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Floor Debate March 25, 2026
Rough Draft

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fiftieth day of the One Hundred Ninth Legislature Second Session. Our chaplain for today is Senator Moser. Please rise.

MOSER: As we prepare for Holy Week next week, think about our salvation and how it was made possible by the coming of Jesus Christ, the life of Jesus, the example of Jesus Christ, his death, and his resurrection. We thank you for your many blessings, Lord, on our state. Give us all the wisdom that we can handle. Give us good health for everyone in the building and all our families. Inspire us to do our best, think clearly, and in everything we do, we should remember that you are in charge of all things. Thank you for your son, Jesus, who you sent to make our salvation possible, even though we fall far short of your measure. In Jesus' name, we pray. Amen.

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

BALLARD: 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 fiftieth 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: Any messages, reports, or announcements?

CLERK: I have no messages, reports, nor announcements, Mr. President.

KELLY: Senator Clouse, you're recognized for an announcement.

CLOUSE: Thank you, Mr. President. Colleagues, if I could have your attention for a minute. We talk a lot about the Nebraskans helping Nebraskans, and the, the differences that we have, and just some of the challenges that we have in life, due to those differences. But I

had an email this morning or a text this morning from Hot Meals USA, and we talked about this earlier. They were going to be here this week. They are the ones that-- the group from Kearney, and sponsored mostly by Rotary, but tremendous amount of volunteers. And they travel around to emergencies and all those types of things. And I had an email, and I think this was-- the numbers are incredible, when they talk about the numbers of firefighters that they were able to feed. And he says, as of this morning, we served just north of 13,000 meals to firefighters here-- and he was in North Platte, I believe. In addition, we served an additional 2,500 meals to the local firefighters before the feds came in to manage the situation. Then just for fun, we fed our National Guard folks 3,800 meals, bringing our monthly total around 19,400 meals. So I-- again, I want to point out Hot Meals USA. That's a volunteer group, and that's what they do. They go to emergency areas, catastrophic areas for flooding, tornadoes, in this instance, fires. So I just wanted to give a shout out to Hot Meals USA, and we will have them here next session, because obviously the fire-- fire's gotten away, but just to see what their operations is like. Also, give a shoutout to Senator-- former Senator John Lowe, because I know he was out helping, too. And it's, it's actually quite an operation. And, and my wife and I have had the opportunity to volunteer many times. So if you see the folks from Hot Meals USA, tell them, tell them thank you for the service that they provided to all our firefighters. Thank you.

KELLY: Thank you, Senator Clouse. Speaker Arch, you're recognized for an announcement.

ARCH: Thank you, Mr. President. Before we begin today, I wanted to let everyone know about the cloture times for a couple of the bills on the agenda today. So today, we have LB1071 before the-- in front of the body again. When cloture failed last Thursday, the bill came off the agenda, pursuant to Rule 7, Section 10. The rule then stipulates, quote, successive motions for cloture shall not be in order until 2 additional hours of debate on the bill, end of quote. So, this morning, we will continue the debate on LB1071, and after 2 hours, a motion, a motion for cloture will be in order. The second cloture time I want to outline is for LB400. When we begin, when we begin debate on LB400, a motion for cloture will be in order after 3 hours of debate. Back in January, we had 5 hours of debate on this bill. Senator Wordekemper passed over the bill prior to a cloture vote with the intention of working on a compromise. He subsequently chose the bill

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as his 2026 priority bill, and that was according to my memo that I had sent out, and it is my intention to entertain a cloture motion, if needed, after an additional 3 hours of debate, which would total 8 hours of the debate on LB400. I just wanted to make that, make that-- make everyone aware of, of those 2 cloture times. Thank you, Mr. President.

KELLY: Thank you, Speaker Arch. Mr. Clerk, please proceed to the first item on the agenda.

CLERK: Mr. President, General File, Legislative Bill 1261A, introduced by Senator DeKay. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB1261. The bill was read for the first time on March 19 of this year and placed directly on General File.

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

DeKAY: Thank you, Mr. President. LB1261A would appropriate \$4,750 from the Nebraska Power Review Cash Fund from fiscal year 2026-2027, and \$4,750 from the Nebraska Power Review Cash Fund from the fiscal year of 2027 and 2028 to Nebraska Power Review Board to aid in carrying out provisions of LB1261. The Power Review Board estimates up to 5 additional applications and hearings a year if provisions of LB1261 pass. It costs about \$950 per hearing, most of the costs associated with court reporting services. The Power Review Board is a cash-funded agency, and this agency felt that this A bill was needed, so they had the statutory authority to spend this money from their cash fund for any costs incurred. No general funds are being appropriated by this bill, and I would appreciate your green vote on LB1261A. Thank you.

