has cut probably about \$2 million from the legislative budget, or actually has been more efficient in where we have spent our money in the savings of almost \$2 million. So as we're expecting everybody else in the state of Nebraska to tighten their belts and us and all the bills that we pass, we are doing the same as a legislative body. And then that will actually cover most of the costs, not just for the implementation, but also for the staffing of this bill. So for the, for the cost portion, a lot of those have been covered, and I think we're doing our due diligence to make sure we don't put the onus on the taxpayers to pay for a lot of this stuff, too, as well, so. Again, colleagues, I appreciate your vote on LB1237. If anybody has any other questions or concerns between now and Select File, please visit me, my office, or anybody on the Executive Board. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. The question is the advancement of LB1237 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 37 ayes, 4 nays on advancement of the bill, Mr. President.

KELLY: LB1237 is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, next bill, General File, LB894, introduced by Senator DeKay. It's a bill for an act relating to grain dealers; redefines grain dealer for purposes of the Grain Dealer Act and the Grain Warehouse Act; changes provisions relating to annual fees for grain dealer licenses and securities under the Grain Dealer Act; harmonize provisions; repeals the original section; outright repeals Section 75-905. The bill was read for the first time on January 8 of this year and referred to the Agriculture Committee, that committee placed the bill on General File with committee amendments, Mr. President.

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

DeKAY: Thank you, Mr. President. LB894 is a bill I introduced in collaboration with the Public Service Commission. I'll use my opening to quickly describe the bill as introduced, but will get into more detail when we get to the committee amendment. First, under the current law, the Grain Dealer Act requires grain warehouses to carry a dealer license when engaging in direct delivery and other grain

dealing transactions. This involves acquiring grain from a seller, typically a producer, and directly-- directing the delivery of the grain to a third party. In this case, the warehouse is acting as a dealer since the seller does not retain title and the grain is not accepted at, at the warehouse for storage, but rather the warehouse acquires title for immediate resell even though the grain was first unloaded at the warehouse facility. Current law presumes that any grain deposited at a warehouse is deposited for storage and not a grain dealer transaction and excludes warehouses if their grain dealing activity is exclusively with the grain first unloaded at their facility. Thus, certain grain warehouses also conducting grain dealer activity are not required to indemnify the grain dealer side of its business. LB894 removes this exemption from the Grain Dealer Act. I want to clarify, warehouses with multiple warehouse locations would not be required to hold multiple grain dealer licenses. All its locations would be covered by a single grain dealer license. This is the case today for warehouses, with multiple locations, who engage in grain dealing with grain that is direct delivered without being first unloaded at the warehouse. This bill also revises the payment timeliness grain dealers are required to adhere to if a demand for payment is made and as an interest penalty if grain dealers violate written payment agreements. This portion of LB894 is revised in committee amendment and I will talk more about that in the opening of that amendment. LB894 also simplifies the process for determining who may access grain dealer security. The bill replaces a criteria under Section 75-905 with a more intuitive standard. This change helps ensure producers are not required to navigate complicated statutory requirements to qualify under a grain dealer's security. Finally, LB894 bill gives the commission flexibility to set the application fee for the grain dealer licenses under the statutory cap of \$1,500. This application fee is currently statutorily set at \$100 and has not been changed since 2005. This concludes my opening and I would open on the committee amendment.

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

DeKAY: Thank you, Mr. President. The Agriculture Committee amendment, AM204 [SIC], is a white copy amendment which replaces the original sections and becomes the bill. The amendment makes some revisions to the underlying bill and adds the provisions of LB895, making changes to the Grain Warehouse Act. The handout I distributed compares current law to the provisions on both LB894 and LB895 as amended by the committee amendment. The provisions of LB894, as amended, are

contained in Sections 1 through 6 of this amendment. First, LB894, as introduced, would have required dealers to pay for grain for which delivery is completed within 2 business days after demand for payment is made and also inserted a new requirement that a dealer pay for green within 30 days if no demand is made. In both cases, these payment terms apply only in the event other payment terms are not specifically in-- specified in the contract. Also the original bill would impose an interest obligation starting on the payment obligation date established to this section. The committee amendment changes the deadline for payment to 10 business days from when it was written demand for payment is made by the seller along with proof of completed delivery. The 30-day requirement to pay for grain, if no payment demand is made, is omitted from the bill as amended. Section 7 through 9 of the amendment incorporate revised provisions of LB895, but makes a series of changes to the Grainhouse Ware-- Grain Warehouse Act. LB895 as introduced removes the exemption under current law that excludes grain warehouses licensed by USDA under the United States Warehouse Act for the requirement to be licensed by the state. The PSC currently has only limited oversight over a federally licensed warehouse that does not, does not allow to fully access the financial soundness of federal licensees. The PSC is somewhat able, through its grain dealer oversight, to evaluate the grain dealer's financial obligations that currently lacks authority to measure grain held in a federally licensed warehouse to determine whether its storage and financial obligations can be met. Conversely, while the USDA measures grain in federally licensed warehouses within Nebraska, it does not evaluate whether the inventory is sufficient to satisfy the licensee's grain dealer obligations under state law. The purpose of the dual licensure is to grant the Commission authority to allow it to see the full picture of the licensee's obligations and to share that information with our federal partners. Under the dual licensure application process under LB895, as contained in the committee amendment, federally licensed warehouses would be automatically given a state license by the Commission. The amendment limits the Commission's regulatory authority over such duly licensed warehouses by only allowing the Commission to require warehouses to submit regulatory filings already provided to or received from the USDA. The bill also prohibits the Commission from charging a fee for the state license and makes it clear that duly licensed warehouses would not be subject to duplicate bonding requirements. Additionally, the amendment prohibits the Commission from initiating administrative action against the state license of all-- any dual license warehouses without coordinating with the USDA. As Commissioner, Commissioner Watermeier

stated in his hearing testimony, this model is comparable to the way the Commission currently performs a similar cooperative oversight role in the railroad context with the Federal Railroad Administration. Dual licensure does not supplant or duplicate USDA oversight, but instead allows the Commission to assist by ensuring state-level obligations are visible, coordinated, and aligned with federal requirements. Finally, the amendment includes modified provisions of LB895 as introduced that gives the Commission flexibility to set application fees for grain warehouse licenses. The application fees are currently prescribed by statute and have not been changed since 2003. At that time, state license fees were similar to federal license fees. The amendment delegates fee-setting authority to the PSC to adjust fees from time to time with a statutory cap, which is set not to exceed the current federal license fee. There are two other revisions to LB894 and LB895 contained in the amendment. First, the amendment retains the current schedule of fees under both the Grain Dealer and the Grain Warehouse Act until July 1, 2027 and requires the PSC to submit its plan for implementing the fee-setting authority delegated by the bill by December 1 of this year. Also, the amendment creates a new cash fund for the Grain Dealer Act that would receive both dealer and warehouse license fees beginning July 1, 2027. Both fees are currently remitted to the General Fund, and since that is the case, the delay in placing the fees in the new fund until the end of the current budget cycle avoids General Fund expenditure. Currently, the license fees under both grain laws combined offset about 15% of the PSC's General Fund appropriation allocated to its grain programs. We are anticipating that the changes in this bill will eventually enable the PSC to reduce its General Fund requests in the next budget cycle. LB894 and LB895 were heard by the Ag Committee on February 3. The committee statement shows that there was one opposition witness and one neutral. The revisions of both bills contained in the amendment resolved the opposition to the bill. I want to thank the Cooperative Council and the Public Service Commission and others who approached me with concerns from working with me on, on the amendments. The committee voted 8-0 to attach LB895 to this bill and advance the bill as amended on a 7-1 vote. I move to adopt AM2004 and advance LB894 as amended. Thank you.

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

CLERK: Mr. President, Senator DeKay would move to amend with AM2138.

KELLY: Senator DeKay, you're recognized to open.

DeKAY: Thank you again, Mr. President. This amendment, AM2138, makes some technical adjustments to the committee amendment. First, the committee amendment does reflect the intent that the federally licensed warehouses that are also state licensed are not subject to a state license fee. The committee amendment states that the license fee shall be zero dollars. AM2138 would more directly state that the PSC shall not charge a license fee to avoid an implication that we could subject federal warehouses to a license fee but choose for the time being charge zero dollars. Secondly, the amendment would amend the Section 5 of the amendment which creates the new Grain Warehouse Dealer and Grain Warehouse Cash Fund. The committee amendment provides that the annual grain dealer and grain warehouse license fees are to be placed in the fund. AM2138 adds that any fees collected under the Grain Dealer and Grain Warehouse Act shall be placed in that fund of some disposition as specified. This would in effect provide existing fees for applications for emergency storage, license modification, and voluntary requested examinations. Finally, the amendment clarifies the duty of the PSC to report its plan for implementing the fee authority delegated to the PSC regarding the Grain Warehouse Act license fees for state-licensed warehouses. The committee amendment directs that in, that in addition to reporting the initial fee schedule that will begin July 1, 2027, the PSC shall annually adopt its revisions to the fee schedule by rule and reg of each year, report any changes to the Legislature. This amendment would only require the PSC to provide an initial report to the Legislature by December 1, 2026 of the fee schedule that the PSC establishes to become effective July 1 and does not specify a rule and reg process for making modifications in future years. This is consistent with the process for establishing initial grain dealer fees and future modifications of that fee. I would move to adopt AM2138. Thank you.

KELLY: Thank you, Senator DeKay. Moving to the queue, Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, good morning, colleagues. I'm not sure where I'm at on this bill and I just saw there was nobody in the queue and Senator DeKay was explaining quite a bit of information and so I thought it might behoove those of us who are not on the Agriculture Committee to have at least a little bit of conversation about what's going on here. So I just thought if Senator DeKay would yield to a question.

KELLY: Senator DeKay, would you yield to questions?

DeKAY: Yes.

J. CAVANAUGH: So I did hear you say that there was an opponent on the underlying bill, which I think is Mr. Rocky Weber from the Nebraska Co-op Council, is that right?

DeKAY: Yes.

J. CAVANAUGH: So what was the nature of the Co-Op Council's opposition?

DeKAY: Well, we, we talked through that, and he had concerns about the fee structure, but with the amendments that came forward, he became neutral on the bill.

J. CAVANAUGH: So the fee structure is the going from \$100 to \$1,500 in the registration fee?

DeKAY: It could over-- it could be implemented over time, that's a statutory cap. The hope is it's stair-stepped up over a period of time and not directly go there.