KELLY: Thank you, Senator DeKay. Seeing no one else in the queue, you're recognized to close and waive closing. Senators, the question is the advancement of LB1261A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 1 nay on advancement of the bill, Mr. President.

KELLY: LB1261A is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, Select File, LB1071, introduced by Speaker Arch, at the request of the Governor. When the Legislature left the bill, after a failed cloture motion, pending was the bill itself, AM2748,

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AM2820 had been adopted to said amendment, and Senator Conrad had AM2782 pending to AM2748.

KELLY: Senator Clements, you're recognized for a two-minute refresh.

CLEMENTS: Thank you, Mr. President. AM2748 was the Select File amendment that I filed, and that had several adjustments in it. I think we'll talk about more of them later-- reductions in General Fund expenses of about \$8.5 million, some cash fund increases of about 13-- \$13 million, and it was the items that the Appropriations Committee had additionally proposed for the budget after the first round of debate, and we'll get into more of the details later. And I'll-- yeah, I'll wait to discuss that at another time. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I'm speaking in opposition to AM2782 that Senator Conrad filed. That's the amendment that's currently pending, and it was restoring developmental disability rate adjustments. This would cost \$20 million in general funds, which the HHS has found savings and efficiencies in these programs. And so this was not something that we could fit back into the budget. The committee accepted the Health and Human Services recommendations on the amount of developmental disability. So, we still have at least \$160 million in this program. And if you adopted AM2782, you would have to find another \$20 million in the budget, which we don't have. So I ask you for your red vote on AM2782. Thank you, Mr. President.

KELLY: Thank you, Senator Clements. Senator Hansen, you're recognized to speak.

HANSEN: Thank you Mr. President. Good morning, colleagues. I wanted to maybe give a little background about how we got here. And so, right now, the proposal that's up on the floor here is the idea that we're trying to find some kind of resolution on moving the budget forward. Because I think primarily that is one of our main objectives as a Legislature, is to pass a budget, to move it forward. And so, OK, so what is that process? How do we do that? Because obviously, we have portions of the, the budget with or without, or we have people who-- idea-- you know, with-- they want things included that maybe they can't get. And so, we need to find some kind resolution. And in my

opinion, in the spirit of what we always talk about and what our constituents expect of us, is compromise. How do we come to some kind of a compromise in a bipartisan fashion? How do we move a budget forward without leaving people behind? And in my opinion, this is the best solution. So let me fill people in, not just so much on the floor, but also people maybe who are listening. So we have, we have the, the budget, which has all the stuff we've been talking about for the last 3 weeks, but the 2 main portions that maybe are different with what we're trying to accomplish today, is LB304, which is Senator DeBoer's bill, that has to do with increasing the childcare subsidies from 130% to 185%. We initially made these changes with COVID. Previously, they were 130%, but with the element of what's in this bill with LB304, those, those would increase to 185% of childcare subsidies. The other portion of this bill has to do with the gap funding for private education-- or actually not even much for private education, for those students and those children who are currently in a private school because of a previous legislation that we passed that was ultimately overturned by the ballot initiative. And so, we have a whole bunch of kids now who are stuck in limbo, because of the ballot initiative that was passed, and in a year, what's happening with the federal government with HR 1 that has to do with school choice, which then these children would be eligible for again. So we have one year that many of these mostly low-income children who are currently in a private school would then have to probably leave that private school and go somewhere else for a year. After a year, then they would probably end up going back to that private school. I know one thing that's a concern, not just of mine, but many of my colleagues on the floor here, is trying to not disrupt the family because of the actions we take, and also making sure there is some sort of choice in where the family has the right to go with, with their education-- or the ability, not so much the right. And so, that's what these 2 aspects of this bill contain. We have LB304, which some colleagues or many of them in here have a lot of heartburn about, because we have a limited budget right now-- increase in childcare subsidies may not be in the best interest right now, I have some heartburn with that. I would like to see maybe some guardrails put in place, but I understand the notion. We have other colleagues here, who have a lot of heartburn about helping or funding these children who are in private education who would have to move then, and that might be more ideology, or the idea that we're now giving taxpayer money to these children to stay in their schools. So we have heartburn on both ends. And colleagues, if,

if there is a time to hold our nose a little bit, this is the time to do it, and I'm not even saying a lot. The gap funding we're talking about is only \$3.5 million for one year. The appropriation is only for one year. It does not go on after that. We are not expanding, you know, private schools. We're not expanding school choice. We're saying these kids, we think, should be able to stay where they're at so we're not disrupting the families. Some have moved their families to be closer to the school and may have to move again. And there's a lot of us who say, you know what, there are a lot of childcare facilities who need help, and that's what LB304 does. This, in my opinion, is probably the best path forward for this budget, not only to move the budget forward, but to help many of these families with low-income children and low-income households to be able to live a better life. Now, if this does not pass, we may be stuck again, and then ultimately ends up in mutual destruction. That's a real possibility where LB304 does not go anywhere--

KELLY: That's your time.

HANSEN: --and the gap funding does not go anywhere. Thank you, Mr. President.

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

GUERECA: Thank you, Mr. President. Good morning, colleagues. I-- this is a tough one, and here's why-- and here is where my mind's at. We hear concerns, rightfully so, that these children that were taking advantage of a program had that program pulled from underneath them, and that the \$3.5 million is going to be a one time appropriation to bridge a gap. I gotta be honest, folks, I don't trust that. Now what we've seen is the leaders of private schools here in Nebraska step up and say no child will be kicked out of a school because they lost their public dollars that were flowing into the school. They've said that. Leader after leader has stepped up and said, no child is going to be kicked out of school. So that begs, why are we still pushing the \$3.5 million? That's because-- and it's ideology. There are folks in this body and out in the lobby that believe in school privatization. And the reason I'm opposed to it is because I've seen example after example in state after state, city after city, and I'm not concerned about the Catholic schools and the Catholic lobby that deliver an amazing Catholic education to the kids here in Nebraska. I'm worried

about those who are wanting to make a buck on our children. Predatory schools-- we see them all over this country. They come in, they rent out a strip mall storefront, set up a bank of computers, put on Khan Academy and Welsh parents who desperately want to provide their children the best education out of taxpayer dollars. That is not a fantasy scenario, colleagues. That has happened in state after state after state. And it's not just going to be in Latino and black communities. They're going to come into greater Nebraska, into our main streets, rent out a vacant spot, and do the exact same thing: row of computers, show a flashy uniform to a parent and say, we're going deliver a good education. They're going to take that money, cause irreparable harm to the learning development of our children, and they're going to make-- run off with that money. I will show you example after example. That's what I'm afraid of. That is why we cannot give an inch to school privatization. There are example after example of amazing schools like the ones we have here in Nebraska blown up because a handful of people want to make a dollar on the back of our children. That is not a doomsday scenario, folks. That is not a "doo-dame" scen-- doomsday scenario. I'm not concerned about the religious schools that we have in the state now that provide that education that parents are fully entitled to, and the philanthropic community that supports them will continue to support them. Thank you, Mr. President. I rest-- I yield the rest of my time to Senator Prokop.

KELLY: One minute, 25 seconds.

PROKOP: Thank you, Mr. President. Thank you, Senator Guereca. A couple things I just want to clear up that were just mentioned by Senator Hansen, as part of his introductory comments. And, and look, colleagues, I understand and respect there's really strong feelings about all these issues. But as far as the child care subsidy piece is concerned, I think it's important to-- you know, the word expansion has been used. It's not an expansion. We are maintaining what the Legislature, a handful of years ago, put in place. This is not, this is not an expansion, and not doing so would, would kick about 1,000 families off the eligibility for childcare, so that's what [INAUDIBLE]. These are families all across the state of Nebraska. And I think it also is really interesting to have this debate the day after we were talking about LB1165 and the incentives bill. And, and so many people got up and talked about how important child care is to this state, which obviously I fully agree with. The other piece is, is I think you look at the funding sources, as far as how you're paying

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for this-- these programs with the child care subsidy, the LB304 provisions. That is through an, an already established fund. That is be-- a cash fund transfer, so we're not adding. But with what we're talking about with the--

KELLY: That's your time, Senator.

PROKOP: Thank you, Mr. President.

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

MOSER: Thank you, Mr. President. Good morning, colleagues. So I'm in favor of the LB1071 budget. I'm against the AM2782 dilatory motion by Senator Conrad. You know, we were talking-- I wasn't. Others mostly, were talking about the money that we spend on developmentally disabled, and that we're cutting that and causing families all kinds of pain. But if you look on page 21 of the goldenrod book, the budget book, and you look down in the middle of the page-- first of all, the Medicaid is a billion dollars a year. So out of the \$5 billion that our budget is, 20% of it just goes to Medicaid. And we added 90,000 people to that roster to help people who are vulnerable, need help, and we have 300,000 people on Medicaid now. So out of 2 million, 15% of the people are on Medicaid. Then you look down to the developmentally disabled line, it was \$197 million in '25-26. It went up to \$212 million. And then in the next budget, '26-27, it goes to \$229 million. So we're not cutting "fending"-- funding to the developmentally disabled. HHS is doing re-evaluations of people's cases, and some people are going up a level of care, some are staying the same, some are going down in a level care. Those are decisions that can be appealed if you feel like your case is not fairly adjudicated, so you can apply for a change in it from there. But this narrative that some are trying to spin that we're not helping vulnerable people is-- that's just wrong. It's not borne out by the numbers. In this middle section, it's all aid to individuals. That section adds up to \$1.7 billion out of \$5.4 billion. So it's about a third of our budget goes to social service things. I think we're making good efforts to help the vulnerable. And those who want to go on and on and on about how insulted they are that they don't think we're doing enough, I, I just don't think that's supported by the numbers. It's-- to me, it's just like a car out in the parking lot

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with the horn honking loud. You know, it's loud, it's obnoxious, it's annoying, but it's not saying anything. Thank you, Mr. President.