J. CAVANAUGH: OK, so it just raises the PSC, Public Service Commission, can set the fee.

DeKAY: So, so that we don't have to come back every year and talk about fee increases.

J. CAVANAUGH: And so what was-- what, what is the change, what was his opposition? I guess, how did you eliminate his opposition by making a change there?

DeKAY: I'd have to get back to you, and I'd have to go back, that hearing was a few days ago, so I got to look back at my notes.

J. CAVANAUGH: And so-- OK, well, I appreciate that and if we could get that answered at some point. But my other question is the-- currently, the \$100 fee goes into the General Fund and then we appropriate the money to operate the, the inspection program, is that right?

DeKAY: Right now, yes.

J. CAVANAUGH: And do we have an idea of what the actual cost is? So they, they pay \$100, does it cost \$110 or what, what is the cost associated with implementing the inspection program?

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DeKAY: Just a second.

J. CAVANAUGH: Sorry, I didn't give you a heads up on the question, but so I'm just trying to figure out, you know, we had-- there's a lot of bills all the time and some of us can't keep up. I've been on the Ag Committee and my first 2 years, I remember I asked so many questions. I always tell people that I got kicked off of Ag because I asked so many questions. And there's, there's a different vocabulary to agriculture and those of us from the less agricultural centric districts maybe need a little bit more guidance and handholding on information before we know what's the right decision to make. So I'm just-- I'm, I'm just trying to understand genuinely what the bill does. So I don't-- did you have a chance to look at that Senator DeKay?

DeKAY: I, I, I got an email back from the Fiscal Office and I can read you that--

J. CAVANAUGH: Sure.

DeKAY: --one paragraph of it. It says the grain dealer and warehouse license fees of \$86,423 currently go to the General Fund only covering approximately 15% of the actual cost of administering the grain dealer and warehouse licenses. It would be nice if these fees were to go to the PSC fund, but it would still fall short 85% of the actual funding needed as their expenditures are \$731,619. The only other fees that goes to the General Fund is the transportation program, like household movers, taxi cabs, is only \$83,647, whereas their expenses are \$514,065, and communication fees of \$20,400 and the actuals are \$375,805. This agency has no real way to accomplish cash funding this agency without severe fee increases. If this is what the committee is working towards, give them-- giving them back these fees in a cash fund would help, of course, but it wouldn't stop the need for general funds in Program 54. There would also need to be an increase of fees over time gradually with tiny shifts between funds. Also, this would require statutory changes.

J. CAVANAUGH: OK. So essentially it costs, the \$100 cost covers 15% of the cost of administering the program.

DeKAY: Yes.

J. CAVANAUGH: OK. Well, it looks like we're going to run out of time. I appreciate the conversation, Senator DeKay, and I see there's a

couple other folks in the queue, so I might have some other questions for you, but I'll try and give you a heads up if I think of anything else. Thank you, Senator DeKay.

DeKAY: Thank you.

J. CAVANAUGH: Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Machaela Cavanaugh would like to recognize guests seated under the north balcony: Ava Witchman, a junior at Omaha Westside. Please stand and be recognized by the Nebraska Legislature. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I'm concerned about this legislation, particularly from the imposition of increased fees perspective. I want to just take a moment to kind of help connect the dots about how some of these policy decisions that we make in here in regards to fees really do impact everyday people's lives, as much as, as taxes, of course. And you might remember there was a measure put forth last year that seemed rather innocuous to increase fees for waste management. And it was put forward for the same kind of general reasons as all these fee hike bills have been. Well, we haven't adjusted it for a long time. It's important that we cover the costs, etcetera, etcetera. But now as those measures are being implemented and there was recently some news coverage on this locally, what that's resulted in is almost double garbage fees for my residents in Lincoln. That state action was coupled with a local action, and the news story helped to paint a picture about what that was doing particularly for Nebraskans on a fixed income, seniors, who were now seeing really for no good reason other than the state can't manage its finances were jacking up fees on consumers to fill budgetary holes and they're literally paying the price. The same service that they had for garbage, etcetera, had almost doubled, I think, according to the terms of the article, in a very, very short period of time. And that's just one example of how these fee increases, you know, are really a tax and regressive at that, whether it's court fees, whether it's garbage fees, whether it's the fees put forward in LB894, they have negative implications for Nebraskans. And in regards to this particular slice of Nebraskans that this body sees fit to now jack up fees on, we're talking about our ag sector, the, the economic engine of our state and our economy, who we know are already being hit hard by tariffs, who we know are already been hit hard by skyrocketing medical costs. We know that they're being hit hard by uncertain economic factors. And we're seeing a rise in farm

bankruptcies that we haven't seen in many years. And this has been well-documented. So, now, increasing significantly more fees in the ag sector is, is going to have negative implications for ag. I-- I'm very concerned about this. And this is also a fairly broad grant of authority. Again, where we're delegating a significant amount of authority to another entity of government instead of legislating with specificity, instead of having a more modest and measured approach where these measures have to come back to this body if they're going to be subject to increase, rather than just kicking the can to the PSC. There's pretty significant increases in this. It is an ongoing issue in this Legislature. I think it is disingenuous to say, well, we just haven't updated them in a long time, so now all of a sudden we're going to do that. Let's be honest about what we're doing. We have a structural budget deficit created by inequitable, unsustainable tax cuts to benefit the most wealthy. And now we're increasing fees on everyone across the board to paper over that, and it's wrong. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Strommen would like to recognize some guests, all under the south balcony, from the Sidney City Council: Kegan Carwin, Josh Hanson, Brandon Bondegard, and Jeremy Lee. Please stand and be recognized by the Nebraska Legislature. Also under the south balcony is Kendra Strommen, spouse of Senator Strommen. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. So continuing this conversation about fees, I would ask if Senator DeKay would yield to some questions?

KELLY: Senator DeKay, would you yield to questions?

DeKAY: Yes.

M. CAVANAUGH: Thank you, Senator DeKay. So I'm trying to just figure out all the things that this, this bill does. So it looks like AM2004 creates the Grain Dealer and Grain Warehouse Cash Fund. It doesn't currently exist, is that correct?

DeKAY: Right now, there isn't a cash fund, but, yeah, AM2004 would create that cash fund.

M. CAVANAUGH: OK. So there's-- so it creates the cash fund and then the fees that-- there's currently a fee that is assessed and that fee

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currently goes to the General Fund and then is appropriated to the Public Service Commission?

DeKAY: Yes.

M. CAVANAUGH: And so this cash fund would be under the purview of the Public Service Commission?

DeKAY: Exactly.

M. CAVANAUGH: OK. And the fees haven't been increased since when?

DeKAY: 2003.

M. CAVANAUGH: OK. So it's been a minute, but in looking at the fiscal note and, and sort of to Senator Conrad's concerns, I can't tell if there's any sort of assessment as to how much this costs to, to administer the oversight of the grain warehouses. So how did we land on the amount that you landed on in this bill?

DeKAY: Could you repeat the question again?

M. CAVANAUGH: So, essentially, I'm trying to figure out if we have the right amount of money that we're asking for. So how did they decide, or how did you decide what the amount was?

DeKAY: We will not have the right amount of money. This is-- this will go into a cash fund that can build over time, but basically this only covers 15% of the cost for PSC right now. And with-- what-- basically what these bills go-- we're not putting a, a cost increase to the producers. We're protecting the producers with these fees because, number one, we can go in-- if this goes into action, we can go in and make sure that these warehouses have the inventory on hand to cover their costs back to the producers. And to put it in total perspective, these fee increases, if they went from \$100 to \$1,500 today on an, on an entity that might be moving 2 million bushels of corn, divide 2 million into \$1,500, that's 0.00075 cents a bushel, it would increase a bushel of corn.

M. CAVANAUGH: Sure. So I, I guess my main concern with fees is when we have fees that are so high that they are funding or padding the General Fund. And so this sort of closed loop, this is a regulatory issue, it's an industry regulation. The industry is paying for their self-regulation. I just want to make sure that we're not overcharging them.

DeKAY: And I, as well. I'm about protecting corn producers, soybean producers. And, and this fee increase does give them regulatory authority to go in and measure warehouses. And there is an example of a warehouse that went into bankruptcy. And now that-- this would put protections in place to know that the farmers, that their product in a warehouse are protected. And they have recourse to get their money back out of that instead of being lost in liens and in the courts.

M. CAVANAUGH: OK. One more, this is more random curiosity than anything else. Why does the Public Service Commission have purview over regulatory oversight of grain warehouses? Why isn't it with the Department of Ag?

DeKAY: I'd have to get back to you on that, I guess that's the way business has been done for years.

M. CAVANAUGH: I was just curious.

DeKAY: I'll find out the answer and get back to you.

M. CAVANAUGH: Oh, great. Thank you. I've got lots of questions like that. OK. Thank you for answering my questions. I appreciate it. I, I do think that the regulation of different industries, it should be-- that cost should be beared by the industry itself, not general funds. But I also don't want our general funds to be padded by industry regulation. So I want it both ways. So thank you for answering my questions, Senator DeKay, and I yield my time.

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

J. CAVANAUGH: Thank you, Mr. President. Good morning again, colleagues. Just appreciate the conversation on the bill. And been listening, and I, I share the concerns of my fellow Senators Conrad and, and Cavanaugh, about the sort of runaway nature of fees and where we're shifting everything onto fee-based funding. And I do think that there are arguments for fee-based funding where, you know, if there's some service that is very specific and should be paid by the cost of the fee, I think there's an argument for that. And I think that it's important, though, as Senator Machaela Cavanaugh was just talking out is that the fee not be more than what the cost of providing that service is. And so in that vein, I just did the math on what the numbers that Senator DeKay articulated and it's somewhere around, should go up to about 600 bucks in terms of from the \$100 to the \$600,

which is a little less than half, a little more than a third of the \$1,500 limit. And I understand the rationale in trying to make things more efficient by saying let's set a high threshold and they can come back and readjust every year on their own without coming back to the Legislature and having to go through this process, but I, I think there's some wisdom in having the Legislature as a check on these things and not giving way too much latitude. And these fees were set, sounds like 21 years ago and now the actual cost of providing, and I don't know if that was the actual cost of writing, I guess when the fee was set at \$100. But in 21 years, it's maybe gone up to \$600 in terms of the actual cost. I don't know how often they would really need to come back if we set the fee limit at somewhere closer to what the actual cost of service is and require that the Public Service Commission come back in 2 years or 4 years to ask for additional authority. I think it is problematic if we're giving a grant of way more than is necessary for that fee-based funding to, to charge to folks. I think there's questions about unlawful delegation of authority when the Legislature gives away its authority to change the law outside of the legislative process. I think there are concerns about creating this cash funding, cash fee fund issue, again, as a way of circumventing the Legislature. I think it's that sometimes the work we do here can be time-consuming and tedious, but it's important. It's done in this public venue where people can take a look at what we are deciding. They can come in and make a, you know, criticism or an objection to a bill, and that objection can be addressed through the amendment process. And so I think there is a really important function that we serve in terms of setting these fees and appropriating this money out of the General Fund. And so trying to get folks off of that General Fund funding and eliminating the Legislature as the people's check on this can be a problem. So I don't know yet where I'm at on the bill. I'm looking at the, the-- but I do have-- I'm looking at the, the committee statement, and I think there are a couple things in that seem like a good idea, but I am concerned about us continuing this path of increasing fees, shifting funding away from General Fund into this fee-based mechanism, and then, of course, eliminating our authority to act as a check on the appropriation of those funds and on the assessment of those funds. So I appreciate the conversation. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I do rise today, I guess, still listening to the debate on AM2138 and AM2004. I was

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wondering if Senator DeKay would answer just a couple of questions, and I apologize, I didn't get a chance to give him a heads up.