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

ANDERSEN: Question.

KELLY: The question's been called. Do I see five hands? I do. The question is, shall debate cease? There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting yes. Senator Arch. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Bosn voting yes. Senator Brandt voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn. Senator Dorn, I'm sorry-- voting yes. Senator Dover voting yes. Senator Dungan. Senator Fredrickson. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes not voting. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKinney voting no. Senator Fred Meyer voting yes. Senator Glen Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting no. Senator Quick voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Rountree. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper not voting. Vote is 29 ayes, 12 nays to cease debate, Mr. President.

KELLY: Debate does cease. Request for a call of the house. The question is, shall the house go under call? All those in-- there's been a request to place the house under call. The question is, shall the house be placed under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 25 ayes, 12 nays to place house under call.

KELLY: The house is under call. Senators, please record your presence. All senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house under call. Senator Conrad, you're recognized to close.

CONRAD: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I'd ask for your favorable consideration of this substantive and important measure. Exactly the points that I've been bringing forward with other colleagues are on display clearly this morning, where we hear from the majority of this body, we have no money, we have no money, we can't make our commitments to Nebraskans with disabilities, who by the way, their health care costs are spiraling, spiraling, just like the state's. And if you don't know health care costs are spi-- spiraling, you're out of touch. But we've heard, over and over and over again, we have no money, we have no money, we have no money. Yesterday you gave a \$50 million giveaway to the largest-- one of the largest corporations in the state, and you made transfers so that they don't have to buy their own carpet. But these assessment tools which are ripping the rug out from beneath the most vulnerable Nebraskans should be stopped, and these budget cuts should be restored. Since I have a few extra minutes and the queue is full this morning, and the spotlight of our budgetary debate will be around the controversial vouchers component, let me remind you why we do not set policy within the budget. There are 3 constitutional limitations on this. (1) single subject. (2) appropriations are specifically for the expenses of government being separate and distinct from other legislation. See Article III, Section 22. Additionally, this practice would touch upon Article III, Section 14, the Amendatory Acts. There have been Attorney General's Opinions, there have been Supreme Court decisions, which keep in place fidelity to our constitution, which requires a separate process for substantive measures and for appropriations, which by the way, have to be for the purposes of state government, not for anything under the sun. And no one has given a clear understanding or reason why private school vouchers are for a permissible expense of state government, as required for our appropriations framework and then also which touch upon our nonaid framework. Let me remind you what the Nebraska Supreme Court has ruled in regards to why these constitutional restrictions are in place to prevent Legislatures like this from setting policy in the budget. Quoting from Rein v. Johnson, 1947 Nebraska Supreme Court: the purpose of the constitutional provision, Article III, Section 22,

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was to prevent designing legislators from including in bills appropriating money to carry out the government of the state, measures and objects foreign to that purpose, and thus taking advantage of the necessities of the state, forcing the legislature to adopt them or to defeat the appropriation and thereby stop the entire machinery of government for want of funds to carry on. This provision-- these provisions have been decided by the Nebraska Supreme Court on multiple provisions. These issues have been detailed in Attorney General Opinions. These instances are important because every time this body, now filled with designing legislators, seeks to enact substantive policy in the budget, it has ground the wheels and machinery of this Legislature to a halt. See the controversial efforts and experience in regards to family planning funds a few years ago where the same thing happened. The same is on display with a controversial vouchers scheme that was recently rejected resoundingly by a, a vote of the people of Nebraska. There are constitutional restrictions. There is policy and practice. There is tradition and usage. There is our rule. There are Attorney General's Opinions. And you should not take those lightly. They matter. They are in place to prevent the kind of morass and chaos that is on display in this Legislature. Because the majority of cynical state legislatures won't listen to the people, they don't care about the court, they don't care about rule of law, because it's more important for them to wreck the state budget, disrupt the legislative process, and push forward a singular political agenda.

KELLY: That's your time, Senator.

CONRAD: Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senators, the question is the adoption of AM2782. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 12 ayes, 32 nays on adoption of the amendment, Mr. President.

KELLY: AM2782 is not adopted. I raise the call. Mr. Clerk.

CLERK: Mr. President, Senator Clements would move to amend with AM2920.

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

CLEMENTS: Thank you, Mr. President. AM2920 contains all of the items on Select that the Appropriations Committee adopted after General File, and it has a few items that we also-- the previous debate on AM2748. They made a few changes. Those changes are included in AM2920, so AM2920 is up-to-date, but it does have all of the provisions that the committee had voted on, which does include the childcare subsidy and the education scholarships. And when we started LB1071, I-- would Senator Machaela Cavanaugh yield to a question?

KELLY: Senator Machaela Cavanaugh, would you yield to a question?

M. CAVANAUGH: Yes.

CLEMENTS: We started off with talking about apiary funding. Do you "bee-lieve" in apiary funding?

M. CAVANAUGH: You know, Senator Clements, thank you. I do believe in apiary funding, but I also believe that there's been a lot of buzz about it.

CLEMENTS: I was wondering if you were trying to create a buzz by bringing that up.

M. CAVANAUGH: I'm always trying to create a buzz, Senator Clements.

CLEMENTS: But we did remove apiary funding, is that right?

M. CAVANAUGH: We-- yes.

CLEMENTS: And do you think that'll sting the beekeepers?

M. CAVANAUGH: I think they are already stung.

CLEMENTS: Oh, well, we hope they can survive. Maybe a little touch of honey will help them. Thank you, Senator Machaela Cavanaugh.

M. CAVANAUGH: Thank you, Senator Clements.

CLEMENTS: So AM2920 is what I would-- this amendment is what I would call plan "Bee." And some people, though, are going to say it's not all it's cracked up to "bee," but I hope it is. And we'll find out, because to "bee" or not to "bee," that is the question today. And so, I thank you for permitting me to throw in a little bit of levity. Back to AM2920, I'm going to give you a little background on what the

changes were from the General File to Select File. We have Legislative Council giving up \$250,000 of their budget. We had De-- Department of Labor, the education scholarships, those are in there. That's \$3.6 million. Then Health and Human Services, we had a hospital assessment offset, \$5 million per year that we're able to use. That doesn't-- that's the state's share of this new hospital assessment, doesn't take anything away from what the hospitals get. And then, there's another \$5 million of efficiencies that the Health and Human Services agency found. But we did add in \$13.3 million for Medicaid look-back. The retro eligibility was zero days, and now in this amendment, the Medicaid look-back goes to match what the federal guidelines are, so that was a spending increase of \$13.3 million. Department of Corrections was a \$2 million reduction. We-- the Governor had requested \$5 million reduction, but we found that \$2 million was the amount that they were comfortable with. Then, the Department of Economic Development, there was a program for mentorship grants of \$4.8 million. We reduced, reduced that by \$2 million, to leave \$2.8 million for that grant program. And then in Health and Human Services also, the childcare subsidy, \$10.7 million was to put the-- restore the childcare subsidy to what it has been, whereas the Governor's bill had reduced it back to pre-COVID levels, so that's \$10.7 million there. In the military department, there was \$1 million for a consultant regarding Offutt Air Force Base, to promote the National Guard and to promote Offutt, to join the state with the military base. Those were a brief list of items. That was on a handout that came with AM2748, and those provisions are also in AM2920. With, with that, would Senator Ben Hansen yield to a question?

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

HANSEN: Sure.

CLEMENTS: Senator Hansen, we've been discussing the procedure and how we wanted to proceed with the budget, and you've been working a lot on that. Would you give us an update on what you've been working on?

HANSEN: Yeah, and it's-- but kind of touch back to what I mentioned earlier when I talked, about the idea of kind of a, a bipartisan kind of compromise solution to move the budget forward. Also, make sure that we're not leaving some kids in limbo for a year; also making sure that that we can pass some legislation of Senator DeBoer's that would move-- increase childcare subsidies to help a lot of those families

and those, those facilities trying to take care of our children in Nebraska; and so this, in my opinion, seems like the most reasonable solution to do that. And this is, I'm sure, something we hear from our constituents all the time. Why don't you compromise? Why don't you get along? Why don't you do something? Why don't you try to help the people of Nebraska? And this helps the people of Nebraska in many ways, not just through funding from those two aspects, but also showing the people that, heaven forbid, we can actually compromise on something and move a budget forward, which is what we're supposed to do. And here's another positive side effect. We save time on the floor to do the people's business. Because I have a feeling if this does not pass, that we're going to see other-- that we-- then again, we have to bring up the budget again, and then I wouldn't be surprised then, if we have to kind of make some other kind of measures to, to tweak certain things, to kind of change-- with LB304 not being included in here, or the childcare subsidy, which will take up time for us on the floor. I would much rather be here discussing property taxes. There's a bill I prioritized of Senator Brandt's that addresses just that. That is a bill that I would like to see get on the floor and discuss, and I'm sure many of our constituents would like to see that as well. So this bill not only is, in my opinion, a good compromise solution, it helps make sure that those kids are not in limbo for a year, to help some of those families who are looking for childcare so parents can work, save time on the floor so we can do more of the people's business-- I know we got Judiciary bills, priority bills that are looking to get on the floor, a lot of our senator priority bills, committee priority bills that we're trying to get on the floor. And I think it's important to talk about this kind of stuff, especially the budget. And I know both of these aspects, the gap funding and the childcare subsidy, are important to many of us here. So it's important to discuss those as well, but I just want to make sure we're not spinning our wheels here.