KELLY: Senator DeKay, would you answer some questions?

DeKAY: Yes.

DUNGAN: Thank you, Senator DeKay. I just want to better understand some of the conversation we're having about the fees because that's kind of what the discussion's been so far and I know that was some of the discussion in the committee hearing. What is the purpose of the fee that we're collecting? Where does the fee go to in terms of which cash fund that it's used for?

DeKAY: Well, with the original amendment, it would be a new cash fund that would be developed, and that gives the PSC the authority to go in and measure inventory at different warehouses and make sure inventory matches up with the numbers coming in so that producers, if something-- if a warehouse goes into bankruptcy, they are protected and able to get their bushels of corn or beans back.

DUNGAN: So is the purpose of the-- is, is-- I guess I'm trying to ask a question in a way that makes sense. Is the fee paid by everybody that is in this industry or is it paid in sort of a punishment or a punitive fashion by a, by a few people who don't do something correctly or is it a fee that you pay to sort of, like, be a part of the industry?

DeKAY: It's not a punishment.

DUNGAN: OK.

DeKAY: It's part of the process. These fees have not been increased since 2003. At \$100 when you're dealing with millions of bushels of corn, it's pretty easy to do the math. And even at \$1,500, which Senator Cavanaugh alluded to, maybe \$600 might be a place to land. But this statutory cap at \$1,500 gives incremental steps to go up to that. And, hopefully, we don't have to visit this issue for the next 10-15 years or so. That's the [INAUDIBLE]--

DUNGAN: And I think that that makes sense in terms of trying to make sure we don't continue to have to bring the bill. But-- so the purpose of the fee is to raise money for this fund, correct?

DeKAY: Correct.

DUNGAN: OK. Thank you, Senator DeKay. I appreciate your answers. So this was part of a discussion that came up, I know, during a, a special session conversation about what is a fee and what is a tax? Excuse me. And I know that Senator Storm, I think in the committee, voted against this. And there's been a discussion, I think we as a body have had, about whether or not a fee is a fee in, in sort of what we believe a fee to be or whether it's a tax. So the Supreme Court of Nebraska has held that whether something is a fee or a tax isn't defined purely by what we say in statute. So whether we call something a fee or call something a tax doesn't necessarily matter. The purpose of the collection of the money is what the court looks to to determine and whether or not it's a fee or it's a tax. Why that matters is we do not have the ability to delegate our authority as a Legislature for other bodies to increase taxes. They can increase fees, but they can't increase taxes, and so there's been this whole line of cases in the Nebraska Supreme Court that has tried to parse apart what is a fee and what is a tax, and there have been other delegations of authority that had been found unconstitutional under the Nebraska State Constitution because the court determined that, in fact, what they were delegating the authority to raise or to set was a tax and not a fee. The heart of it here, and I've pulled up one of these cases, Schumacher v. Johanns from 2006, the court held that whether a fee or a charge is a tax depends on, quote, the primary purpose of the fee is not to generate revenue for governmental purposes, but rather to regulate a business or an industry. So if the primary purpose of collecting the fee is a, a surcharge or a surcharge is to generate revenue for government expenses or services, then it's a tax. And so if the purpose of collecting this fee is to generate revenue sort of as a consistent revolving source of, of, of money for this cash fund, it sounds like that potentially is actually a definitional tax, in which case I don't know if we would have the authority to delegate to the PSC the ability to increase that, that sum of money. So this isn't even necessarily-- this portion of it isn't an objection to the actual policy. You know, I understand that this fee hasn't been raised in quite some time. I am generally opposed to the effort we've seen this year to increase fees and to go to a more fee-funded government, and I might punch back in and talk more about that. But I think what we need to also wrestle with here is whether we constitutionally can delegate the authority to the PSC the ability to increase the sum of money. So with that, I would continue folks to continue engaging this debate and listening to that part of the discussion. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senator Dungan would like to recognize a guest under the north balcony, Nisreen Ahmed, Northeast High School in Lincoln, a junior. Please stand and be recognized by the Nebraska Legislature. Senator Moser, you're recognized to speak.

MOSER: Thank you, Mr. President. Good morning, colleagues and Nebraskans. So Senator DeKay's bill is, is important because the amount of grain in grain warehouses is important to make, it is important to make sure how much grain is in each warehouse because sometimes grain dealers buy and sell grain and sometimes they lose money. And if they don't have some reserve, they may not have the money to pay the farmers when they ask for the cash for their grain. And so the PSC regulates that to make sure that the warehouse has the amount of grain that they're supposed to have. And with that assurance, the grain dealer can get a bond to cover him in case there is a shortage to pay the farmers for their grain. And it might be a little bit like the bank examiners coming in to look to see whether the bank has the money that they say they have in reserve and whether everything is, is correct in their bookkeeping. And then if there is a loss, if the bank fails, the FDIC, if they have FDIC insurance, should step in and, and make the depositors whole. And in this case, they rely on the PSC to make sure that that grain is in that warehouse. And as, and as Senator DeKay said, it's in the tens of millions, hundreds of millions. There was a grain warehouse failure here, I don't know, a year ago or so, a couple years ago. And I think they were short, you know, it's in the hundreds of millions, I think. And so that's going to be a mess to sort out. But that's why it's important, and that's why we need Barry's-- Senator DeKay's bill to pass, to get the cost of those inspections closer to what the fee is. The fee is still only going to pay a portion of the cost, but there's no reason why citizens from all across the state should pay to measure grain in grain warehouses when it's an ag issue and so the grain dealer should pay some of that cost and that-- that's what his bill does. So it's not a fee to be swept and spent on something else, it's there to help cover the PSC expenses so that they can make sure those bushels of grain are really in those warehouses where the warehouse claims they are. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I got an answer to my question. Why the PSC? So the Public Service Commission's job is to regulate money jobs, but one of them is to regulate monopolies like

public utilities and railroads. Guess what? Grain elevators are an offshoot of railroads. Who knew? Probably a lot of people did. I didn't know that. But, yes, grain elevators are-- have a history based on railroads. So apparently, they, they had a locational requirement. They were built along rail lines every 10 to 15 kilometers to store clean and efficiently transfer grain from local farmers into rail cars to transport-- for transport to distant markets, fundamentally shaping agricultural logistics. I'm totally nerding out about this fact, very excited to learn why we have the Public Service Commission as the regulatory arm of grain elevators. So just listening to some of the other points that have been brought up about fees and, and what this fee is exactly. So this bill creates a cash fund, a new cash fund. And it also allows the Public Service Commission to increase fees to-- with a cap of \$1,500. Do they have to increase them to that cap? No, they don't. They have to vote on the increase. But then here's another little sticky wicket about it all. We still appropriate the money. So we will say you can increase-- let's say they increase it to \$1.500, and that puts in, I'm going to use round numbers, \$150,000, \$150,000 is put into the fund, but it only costs \$100,000 to administer the program. We then appropriate \$100,000 of that cash fund, and then there's \$50,000 sitting in that cash fund. And then that cash fund starts to grow year after year, and they might ask for an increase in appropriation every couple of years or so. And then eventually that cash fund has a remaining balance of \$1 million and they only need \$100,000. And that's when the sweeping comes in. So that's where this sort of delicate balance happens is, is trying to figure out what is the cost of, of the regulatory piece of this? What is the appropriate fee, and can we ensure that we aren't charging more that accidentally grows this cash fund that will eventually then be used for General Fund appropriation so that we are funding the General Fund of the state of Nebraska on the backs of fees for services? So to that end, I've been thinking about how can we approach this in a way that gets us to where we all want to be? I, I spoke briefly with Senator DeKay, and I'm going to speak with him further about this idea of maybe creating or bringing forward an amendment, not today, because it would take some, some work, but maybe bringing forward an amendment that puts guardrails on that the Public Service Commission cannot raise fees above the expense or the cost of the oversight, and that they have to perhaps reduce the fees if they do end up with an excess in the cash fund, so that we are rightsizing it constantly. And I will just make a plug. I did have a bill for this in government on all state agencies on an annual basis reviewing their fees and then the idea being that they give a report to the Legislature and then we have

a fee's bill annually just like we have claims bill annually. So that we are constantly reevaluating and rightsizing the fees that we are charging to Nebraskans for services and making sure that we aren't just patting the General Fund on the backs of these fees for services. So that's my idea. I'll bring it forward on Select File. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. I just wanted to punch in one more time to finish my thoughts about sort of the taxes and the fees and make one other point. So long story short, colleagues, I think if the intent of the, of the money that is being taken from the individual is to raise money for a governmental purpose and not simply punitive in nature or something else like that for, like, a late filing, then I do believe it is for all intents and purposes a tax. And so what we are talking about here is, I think, delegating the authority to the PSC in order to set or raise potentially the taxes that are being collected for this particular purpose. Now, I did speak with some individuals who made the very good point that there are some confines on it, right? There are guardrails in place by virtue of the fact that there are lids and limits that are statutorily set by the Legislature. So I-- you know, I think that that would maybe play into the conversation of whether or not this is a true delegation of authority. But I, I think that that is something worth discussing, and something that I, I don't, I guess, have a clear answer to at this juncture about whether or not we are delegating our authority, our authority constitutionally to the PSC. And this is not a slight to the PSC. I think the PSC operates in a perfectly legitimate manner. But by virtue of the way our constitution is written, we, the Legislature, have the authority of the purse strings. So we're the ones who set taxes. And to give that authority to a smaller political subdivision or a different body would be unconstitutional. And so I think it's worth further analysis to determine whether or not this is an unconstitutional delegation. The last thing I'll say is I understand that this money is going to a specific cash fund in an effort to ensure that the money is not then later swept for the General Fund. Colleagues, you all know, since I've been here certainly going into my fourth session, we have seen consistent and persistent sweeps of cash funds to plug the hole in a budget deficit on a repeated basis. And every year we've been told this is a one-time sweep. It's a one-time sweep, don't worry about it. We have to sweep all the money out of these cash funds. We won't do it again. And cash funds are targeted time and time again that were not