CLEMENTS: OK. Thank you, Senator Hansen. And that's also my feeling. I'd like to get the budget moved forward, but AM2748 didn't have the votes to move forward and there was some disappointment in how it was brought forward. And so, AM2920 is the full item, all the items that the Appropriations Committee had voted on in committee with the-- a few adjustments that had been done on Select File the previous time. And so I look forward to the debate, and I'm glad to offer everyone a chance to discuss the entire measure. Thank you, Mr. President.

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KELLY: Thank you, Senator Clements. Senator Wordekemper has some guests in the north balcony. They're fourth graders from Bergen Elementary in Fremont. Please stand and be recognized by the Nebraska Legislature. Senator Brandt, you're recognized to speak.

BRANDT: Thank you, Mr. President. Well, here we are again. And this probably won't be finalized this morning. If we truly want to get this budget going, take the opportunity scholarships out of the budget. Stand alone. There's a way to do this. We can vote this up or down. As it stands now, really both, both camps, neither one has enough votes, and it will use the budget as cover on this \$3.5 million. To reiterate some of, some of the points that I had before, this is a \$3.6 million tax increase. There really wasn't a public hearing on this. This was stuffed inside of a, a Labor appropriation in the Appropriations Committee. The public was unaware that this was going to be put into the budget. That's not a good way to make policy. We didn't pass any real offsets this year. The, the cigarettes and, and vape, that went down. That ought to be concerning to those of us in here, looking at this budget. Number 3. There is an out on this, in that starting January 1, taxpayers in the state can start writing checks to scholarship-granting organizations, whether that's private schools that are parochial in nature or private in nature, and they can, they can get a lot of funding probably immediately if they start doing some awareness campaigns to get people to do that. I know a number of Parochial schools out there have said they will not get rid of, get rid of-- they will release any children because they're in this situation. Number 4. My notes are a little all over the place here. So anyway, would Senator Conrad be available for a question?

KELLY: Senator Conrad, would you yield a question?

CONRAD: Yes. Yes, of course.

BRANDT: So Senator Conrad, in your closing before, you had stated a Nebraska Supreme Court case. Did that case deal with using money for private schools, or did that case with policy through the budget?

CONRAD: Thank you, Senator Brandt. I recognized the case in doing research on this topic about policymaking within the budget, and I noticed the citations and annotations underneath the relevant aspects of our constitutional provisions. I have not pulled the full case from 1947. I will, to find the subject matter thereof, but it was really

about the process of appropriations versus substantive rule-- law-making, as I understand it. I did have a chance to go back and also see that these issues have been reiterated in many Attorney General's Opinions over the year. Attorney General Opinion 92054, from 1992, looked at these issues on a different topic, about appropriations for state office buildings and construction projects, and found questionable concerns, constitutional, legal, and practical concerns about impermissibly joining appropriations and substantive legislation. There has also been many votes of the people in terms of the state aid-- non-aid provision. I think perhaps three, including one recently, where Nebraskans have voted decisively to protect public funds for public education. There have also been discussions about these through the courts and through Attorney General's Opinions. And one of the critical risks in this particular proposal, in addition to the impermissible joining of substantive legislation and appropriations, is that non-aid provision and is the fact that proponents of that controversial component have not provided any sense that this is related to the clear nexus of providing for the appropriations of state government.

BRANDT: All right. Thank you, Senator Conrad. I'm about out of time here. Once again, I'm opposed to this because of the First Amendment, separation of church and state. Private schools now can pretty much do what they want without state oversight. Thank you.

KELLY: Thank you, Senator Brandt. Senator Clouse would like to recognize guests in the north balcony from Kearney FFA. Please stand and be recognized by the Nebraska Legislature. Returning to the queue, Senator Dover, you're recognized to speak.