intended to have their money go to the General Fund. And I understand that there's language being placed in this to say, thou shalt not take money from this cash fund and put in the General Fund. But what we've seen time and time again are appropriation bills that simply strike that language and then move money that was never intended to go to the General Fund from a cash fund to the General Fund. So I think it's great that we're putting language in there to say you can't take money from the cash fund and put it in the General Fund because that's not what it's for. And certainly I think we've seen problematic raids of cash funds across the entire spectrum over the last 3 years. But I want to be very clear (A) on the legislative record, that this is not money intended to be used for the General Fund and that specifically I believe there's language in there to clarify this money should not be used in the General Fund. So when we are inevitably asked at some point down the road to take a vote on sweeping this cash fund, I hope everybody in this room remembers that this money is intended for a very particular and narrowly tailored purpose. In addition to that, I want to put all of my colleagues on notice that if you put language in there that says you can't take money from this cash fund to the General Fund, if they decide to strike that language in an appropriation request, it doesn't matter. So I hope that despite our best intentions today, that when we take votes in the tomorrow of all of these things, we remember the purpose of the cash fund. This session, you're going to be asked in a biennium budget adjustment to vote on sweeps of cash funds. And I would encourage everybody to look good and hard at whether or not those cash funds were intended to go to the General Fund or if there's language being modified or changed in order to allow the money to go from a cash fund to the General Fund. And this has been a problem all 3 years that we've been here, colleagues. We have seen money that was set aside for decades for a particular purpose get swept for the General Fund. So I just want to point that out. We can always agree or disagree about which cash funds should or shouldn't be swept, but if the purpose of this particular cash fund is to fund and, and assist with this particular industry, I just want to make sure we're all cognizant of that as we take this vote so that moving forward there's not a, a changing or a shifting of opinions as to what this money should be used for. I would still appreciate, I think, a little bit more clarity about the constitutionality of the delegation of the authority to raise this tax. I do believe it is a tax and so hopefully we can get some answers before this bill were to proceed to Final Reading if it is going to move forward today. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. I think I can wrap up some of my comments and agree with the concerns that other colleagues have brought forward. But I was hoping that my friend, Senator DeKay, would answer some questions or yield to some questions, please?

KELLY: Senator DeKay, would you yield to questions?

DeKAY: Yes.

CONRAD: Senator DeKay, I haven't had a chance to fully review the committee-level work on this measure. I have reviewed the committee statement, but I haven't had a chance to look at the entirety of the committee transcript. Just really clearly, who brought this measure to you?

DeKAY: PSC.

CONRAD: The PSC brought this measure to you, and when did they bring it to you?

DeKAY: We started talking about it probably before session was over last year, maybe in the interim, early part of the interim.

CONRAD: OK. And the reason they brought it was because they were having a, a hard time covering their regulatory duties in regards to this industry or what, what exactly was the, the impetus for the legislation when they pitched it to you?

DeKAY: I think part of it became clear when the warehouse in Omaha went into bankruptcy and wanted to bring something together to protect the producers, that their inventory that was being stored there that they were going to be able to get it back and be paid for.

CONRAD: Yes, I do remember seeing that, that case and reading the media reports about it. So I, I definitely appreciate you clearly making that connection. The last question I just have is trying to get a clear understanding about how the current law works and what the changes proposed in LB895 might indicate. Is this a duplication of effort in regards to federal warehouse licenses?

DeKAY: This will be in conjunction with federal warehouse licenses. So for that part of the bill, as I stated earlier, there won't be a

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duplication of fees. They will be-- the fees collected from the federal part of it will cover the state license, and they're just covered under that part of the bill.

CONRAD: So if you're regulated under the federal structure, there is no additional state level requirement. Is that right?

DeKAY: Yes, on part of this bill. But what it does do is give the state level the ability to go in, measure bins, measure piles of corn and just gives them--

KELLY: That's time, Senators.

CONRAD: Thank, thank you. Thank you, Mr. President. Thank you, Senator DeKay.

KELLY: Seeing no one else in the queue, Senator DeKay, you're recognized to close on your amendment.

DeKAY: Thank you. Thank you, Mr. President. First of all, this is a fee to grain dealers and warehouses. This is not a tax. This is subject to just specific people, entities in the industry. And this isn't taking from individuals or from producers, it is a fee put to the warehouses. And, basically, the reason for the cost increase of these fees, number one, it covers the cost of new inspections that the state level will be able to provide and adds in cost of inflation. The major part of this bill is to help implement payments to the producers, the delivery date, the amount of days for payment, and the amount of days they have that if the warehouses or grain dealers were negligent. So it expands the number of days that come in from 2 days to 10 days from the delivery date for grain dealers to pay. They have ample time to make that payment and then if they don't make that payment, it gives PSC another number of days, I think 15 to go back in and recover the cost for that. And, and the Cooperative Council, Senator Cavanaugh, asked what the opposition to the bill was and the members of the grain industry have approached with concerns regarding and removing the exemption of federally licensed grain house-- grain warehouses, suggesting a duplication of regulation and bonding requirements and a potential conflict with the federal preemption of state regulation of federally licensed warehouses. The introducer will offer an amendment to avoid duplication of bonding and other licensing requirements to confine the PSC's oversight of federal warehouses to the matters that do not conflict with the federal preemption. And we covered that in the amendment. The other part of their concern was

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grain industry associations have raised a number of concerns. The deadlines for payment for delivering grain was imposed in the bill could disrupt marketing practices by limiting choices for producers to pay for payment. We covered that. The date upon the interest would occur is not clear. We covered that in the amendment. And there's-- and the need to retain more legislative oversight of the PSC's implementation of the fee authority contained in this bill. And we also covered that in the amendment. With that, thank you for your time and I'd appreciate your green vote on this.

KELLY: Thank you, Senator DeKay. Members, the question is the adoption of AM2138. 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? Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays to place the house under call. Excuse me, Mr. President, 31 ayes, 0 nays on the adoption of AM2138.

KELLY: AM2138 is adopted. Seeing no one else in the queue, Senator DeKay, you're recognized to close on AM2004. And waived. Members, the question is the adoption of AM2004. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 1 nay on adoption of the committee amend-- committee amendment, Mr. President.

KELLY: AM2004 is adopted. Members, the question is the advancement of LB894 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 6 nays on advancement of the bill, Mr. President.

KELLY: LB894 is advanced to E&R Initial. Mr. Clerk, next item on the agenda.

CLERK: Mr. President, General File, LB839, introduced by Senator Rountree. It's a bill for an act relating to the Municipal Density and Missing Middle Housing Act; changes reporting requirements; and repeals the original section. The bill was read for the first time on January 8 of this year and referred to the Urban Affairs Committee, that committee placed the bill on General File with committee amendments.

KELLY: Senator Rountree, you're recognized to open.

ROUNTREE: Good morning. Thank you, Mr. President. And good morning, colleagues, and good morning to all our, our Nebraskans that are watching online this morning. Today, I rise to introduce LB839, which would add a requirement for cities to report the number of multifamily units constructed in accordance with the accessibility standards of the Fair Housing Act. Over the interim, the Urban Affairs Committee held a hearing on my LR86, which studied the current state of affordable, accessible housing. During that hearing, we heard the struggles of individuals with disabilities to find affordable housing that meets their needs. We heard testimony from many stakeholders saying that there is a distinct lack of units that an individual in a wheelchair could access. And if the physical needs were met, then the cost of the home was often prohibitive. The state of Nebraska has an obligation to provide housing that allows people with disabilities to be integrated members of their communities according to the Olmstead decision. As a result of that hearing, I have spent an interim working with individuals in the disability community and members of the Olmstead Advisory Committee working on legislation to address the housing needs in our state. LB839 as a required reporting criteria to the Municipal Density and Missing Middle Housing Act report that cities already submit to the Legislature biannually. Under LB839, cities would report on the number of multifamily housing units constructed within city limits since 1891-- since 1991 that is, and how many of those units were built in accordance with the accessibility requirements of the Fair Housing Act. The committee amendment was crafted in collaboration with the League of Municipalities to better meet the needs of the cities with feedback we received at the hearing. The amendment would have cities report on the number of accessible multifamily housing units that have been built in the last 5 years. This reduced time period was a workable period for communities to track down the information. During our hearing on LR86, it was stated multiple times, it is hard to even measure how many units are on the market because there is very little data to compare. By adding this requirement, we ensure that we have accurate information about the needs in communities and would be better able to respond accordingly. It is vital to ensure that disabled individuals in the community are able to find homes that they can afford and utilize to their full potential. As we discuss larger issues such as removal of services from those in need, possible institutionalization of those with disabilities and the increased criminalization of homelessness, it is extremely important that we have full conversations surrounding disabled housing in our state. Individuals on fixed incomes with acute needs must be able to have options that

allow them to live a life as they choose. For those in the Chamber and those watching at home who may not be aware, in 1999, the United States Supreme Court made a landmark decision in *Olmstead v. L.C.* The Supreme Court found that the government has an obligation, an obligation to integrate individuals with disabilities into their community. In 2019, Nebraska adopted our first *Olmstead* plan, which is what states create to lay out how they will address community integration. And last year, DHHS published a new plan through 2031. One of the priorities highlighted in the state's *Olmstead* plan is housing. The state aims to increase access to affordable housing resources, increase housing access for individuals with serious mental illness, and support individuals with disabilities to stay in their homes through modifications. One important piece of ensuring that we meet our goals is to have clear data on the housing stock. LB839 is a step towards better documentation that will allow the state to better meet the needs of disabled Nebraskans in each and every one of our districts. An average of 13% of Nebraskans are living with some form of disabilities, and many are making sacrifices or living in substandard conditions that do not meet their needs. I intend to amend other pieces of legislation that were created in consultation with disability advocates, some home developers, and the cities aimed at taking a comprehensive approach to this issue on Select File. We cannot solve the housing crisis in one swing, but if we work together as Nebraskans, we can make sure that no one is left behind. Thank you for this attention to this bill and I do want to share just a bit more information for your understanding this morning. Dealing with the Fair Housing Act, when we talk about new construction, fair housing accessibility requirements, the Fair Housing Act has-- was-- has design and construction requirements applied to covered multifamily housing built after March 13, 1991. This includes housing that is for rent or for sale and applies whether the housing is privately or publicly funded. Condominiums and apartment buildings are covered by the design and construction requirements, and so are timeshares, dormitories, transitional housing, student housing, assisted living housing, and some homeless shelters. So the following multifamily dwellings must comply under the Fair Housing Act. And those would be-- these requirements apply to all buildings containing four or more single story units. In buildings without elevators, only first floor units must comply. In buildings with elevators, all units must comply. Covered housing must meet the seven design and construction requirements under the Fair Housing Act: Number one, an accessible building entrance on an accessible route. Two, accessible public and common use areas. Three, usable doors, usable by a person in a

wheelchair. Four, an accessible route into and through the dwelling unit. Five, light switches, electrical outlets, thermostats, and other environmental controls and accessible locations. Six, reinforced walls and bathrooms for future installation of grab bars. Seven, usable kitchen and bathrooms, usable by person in a wheelchair. The Fair Housing Act should not be confused with Americans with Disabilities Act or the ADA. The ADA covers public accommodations while the Fair Housing Act covers housing. And I have more that I could read on that. I may come back to it a little bit later. But at this point, as we've talked about fair housing and this proposed report so we can gather how much housing we have available to our disability community, I would be open to any questions. Following any amendments, I'm going to pass LB839 to Select File. Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I rise in support of AM1885 [SIC] and LB839. LB839 came out of the Urban Affairs Committee 6-1. Senator Rountree worked with the committee and others to amend the bill to only require it to go back into 2021, which, in talks with him, suffice any of the opposition of this bill. I also spoke with representatives from the city of Omaha who have also told me that they're going to continue to work with Senator Rountree to find some language to make sure that the city of Omaha is able to report this information. So with that, I hope for your green vote. Thank you.

KELLY: Thank you, Senator McKinney. Moving to the queue, Senator Andersen, you're recognized to speak.

ANDERSEN: Thank you, Mr. President. Will Senator Rountree yield to a couple of questions?

KELLY: Senator Rountree, would you yield?

ROUNTREE: I most certainly will.

ANDERSEN: Thank you, Senator Rountree. I was looking at the fiscal note, and I haven't had a chance to review the, the committee amendment, but the fiscal note only says \$5,000 and was only responded to by the city of Lincoln. Have you worked with any other cities? Do you know what the true cost of this is going to be? Certainly, it's, it's far more than \$5,000 just for Lincoln, right?

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ROUNTREE: Senator Andersen, we have received any comments as you were aware in the hearing, you asked the same question, and I asked any of the members of the community, anybody that had testified in the opposition, anything dealing with costs to reach out to us, and so what we have presented is what we have been presented with.

ANDERSEN: OK, so you would agree that the logic would track that if it costs Lincoln \$5,000, it's been costing some of the other cities and counties money as well. So, ultimately, this ends up becoming another unfunded mandate that we send down to the cities and counties and expect them to fund this, this survey, is that right?

ROUNTREE: Senator Andersen, each one of the municipalities will have an opportunity to report any increased costs.

ANDERSEN: OK, just because they didn't respond doesn't mean there isn't going to be a cost. But, anyways, another question that came up in committee was this bill directs a survey of ADA-compliant homes going back to 2021, right?

ROUNTREE: 2021.

ANDERSEN: OK. I asked you in committee, and you didn't have an answer then, do you know now how many ADA-compliant homes do we actually need? Because the, the reality is, if you don't know how many you need, what does it matter how many you have?

ROUNTREE: Yes, you did ask that question and there are approximately 13% of Nebraskans with a type of disability. So that will be a number that as we go back to 2021 and count what types of homes, and granted now as you heard what I read under the Fair Housing Act, what types of structures are determined under that, then we would look to see if we have at least 13%. When dealt with Ms. Hoell, she said we need probably about 20%, which is why one of the other bills that we talked about was 20% and 10%, but we'll hear those coming forward as well. So 13% is what we're looking at, but without knowing what we have, then we don't know where to start.

ANDERSEN: OK, so 13%, that's the general population of the state of Nebraska, right?

ROUNTREE: That's of the state of Nebraska.

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ANDERSEN: OK, so they say don't do math in public, but I'm going to try anyways. So we have a population of about 2 million people, right? So 13% of that would be 26,000. Where's Sorrentino, he's a CPA.

ROUNTREE: If that's what the math works out to, Senator.

ANDERSEN: OK, so have we verified that, that we need 26,000 ADA-compliant homes or is that just kind of a, a guess?

ROUNTREE: Senator, we based it upon what our people in the Olmstead committee, in the Olmstead hearings, those that work in the disability community, they have access to information and those are the numbers that are provided.

ANDERSEN: All right, Senator Rountree, I, I appreciate your time. I rise in opposition to AM1865 and LB839. It's an unfunded mandate going down to the, the cities and the counties. If we're going to task them to do it, we should be sending money to do it. Unfortunately, we're broke. So for that reason, I rise in, in opposition to it. And I really hope that we can provide better fidelity on what the need is before we start to determine what the survey is or the supply is. Mr. President, thank you very much.

KELLY: Thank you, Senators Andersen and Rountree. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. I do have a couple of questions for Senator Rountree. If he has time, would he be willing to take some questions?

KELLY: Senator Rountree, would you yield to questions?

ROUNTREE: Most certainly I will.

JACOBSON: I'm sorry to ask you this on the mic, I would have tried to ask you outside, but I hadn't looked that closely at the bill. But I'm trying to understand who all this covers. It doesn't talk about cities of the first class or primary class or-- does this mean everybody, cities, villages, everybody was going to participate in this?

ROUNTREE: These are the cities that are already providing reports. If you'll stand fast for just a moment, I'll go back and I'll read. If you have a moment.

JACOBSON: Well, I, I got a couple of other questions.

ROUNTREE: OK.

JACOBSON: So I get concerned, as, as Senator Andersen did, about unfunded mandates. I'm concerned about if one of the things on housing, the reason we don't have enough housing, is the cost to build it. And I get always concerned when you bring more regulation, more reporting, and more requirements for the build. And then what that adds to the cost of the housing and particularly if we are talking about making bathrooms handicap accessible or able to be handicap accessible by reinforcing the walls and so on, that's really handy, but if that house never gets converted to handicap accessible, we've overbuilt the house for no reason. And so I'm concerned a little bit about that, but I'm-- does this only apply to middle income housing and, and, and rural housing projects or is this going to be something for all new construction across the state?

ROUNTREE: Well, it's already been done, Senator. If I can read just a little bit, and I appreciate your question, it's a really good question, but I'll talk about the Nebraska Municipal Density and Missing Middle Housing Act. It was LB866. It was passed in 2020 here in the Legislature. It requires certain Nebraska cities to analyze and update zoning regulations to promote missing middle housing and duplexes, triplexes, quadplexes, and townhouses to increase affordable housing density, enhance walkability and support transit. It mandates biennial reporting on zoning aimed at bridging the gap between single-family homes and high-rise apartments. So then just a few key aspects of that particular bill, the definition of middle housing includes duplexes, triplexes, quadplexes cottage clusters, and townhouses. What was the purpose? The purpose of that legislation addresses the scarcity of diverse affordable housing options by increasing residential density in a way that it fits existing neighborhood character, sometimes called gentle density. So what are the requirements for the cities? It says effective cities must submit reports to the Urban Affairs Committee of the Legislature every 2 years regarding the efforts to encourage affordable housing through zoning codes. If a city fails to create an affordable housing action plan, it may be required to allow missing middle housing in all residential areas. The impact of the act encourages cities to reduce restrictive zoning, such as high minimum lot sizes and parking requirements, which have historically limited housing variety. And then, finally, the scope. It specifically targets enhancing the ability of cities to provide varied housing choices to meet the needs of changing population. So this act reflects a growing trend in state-level zoning reform aimed to boost housing supply and

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affordability without relying solely on high-density, large-scale apartment developments.

JACOBSON: Thanks. Well, looking at the time, I guess my question is, what is your bill adding to what's required today?

ROUNTREE: The bill adds into this reporting requirement how much of this missing middle income housing these units that are affected are accessible.

JACOBSON: OK. All right. That's all the changes.

ROUNTREE: Yes, just--

JACOBSON: So we're not, we're not adding any new construction requirements or anything like that?

ROUNTREE: Not on this particular bill,--

JACOBSON: All right. Thank you.

ROUNTREE: --this bill is strictly for that. Thank you.

KELLY: Thank you, Senators Jacobson and Rountree. Mr. Clerk, for items and an announcement.

CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB741, LB783, LB795, LB836, as correctly engrossed and placed on Final Reading. Your Committee on Judiciary, chaired by Senator Bosn, reports LB764, LB874, LB327, LB727, LB889 to General File, some having committee amendments. Your Committee on Revenue, chaired by Senator von Gillern, reports LB1116, LB1219 to General File. Your Committee on General Affairs, chaired by Senator Holdcroft, reports LB1120 to General File. Additionally, your Committee-- the General Affairs Committee would report favorably on several appointments to the Nebraska Arts Council, as well as the State Racing and Gaming Commission and the State Electrical Board. New A bill, LB873A, introduced by Senator Hallstrom. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of the provisions of LB873. LB1110A from Senator von Gillern. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of the provisions of LB1110; and to provide an operative date; and to declare an emergency. Amendments to be printed from Senator von Gillern to LB1165. And notice that the Health and Human Services Committee will have an exec

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session at 11 a.m. today in Room 2102. Health and Human Services Committee today, 11 in Room 2102.

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

HANSEN: Thank you, Mr. President. With many of these reporting bills, I think I've learned over the years to ask what's the goal of the report? So you're mandating that you're trying to get this information from an entity or a series of entities, and then when you get that information, what's the goal with that information? So I was hoping Senator Rountree could answer a question for me.

KELLY: Senator Rountree, would you yield to questions?

ROUNTREE: Most gladly.

HANSEN: So can you expound on that a little bit? So when you do get this information that you're trying to get, what are you hoping to do with it? Is it just more informational or is it more like-- this is the concern that I have, is what we've seen before is people ask for a report with the intent to expand some kind of previous legislation to make some new kind of regulation on something. Do you have any intent of doing any of that at all?