DOVER: Thank you, Mr. President. I apologize. I'm with, I'm with Senator Brandt a little bit on-- I apologize for the organization of my notes here, so. I want to talk a little bit about hypo-- hypocrisy here. It's kind of funny where I hear we shouldn't, you know, they shouldn't be doing this in the budget, et cetera, and those kind of things. I'm not going to really address the fact that some people don't think they can trust anybody and that this isn't one-time gap funding, because that's what I'm, I'm, I'm, I'm guessing that's what I think that it's for, and that's that I'm voting for. But it's kind of interesting they say we shouldn't pass policy in, in Appropriations. Well, I'm just saying that Senator Stinner did when he was the chair and to a lesser degree, Senator Clements did it when he was chair. And

I don't know if most of you are aware of this, but actually, the, the childcare that we're talking about, the increase was done where? It was done in Appropriations. And I will say this, as Senator Cavanaugh did, did speak up and say this shouldn't be done here, but it's kind of funny because everybody else, Republicans and Democrats, voted for it. So it's kind of funny here, where we say you shouldn't do this, and you shouldn't do that. Well, you know, let's just be real, folks. Both sides point that out when it's advantageous to their, to their point of view. And I, and I don't think that, that we should, but it's kind of the way, the way it is here, so you know, we'll continue that. Another thing, the hypocrisy as well. You know, I don't-- I-- we need to help needy, needy kids and that, and the poor and et cetera, and, and-- but I don't, I don't see that. In fact, I mean, on a broader degree, I really believe that funding private, private schools, especially in north Omaha, really helps the kids, helps the needy kids. And I've given examples on the floor before, so I won't, I won't address that again. But I really think anyone who says they want to help needy kids and all that good stuff won't help kids at 185% of poverty. Really, you're speaking out both sides of your mouth. But I'll be quite truthful, probably. I'm not picking on anyone, but I'll, I'll be quite truthful. I think probably the majority of the senators here speak out at both sides their mouth at any given time, depending on what they want. It's wrong. I probably have done it myself. But there is so much hypocrisy here in the floor and in Washington, it's sad. I do think one of the most important things here is probably relationships. And I'd like to see us working together more. And, of course, everybody's for working together when it's-- again, satisfies their need, and it's kind of-- and, and it's sad, too, but I think this isn't a big thing. I think that we could, as Senator Hansen has said, we can work together and do this thing. That-- I hear that's the way it used to be. I hear, from past senators that used to here in the house, that they used to work together. They used to hold their nose a little bit. They used to pass things that neither side really liked, but there was a willingness to understand, there was the division of thought, and they still agreed. I-- I'm guessing Senator Conrad probably, probably cherishes those days, those bygone-- that bygone era of when we used to get along a little bit better. But we are where we are. I stand in support, obviously, of the gap funding. I think childcare, I stand in support of that, also. I'll yield the rest of my time to Senator Moser. Thank you.

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KELLY: Thank you, Senator Dover. Senator Moser, one minute, 55 seconds.

MOSER: Thank you, Mr. President. Thank you, Senator Dover. When I was talking about the developmentally disabled contributions in the budget, the-- for services for the developmentally disabled, I neglected to talk about the waiting list. Some years ago, we had a waiting list with 3,000 people on it, that were wanting state benefits but were put on a waiting list, because we didn't have the money to, to fund all those. And now, there's basically no waiting list. You ask for benefits, they do an evaluation, and they decide what benefits suit you, what you're qualified for, and I think that's something that should be celebrated. We had 3,000 people who had no help at all. No help. They wanted help. They had family members that problems. And now, that 3,000 people that were waiting have all been worked into the system. The amounts we're spending on developmentally disabled are increasing over those 3 columns, page 21 in the goldenrod budget book, the executive summary. Those amounts go up 15% over those 3 columns, so we're sending 15% more on developmentally disabled. Back to the 40-- back to the school scholarships. These are for kids whose families are poor-- family of 4, \$60,000 or less. Mom and dad work fast food, or they work in a retail store, or-- minimum wage jobs. That's what you have to do to qualify for that funding. I don't think that's too much to ask, just to satisfy some who are purists and think that private schools should get no aid. Private schools get school book lending. They get other benefits.

KELLY: That's your time.

MOSER: Nobody fusses about that. Thank you, Mr. President.

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

HALLSTROM: Mr. President, members, I rise in support of Senator Clement's AM2920, and will be voting for the budget as amended in that regard, when we get to that point. I am a supporter and a co-sponsor of LB304. My support for that measure has been unwavering. Yesterday in my prayer of the day, I asked the Lord for patience and perseverance for each and every one of us to not rush to judgment or question the motives of others, and I think that should apply in this particular context. I've observed that some of my colleagues have not