ROUNTREE: Senator Hansen, thank you so much for that question. That is a, a very good question. Once we receive the information, we're able to determine where accessibility housing is in the communities. If I could just insert here, the communities that are already doing the reporting is Omaha, Lincoln, Bellevue, Grand Island, Kearney, Fremont, Norfolk, Hastings, North Platte, Columbus, Papillion. We don't have any new standards on housing in this bill, but once this information is gathered, what our Olmstead committee and disability community wants to look to see what disability needs are in each one of the cities and how much housing is available. And if we find out that in Fremont, for instance, that we have a population of 13 or 14% of disabled individuals, but housing available is only at 2%, then that allows us to work with builders and organizations to see if we can enhance and increase the amount of disabled housing in that particular area to meet the needs of the people that are there.

HANSEN: OK. OK, when you say increase the amount of housing, how do you mean?

ROUNTREE: When I say increase the amount of housing, opportunities for development, that we'd have more housing available for the members that are in that community. So this is not just a one-sided or one-point focus. It'd be a joint effort on many of the organizations that are the disabled community along with housing developers as well.

HANSEN: OK. So this is the-- OK. I appreciate you answering that question.

ROUNTREE: That's all right.

HANSEN: That does help actually. The concern that I have is what we've seen in the past is when we mandate these reports that then justifies the need supposedly for more government subsidies, for more taxpayer money going towards something and you know-- you and I both know that the DD community, the disabled community is very important to me, but also making sure that we use taxpayer money efficiently and wisely is also very important for me. So that's a concern that I have with making a mandatory report such as this. I can kind of already read the tea leaves a little bit about where this might go, like we, like we have done in the past with other reports, is then, hey, look, we got this report 2 years ago that now there's a larger need than we thought. So now we have to appropriate more funds towards X, Y, and Z. Information is not bad. The thing is-- the problem we have here in the Legislature is the more information we get, the more we tend to spend taxpayer money. It seems like to me. Information is good, but we're not very good at constraining ourselves, I think, on, on always trying to justify a need to spend taxpayer money in a variety of ways. And so I don't know if there's some language you can add to the bill that-- but you can't really do that to say look this, this will not result in further spending, but, anyway, just a concern that I have and I appreciate you answering my questions and then I'm curious to see where the bill goes, but maybe there's some way we can work together on Select File or not. I'll, I'll see about it and ask you any questions off the mic. Thank you, Mr. President.

KELLY: Thank you, Senators Hansen and Rountree. Senator Clouse, you're recognized to speak.

CLOUSE: Thank you, Mr. President. Senator Rountree, if you'd answer some questions.

KELLY: Senator Rountree, would you yield to a question?

ROUNTREE: Most certainly.

CLOUSE: Thank you, Senator Rountree. We talked about this in Urban Affairs Committee, we sat side by side, and the issues of the opponents when I was looking at the opposition that, that testified, that's primarily some of the cities, League of Municipalities, and their issue, correct me if I'm wrong, was the term of going back and doing the look back, and that was corrected in this amendment, correct? 5 years.

ROUNTREE: Yes, sir, that was agreed upon.

CLOUSE: So they're already doing reporting. They just wanted to go back and add this piece to it, but they wanted to limit how far back they had to go because of cost and maybe loss of records and things of that nature.

ROUNTREE: Correct.

CLOUSE: That's correct?

ROUNTREE: Yes, sir.

CLOUSE: OK, thank you. And then when looking at the bill, and it's very similar to the comments that Senator Hansen just related, this bill does not direct any future action once this-- these reports are identified where we're at, is that correct?

ROUNTREE: When the report is given to the Urban Affairs Committee, since it's just another portion of the reports that have already been given, I can enhance this particular bill. First, I need to go back and see what the current reports that are going to Urban Affairs, what's being done with that information. Senator Hansen has a good point. The reports come in, so I looked at the report from Bellevue, but what is done with the information? Our desire for this one is because we don't know what's in that space. That when that information is gathered, and we see what we have in that space, we may find that in one we have an overabundance of housing and another we have none out in another part of the state. And if that's the case, it also now enables our disability community to communicate, find out what those needs are. And then work with NIFA, work with other organizations, I know Senator Hansen talked about a lot of government funding and so forth. We already, already have incentives that are being given to developers. We had developers that came in and testified as well. We talked about the enhanced strengthening of the bathrooms. If those

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units are not used to make accessible, then it was still used by anyone, but building it in preparation for [INAUDIBLE].

CLOUSE: And if I recall during-- thank you. And if I recall during the, the hearing, some of the developers were there and they're aware of what they're doing. And I think the concern we have is this bill does not have anything into it that requires us to take action in the future.

ROUNTREE: And I'll consider that an amendment that we could go back with all of the stakeholders and say once the report is received and once the data is accumulated and we analyze the data to determine what's needed in communities, then I would like to get it back to the Olmstead committee because they kind of run our report here, overlook all of the areas of Olmstead, especially this housing area, Ms. Kathy Hoell. And once we get that information, then we see what is a path to resolve--

CLOUSE: See where we're at.

ROUNTREE: --whatever the report. So I'm not adverse to having an amendment or cleaning up that language to say once we get the data, this is how we want to use the data.

CLOUSE: OK, thank you. And, again, it comes back to the mention of an unfunded mandate. They're already doing it. There might be a little bit of a cost to go back, but you don't feel that that will be significant. And apparently that the opposition, when they testified, didn't feel that that was going to be an issue either, from what I recall.

ROUNTREE: And you recall correctly, we did have some that might have heard differently, but you recall correctly. And at that time, you notice on the initial hearing of the bill, our look back was back to 1991. So if you look at \$5,000 they thought for 1991, we're now coming back just a 5-year look back, it almost erases any type of fiscal note. So for those that are really fiscal note driven, this really comes down to a zero.

CLOUSE: And a lot of that is based on the systems that we now have in place that we didn't have in '91, but more recent data is readily available. So thank you, Senator.

ROUNTREE: Yes, sir.

CLOUSE: I appreciate it. I yield the rest of my time. Thank you.

ROUNTREE: Thank you, Senator Clouse, I appreciate you.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in support of the measure brought forth by my friend Senator Rountree and appreciate his leadership in this regard. I think it's good to have debate and deliberation and questions and to build a record for any measure that's coming through the body, including ones that are modest but meaningful like Senator Rountree's reporting measure to ensure that we have proper data collection and understanding about what the present need is in regards to housing for disabled Nebraskans and differently abled Nebraskans, which is at the heart of his measure and very straightforward. I want to contextualize this measure in regards to two additional components: One, we're trying to move forward with just a basic data collection and reporting measure to understand what the basic human rights needs in terms of access to housing are for our most vulnerable Nebraskans. And this comes at a time when we know that many of our most vulnerable Nebraskans are under attack by this administration and this Legislature, whether it's the abrupt removal of services to help them stay in their home which we've seen at least an initial reprieve, but then there's still a huge chaotic mess in terms of what those families are sorting through to try and figure out what care they will be afforded for their loved ones with serious disabilities and medical needs that is still ongoing. We know that there are proposed cuts to special education impacting our most vulnerable kids in Governor Pillen's budget, and it remains to be seen what will happen with the committee plan as that is brought forward to the full Legislature. And I, I just want to note that perhaps the least we could do would be to try and ensure that we have a factual and clear understanding about what the housing needs are for Nebraskans who are disabled. And let me just point out one other perspective. I think Nebraskans, overall, are very serious about taking a fiscally conservative approach to our state finances and should give scrutiny to each line item in our budget. Verity now, waste, fraud, and abuse does not belong to any one point on the political spectrum. But I do just want to be clear, Nebraska historically has spent at a much, much lower rate in terms of investment for affordable housing than many of our sister states. Recently, there was a, a grant provided to build I think about 150 or so units for disabled Nebraskans that will make a great difference and

had about an \$8 million price to it to help over 150 Nebraskans with special needs secure appropriate and safe housing so that they can live their lives with dignity. And, colleagues, I challenge us each to-- and I fail myself frequently, but to try and bring a consistent approach to when we sharpen our fiscal ire and attention. I think it's very clear, very apparent, that members of this body quickly become fiscal conservatives when they're looking at programs that help the poor and the vulnerable. Yet, they remain completely unconcerned about issues that actually have huge price tags, like our bloated, ineffective state corporate welfare programs, which just last week Auditor Foley lifted up in terms of a \$1.2 billion loss in state revenue. Where is the careful fiscal hawks looking at that issue? They're not present in the debate. The only time questions are raised is when it impacts poor children, the disabled, communities of color, women, and that record speaks for itself. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, Senator McKinney, you're recognized to close on the committee amendment.

McKINNEY: Thank you, Mr. President. I rise in support again of AM1885 [SIC]. What I view this amendment as is it is an amendment to ensure that we're properly utilizing the resources that we give to different programs. If we don't properly understand what type of housing is out there for our disabled population, we could be constructing hundreds of houses or thousands of houses that are not accessible, which means they're either going to be left out on the streets or in other places, or there's going to have to be a reappropriation of services directly targeted towards that population. But if we have the information to understand what is out there, we could properly utilize these dollars in these programs and our developers can, can as well develop too what is needed. That is why this bill is needed. It also is the opportunity for the disabled population to understand where the housing is located in their communities. That is why this bill is needed is not to add any more new funding to the budget or to any program, it's to better understand what is out there to properly utilize the resources that this Legislature appropriates to these services and these programs and to these developers. I think it's more helpful than harmful for us to understand what is out there, so when dollars do go to programs they're used in the right way. Thank you.

KELLY: Thank you, Senator McKinney. Senators, the question is the adoption of AM1865. All of those in favor vote aye; all of those opposed vote nay. There's been a request to place the house under

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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: 18 ayes, 1 nay to place the house under call.

KELLY: The house is under call. All senators, please record your presence. All senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Conrad would like to recognize guests in the north balcony from the American Foundation for Suicide Prevention. Please stand and be recognized by the Nebraska Legislature. Senator Lonowski would like to recognize the group in the north balcony from Leadership Hastings. Please stand and be recognized by the Nebraska Legislature. All unexcused senators are present. Members, the question is the adoption of AM1865. A vote was underway. Senator McKinney, would you accept call-ins? Mr. Clerk.

CLERK: Senator Brandt voting yes. Senator Lonowski voting yes. Senator Andersen voting yes. Senator DeKay voting yes. Senator Guereca voting yes. Senator Arch voting yes. Senator von Gillern voting yes. Senator Moser voting yes.

KELLY: Record, Mr. Clerk.

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

KELLY: AM1865 is adopted. Returning to the queue-- I raise the call. Returning into the queue, Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I just rise to continue part of the conversation that started with Senator Conrad and I think Senator Rountree's comments that I want to highlight. First of all, I rise in favor of the bill as I think many others do, and I don't want to belabor the point or take too much time here, so don't go far, because I imagine we'll vote here in a second, colleagues. But our developmental disabilities population here in Nebraska is currently undergoing some really incredibly stressful times. I know that everybody in this body was made aware of the cuts to the various waivers that were proposed and ultimately there was at least a temporary reprieve granted to, which is good, but there's been an ongoing effort to essentially change the amount of services that individuals in the developmental disabilities community are receiving and the amount of money that they're receiving for caring for family

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members and loved ones who are permanently disabled. You know, we've heard a lot of touting of how the wait list has been eliminated. But what I've been hearing from constituents, at least, is that there have been pretty consistent issues with the rollout of this elimination of the wait list. And I'm not even saying it's malicious, but what it's resulted in, it sounds like, are individuals who have been reassessed. Who have been told that they no longer qualify for a certain level of care or a certain level of reimbursement for that care, despite the fact that nothing has changed for their loved ones. And the reason I punched in to talk about this is (A) it's very near and dear to my heart, the developmental disabilities community, and I have a number of friends who are a member of that community who I work with and talk with on a regular basis, but a constituent just yesterday posted on social media a letter that they received from the Department of Health and Human Services and their child, who they care for, is having their disability services cut. The child is nonverbal, mostly nonmobile, cannot feed herself, I'm reading the social media post here, cannot care for herself in any way and requires total care. But as of this letter that was received just a few days ago, DHHS is suddenly expecting that individual to level up to a different level of intermediate care, therefore, actively going to be losing funding that they were otherwise receiving for caring for their child who is nonverbal and in a wheelchair and heartily mobile and needs total care. That's a serious problem, colleagues, because these are our loved ones, these are families. And if you go out and talk to your constituents, you know that caring for our friends and ensuring proper support for our friends in the DD community is something that knows no political boundaries, and it certainly knows no partisan lines, but it's something that all of us should be supporting. And Senator Rountree has been an absolute champion on the issues of the developmental disability community since coming into this body. And this bill, LB839, is a modest proposal to ensure that there is continued documentation and care being given to ensure accessibility and availability to housing units and ensuring that we're making sure that folks in the DD community are not just being listened to but that we, the Legislature, are proactively taking steps in an effort to support those people. So I would encourage all of you to reach out to your constituents to talk to the members of the community that this impacts and find out what we can do to continue to offer help because I had a town hall right before a session started where I try to listen to folks in the community to ask, hey, what are the most important issues to you? And this was around the time that the cuts to the waivers were being proposed and even seemingly implemented and it was

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family members of our friends in the DD community who were there pleading for help saying they had talked to representatives of DHHS, they had to other state senators, they had talked to the Governor's Office, and it felt as though they were being ignored. And I think everybody in this body knows that we as a society have done a bad job over decades of caring for those who oftentimes need our care the most. And so I think it's important that we continue to address these issues. I think LB839 is a step to make sure that folks in that community are being empowered and being heard and being included. And that's what we really should be striving for, colleagues, is this inclusivity to make sure that our society is not one that others, people, simply because they have different abilities, but instead seeks to create a society that is welcoming to everybody. We're going to have to address these funding issues and we're going to have to address whether or not our friends in the DD community and their families that are caring for them 24/7 are receiving the funding that they deserve, that they work hard for to make sure that they can continue to make ends meet and pay for food and a roof over their head. But today, you can take a green vote on LB839 and take a step in that right direction. Thank you, Mr. President.

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

ANDERSEN: Yeah, thank you, Mr. President. I, I voted for AM1865 because it makes LB839 a better bill. The reality with LB839 is this is a bill that's trying to find a problem. We don't-- we haven't defined what the problem is. We don't know if there's a shortfall. We don't know if there's an access or anything else. We don't know how many people actually require ADA housing that don't have it now. So sending an unfunded mandate to the cities and counties, I think, is, is wrong. We don't know that there is a problem, but we're going to task people and force them to do something, and we're not going to pay for it. If it's important enough to task them to do it, then we should be paying for it. So I will be voting red on LB839. Thank you, Mr. President.

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

CLOUSE: Thank you, Mr. President. Going back through my notes from the committee hearing and my earlier discussion with Senator Rountree, those that were testifying in opposition or, or neutral are really concerned about the look back. How far do they go back to look at the,

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the reporting? And their comments were, as I noted on my notes, a lot of resources to research multiple files and records, and they recommend starting the effective date of that-- of this bill at a much lesser amount and which was arrived at the 5 years. And also had a note in there-- and Senator Rountree, if he would answer a question, please?

KELLY: Senator Rountree, would you yield to a question?

ROUNTREE: I will.

CLOUSE: I also have in my notes that just the 11 cities over 20,000 is all this is applicable. Is that correct? I was looking for that in the bill.

ROUNTREE: Of 20,000 individuals?

CLOUSE: A 20,000 population, yeah. This only applies to cities of population over 20,000. I don't know if that's correct or not, I just saw that in my notes from the Urban Affairs Committee meeting.

ROUNTREE: It only applies-- as we were looking at this, this was to the same cities that applied here in the report that was designated by LB866, it was just including another aspect of that. So as I had read earlier on the mic, the cities that those were applied to would be Omaha, Lincoln, Bellevue, Grand Island, Kearney, Fremont, Norfolk. Hastings, North Platte, Columbus, and Papillion, those are the required cities.

CLOUSE: And that's, and that's what I was thinking, that's what my notes-- you related that earlier. So this doesn't affect statewide to a lot of the smaller communities is my understanding that it just applies to those cities.

ROUNTREE: It is just those that are to report.

CLOUSE: And as we talked about earlier on the mic, that it's 5 years, they already have their systems in place, it's already a funded-- it's not-- it's already mandated that they do this. So we're not adding anything new, just putting in this requirement that they identify ADA compliant or ADA accessible in their developments and they get that off their building permits and things of that nature. So I will be supporting this bill, I think. It gives us some information on where we need to go to help those with disabilities and housing issues. So thank you.

KELLY: Thank you, Senators Clouse and Rountree. Senator Prokop would like to recognize some guests in the north balcony from AARP Nebraska. Please stand and be recognized by the Nebraska Legislature. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. I rise in support again of LB839. And as mentioned prior, there was only one entity, I think, that submitted a fiscal note, and it was \$5,000. And that was because the bill went back to 1991. Senator Rountree, between the hearing and now, only limited-- is limiting the bill to 2021. So if it was \$5,000 going to 1991, I could only imagine it's a lot less than \$5,000 if he's only limited it to 5 years. If other municipalities thought this would be a financial burden, believe me, I've been in here long enough to know that they would send a fiscal note or a response saying that it would be an issue. Because they didn't, it's only right to assume it's not a problem and it's not an unfunded mandate because I've seen too many times where they, if they feel like it's going to be a burden, we'll send something. They will alert somebody. They haven't said that to myself as the committee chair or to Senator Rountree, and, and Lincoln, I believe, sent in one for \$5,000 because it was going back to 1991, he limited it to 2021. I could only assume the fiscal note, if they would have one now, would be a lot less or nothing. So with that, I would encourage all of you to support this. This is doing something that I think improves the program, improves how we utilize funds being appropriated out of this place. If developers have a better understanding of the lack of available housing for a disabled population, they could build to that. If our disabled population has a better understanding of what housing is out there that accommodates their needs, that is a great thing. It works for everybody, it's a win-win for everybody instead of us having to come back or Senator Rountree or somebody else saying, hey, we need \$5 million for disabled housing because it's this big need out there that nobody took account for. This will take account for it, so we better understand how to utilize our dollars. That's why I think you should support this, especially if you're fiscally responsible and fiscally conservative. This helps us better utilize dollars out of this place. Thank you.

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

GUERECA: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB839. What I appreciate about this bill is that it gives us information. Information into a community that is often overlooked that has extra hurdles that they need to reach, but strive every day

to be incorporated, they're contributing members to our society. And taking a little bit extra time, a little bit of extra effort, to make sure that our housing needs are being met, I think is a good thing. I think understanding what the landscape is when it comes to accessible housing allows not only government but the state and local level to take steps to address that, be it through a tax credit, but also allows private industry to say, hey, there's a need for this. You know, as I'm planning out this development, there's a market for it. Maybe they choose to add accessible housing knowing that, again, there is a market for it. So, to me, it makes sense with that adjustment to the look-back period to 2021. Like Senator McKinney and Senator Rountree pointed out, should cut back on the very limited fiscal note that, that's being incurred by these select number of municipalities. But, again, the primary purpose is to gather that information, that information that allows lawmakers like ourselves, like a county board, like a city council to say, hey, this is an issue that we, we need to address. What are the steps we're going to take to address that? This isn't dictating to them what they need to do, but simply making them aware of an issue, an issue for a community that is, again, contributing, that does great work, that adds to the rich culture and, and framework of this great state. So I'm all for information gathering. It's not dictating what, what municipalities, what local subdivisions need to do, but simply highlighting whether or not there is an issue there and what that number is. And that allows government, policymakers, private industry to then take steps to help address that issue. So, to me, it's kind of a no-brainer. It makes a lot of sense. And I'll be casting a green vote for LB839. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I did just want to note a couple of points for the record. I've been following some of these issues carefully over the years. And I know that some of the issues were contemplated not only in this legislation, but in the interim study that my friend, Senator Rountree, brought forward in regards to these issues. I think it was LR86 in the, in the most recent interim period back in 2025. And there's a very interesting report from Nebraska Public Media in October 2025, which details some of the issues surrounding Senator Rountree's interim study and then helps to provide some additional context for this legislation. But it's important to note that in addition to being the right thing to do to make sure that those who are vulnerable and living and working with disabilities can have access to safe and affordable housing to live

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their lives with dignity. It wasn't just a, a moral imperative, which of course it also is, but it's important to note that Nebraska received notice from the U.S. Department of Justice in a letter to Governor Jim Pillen last year informing him that Nebraska was in violation of Title II of the Americans with Disabilities Act by unnecessarily segregating people with serious mental illness into assisted living facilities and day program facilities. Enforcement and discussion in regards to those issues continued to play out. That was a component of the policy discussions that were a part of the interim study which preceded this legislation. One of the ideas put forward was that there could be a perhaps state requirement that a certain amount of affordable housing projects must be made accessible. Currently, it notes that there are about 5% of the units built with federal low-income housing tax credits must be accessible, but the Nebraska housing funds including Affordable Housing Trust Fund, Rural Workforce Housing Fund, Middle Income Working Housing Fund, etcetera, don't have those same requirements. So it's important to note that presently estimates, estimates indicate that there are between about 240,000 to 300,000 Nebraskans who are living and working with disabilities of all different kinds, representing roughly 11-20% of our state's population, depending upon the definition and data source. And in many instances, these individuals in every county face higher rates of poverty and lower unemployment rates compared to nondisabled peers. The other thing that I want to lift up as a potential solution for my friends who are concerned about how Nebraskans with disabilities, whether or not I guess their comments indicate that they view them as a drain on society or otherwise, I think that's a wild point of view to start from. But I do want to also lift note-- lift up, that I've introduced LB336, which carries over into this legislative session, which would help to ensure that Nebraska could establish a task force to have best practices so that Nebraskans who have disabilities can access supported employment. And I've heard from countless disability rights advocates that there are many Nebraskans who live with disabilities who would like to enter the workforce or work up the economic ladder even more so. They're very eager to do that and are doing that in many instances, but by just putting into place some policies and practices that can ensure supported employment, we can make sure that every Nebraskan has an opportunity to achieve at their highest potential in this economy and that brings in additional dollars as well and helps to reduce investments, taxpayer investments in our safety net program. So we want to encourage work. There's another solution there targeted the

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population, but haven't been able to, to get that moving. So just wanted to connect the dots on that. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. President. Just might have a few questions to ask Senator Rountree in a moment here. I think I'm going to get up and, and speak for a few minutes here and join the party in trying to delay getting to the next bill, if that's what's actually going on. Senator Rountree, would you yield to a few questions?

KELLY: Senator Rountree, would you yield to a question?

ROUNTREE: I most certainly will yield and I was hoping to get a vote on this one today so I don't have to come back tomorrow.

HALLSTROM: Well, I'll see, I'll see if I can accommodate you and, and don't blame me, it's those that came before me perhaps that have given us the position that we're in. Senator Rountree, with regard to the end game, and I apologize, I've been getting ready for my next bill here this morning, but repetitiveness is not a, not a problem within this body. So if this has been asked and answered, we'll just reengage. With regard to the end game, once we have the report and we've gathered the data, what would you envision will be done with the information?

ROUNTREE: With regards to that Senator, I do have a, a number of documents from members that came and testified. If you would be amicable, I'd like to read a testimony, and I think that'll help us get to where I want to go.

HALLSTROM: That would be perfect and you might help me get to where I want to go. So thank you.

ROUNTREE: OK, good. Thank you. That's good. See now this is collaboration. This is what I appreciate. This is a testimony from Ms. Kathy Hoell. She is currently the cochair of the Olmstead Advisory Committee. But let me go ahead and read you her testimony. And she just said: Good afternoon to the Urban Affairs Committee. I want to thank Senator Rountree for introducing LB839. Currently, I'm the cochair of the Omstead Advisory Committee and we really appreciate this introduction. This bill will give our committee a snapshot of what is available for accessible housing in our largest cities. So one of the largest issues our housing work group, one of committees from

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the Olmstead Advisory Committee, has had difficulty and is finding useful data that would allow us to move forward on improving accessible housing stock in Nebraska. We need to know where we are beginning to influence any change. Affordability is also an issue for people with disabilities in Nebraska. By combining both numbers in one report, we have easy access to both figures. One of the things a housing work group has considered, does affordability and accessibility exist for people with disabilities? A segment of our community is dependent only on social security as their only source of income. So this means they could be living below the poverty level. But she goes on and talks about knowing of individuals with disabilities in Nebraska who are paying 50% of their income to live in an accessible apartment. The few accessible units either have waiting lists or rent is so high they can't afford it. No matter how much they search, they cannot find accessible units that they can afford, even in senior housing, which allows people with disabilities to live there. But the reality is they will put you on a waiting list but tell you that every person over 55 has priority. So I believe that what Ms. Hoell said, basically they want to get this information, finding it useful for them to determine how to move forward on improving accessible housing stock in America. So in Nebraska, shall I say, we need to know where we are beginning to influence change.

HALLSTROM: OK. Thank you, Senator Rountree. And if you were to speculate, what do you think the report's going to tell us with regard to accessibility and affordability? I don't need to have you presuppose what the report will be, but if you just speculate as to what you think we're going to end up with.

ROUNTREE: Well, based upon the fact that she's come with the questions to ask, then we may find out that we don't have enough because she stated we don't have enough. She's involved deeply in the community so she knows who has and who doesn't have. And, you know, we've been working with NIFA and so we know that it's probably going to be more expensive than what some can afford or be impacted by that because many are on-- as she stated, they're paying 50% of their income to live in homes. So the accessibility and availability probably go together. And one of that will be affordability.

HALLSTROM: OK. Thank you. And my time is about ready to run up. I think I've plugged in again, so I will yield the rest of my time for the moment.

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KELLY: Thank you, Senators Hallstrom and Rountree. Senator Hallstrom, you're next in the queue.

HALLSTROM: Thank you, Mr. Speaker. And, Senator Rountree, with your indulgence if we can continue. NIFA has done a fairly extensive report with regard to the significant housing shortage that we have currently in Nebraska and the number of years that it's probably going to take us to dig ourselves out of that hole. Do we not already know what the answers to those questions are without putting together a report?

KELLY: Senator Rountree, would you yield that question?

ROUNTREE: I would yield to a question.

HALLSTROM: That was my question. Thank you. Based on the NIFA report, do we already know that we've got a lack of housing, a significant lack of housing? And, and what new is, is the report going to tell us beyond what we already know from the significant NIFA report?

ROUNTREE: Well, what new to the report, Senator Hallstrom, would tell us and what we are hoping to get out of the report is the amount of the lack of accessible housing. We know there's a housing shortage and NIFA's report, they stated here that despite adding over 8,800 housing units in 2024, the 2024 report, current estimates note a deficit of more than 120,000 housing units across the state, incentivizing cities to invest in housing and attracting developers to build more housing supply will help stabilize supply and drive home prices closer to values. They go on further from the U.S. Census Bureau building permit survey, however, as reported in the Legislative Research Office backgrounder, the good life at the wrong price. Moody's analytics predicts that Nebraska is likely experiencing a deficit of more than 120,000 total housing units. And the National Low Income Housing Coalition estimates Nebraska's rental housing shortage at 40,000 units. And then they go on to talk about the medium home prices.

HALLSTROM: OK. And thank you, Senator Rountree.

ROUNTREE: Yes, sir.

HALLSTROM: And I, I noticed that there was an amendment that changed some dates with regard to going back in time with respect to reporting data or information, and that the greater Nebraska cities had initially testified in opposition. Can you explain whether that amendment addressed their concerns adequately?

ROUNTREE: Yes, sir. Thank you, Senator Hallstrom. During the hearing, it was a, it was a, a great push and a reach to go back to when the Fair Housing Act was implemented back to 1991, as I read those requirements earlier in the presentation of the bill. So we wanted to go to that time to see how many units had been built according to that standard so we knew what we had. But that was a long look back, recognizing that we've had floods. Some people have kept records down in basements. They've been flooded out and it might not be available. So that was a pushback from them. But in collaborating with them, the 5-year look back was accessible. So that's why we brought the amendment back to 2021. They felt that was a good look and they could get that data.

HALLSTROM: OK. Thank you. And I, and I might just add while I've got a few minutes on the mic with regard to the housing issues, in general. We do have a significant shortage of housing in Nebraska. There's a number of bills before the Legislature, some having to do with regulations, some having to do with small housing facilities, others having to do with extending the sunset date that Senator McKinney and I have cosponsored with regard to LB819, which ensures that the very valuable and significant rural workforce housing and middle income workforce housing programs will continue for another 5 years. Another bill along those lines is LB1067, which would, for a 5-year period, increase the documentary stamp tax to a level that would bring in sufficient funds to allow the rural workforce housing and middle income workforce housing programs to continue to provide a great deal of support to address the housing shortage that we're currently facing. And with that, I will yield the balance of my time to the chair.

KELLY: Thank you, Senator Hallstrom. Seeing no one else in the queue, the question is the advancement of LB6-- Senator Rountree to close.

ROUNTREE: Thank you, Mr. President, and thank you all of our colleagues for this very in-depth and robust discussion concerning a report that we wanted to add to a report that's already given. It was stated that this is a report that's looking for a home. I'll tell you that I don't think anything is ever looking for a home. There was a great opposition because of what was perceived to be a \$5,000 fiscal note. But I went back and I looked at the bill that we just voted on this morning about Capitol security that has a tremendous fiscal note, and the first yay on that was the great opponent of this particular perceived \$5,000 fiscal note. Both sides of the mouth, both sides of the mouth. In our hearing in this particular dealing with our disabled

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community, the question was asked, well, why don't you build a community strictly for the disabled and put them all in together? That tells me there is no understanding of what the Olmstead Act is, which is community integration. Both sides of the mouth. Senators, this is a report that we'd like to move forward. And as I was speaking with Senator Hallstrom and Senator Hansen's question, what do we do with the information? Well, once the information is gathered, as Ms. Hoell said, we get a baseline. We see what we have, what we don't have, and then we know how to best move forward from there. So I ask for your green vote as we advance LB839 to Select File. And with that, sir, I appreciate you. Thank you.

KELLY: Thank you, Senator Rountree. Members, the question is the advancement of LB839 to E&R Initial. 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: 16 ayes, 11 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Rountree, we're missing a few senators. How do you wish to proceed? We will vote, and he'll accept call-ins. Mr. Clerk. Record, Mr. Clerk.

CLERK: Senator Arch voting yes. 29 ayes, 1 nay, Mr. President, on advancement of the bill.

KELLY: LB839 is advanced to E&R Initial. I raise the call. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB70, LB751, LB807, LB877 as correctly engrossed and placed on Final Reading. Additionally, new LR, LR349 from Senator Prokop and others. That will be laid over. Amendments to be printed from Senator von Gillern to LB901. Announcement: The Agriculture Committee will meet in executive session this afternoon at 2:15 in Room 1023. Agriculture Committee, exec session, 2:15 in 1023. Series of motions and floor amendments be printed from Senator Conrad to LB1000. Name add: Senator Andersen would withdraw his name from LB1029. And a priority motion, Senator Storm would move to adjourn the body until Wednesday February 25 at 9:00 a.m.

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