been talking to each other the last few days. I've also been the recipient of that treatment. In fact, yesterday I counted it as a victory. One of the colleagues glared at me, and I thought we were making progress. But seriously, when you look at LB304, it's a family issue, it's an economic issue, and it's a workforce issue. We have families. I do tax-- used to do tax returns before I came into office, and I would see young families struggling and paying \$25,000 a year for two children. And that, quite frankly, put them right on the edge of the question or the issue of, do we have one of the parents stay at home because we're not netting much by keeping someone in the workforce and having to pay that amount of child support. And when you look at the situation, the access to childcare and the affordability of childcare are both directly related to the willingness and the ability for individuals, particularly young parents to either stay in the workforce or return to the workforce as the case may be. So I fully recognize the importance of LB304. I also recognize that just last week, round one of the action on the budget involved what in all my born days I'd never seen-- a cloture motion that had 19 votes. It was rebuked significantly on a broad, bipartisan basis. When I look at the budget as a general matter, we can all pontificate on what we like or don't like, but at the end of the day, we have one vote, yes or no. We're going to make a decision on whether or not the budget should go through in the form that we have when we get to that final destination. And I think those are hard decisions. But they can't be dependent or dictated by the fact that I didn't like that we're taking Veterans' Funds out, I didn't like that we're transferring Environmental Trust Funds, but at the end of the day, it's the totality of the budget that we need to look at. And I would hope we could all rise above and make the appropriate decision today. We've already decided that with the private school funding out, we couldn't approve that budget. This is round two. It's in, along with a lot of other things I like, some things I don't like so much, but the totality of the issue is going to lead me to vote yes on this amendment and on the budget. I'd also ask you to consider that the private school funding proposal and the childcare subsidy both serve the same universe: families with at or below 185% of federal poverty level. So as a result, the families that are receiving the childcare subsidy send their children, in some cases-- I think there's about 15 childcare facilities that are run by private schools in the state-- they send their children to those facilities. And we're saying it's quite all right to spend public funds to benefit those kids and their

families at a private-run childcare, but once they reach age 5, we're going to abandon them, and at the same time, neither the family's needs or the children's needs have changed one iota. So I would encourage you to find it within yourself to vote yes on AM2920, and on the underlying budget bill when we get to the motion for cloture.

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

HARDIN: Thank you, Mr. President. We sure want to get a budget passed, that's important and constitutionally required of the Legislature, so we're working on that part of it. Yes, we do have 2 important things that are coming up. And isn't that the hard part about life, is that you don't often get the opportunity to have one really great thing going against one really-- thing that you really don't care much about. Those are the hard things when you look at it, and it's not a question of one really good thing versus a bad thing, it's multiple good things. And somehow, you find circumstances that build conflict around it, and that's where we are. So I'm all for \$3.6 million to help the poorest kids to be able to fill in a gap year, so that they can have a choice other than what's not working for them at school. It's really difficult in Nebraska, with some of the highest property taxes in the land, combined with the highest homeowner's insurance in the land. Who knew that having 42 tornadoes on the ground in one day in 2024 could affect rates? Let alone high winds, hail. So it's fascinating when you talk with someone from Florida and you say, we have higher homeowner rates than you do. They didn't have any hurricanes in 2025. And so nonetheless, Nebraska it-- gets to experience high property taxes plus really high home insurance coverage, plus the whole country is struggling with really high insurance rates, if you like to have health insurance, so that makes the overall cost of living really tough. And so what we're looking for is that. On the other side, childcare is important and child care as crazy because COVID came along and the way that we handled COVID meant that many jobs ended up being far more expensive to pay for for business owners, than they used to be-- service industry jobs and other kind of things, but including early childcare education. And so, that cost went up 25-35% across the nation, and so if you run a child care center, you're having to pay typically 25-30% more to your staff than you did a few years ago. All of that makes it expensive and it gets passed along to families. And so we have these two things, LB304 is going along. We would also like to try and help kids, and I want to

help both. And that's the difficulty of where we find ourselves today. And so, since I value both, I'm voting both. And so, I, I really appreciate the opportunity for this conversation. Mr. President, I would like to yield the rest of my time to Senator Sorrentino.

KELLY: Thank you, Senator Hardin. Senator Sorrentino, 2 minutes, 4 seconds.

SORRENTINO: Thank you, Senator Hardin. Rather than looking at the one-time, \$3.6 million potential funding of private school as a, as a tax increase, perhaps a better idea, another way, a better way, a fiscally responsible way to look at the one-time, \$3.6 million funding might be, as, as suggested in AM2920, that it is real property tax relief in reverse. If the state had to absorb the 20-- the \$700 million annual cost to educate the 37,000 private school students right now, can you imagine what that might do to your property tax levity, which of course, funds education? So more than anything, let's look long-term and support AM2920. Because yes, I'm, I'm a fan of the childcare credits and I'm a fan of the private school. It makes sense to do both, and I would appreciate your support of AM2920. Thank you, Mr. President.

KELLY: Thank you, Senator Sorrentino. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. I just wanted to stand up and speak a little bit about the budget, LB1071. In my opinion, there are 2 pieces that should not be in this budget. One, the childcare tax credit, this was and should be a standing-alone bill. I don't-- I understand they put it in, thinking that-- kind of a time saver and whatever, but I think that should stand alone as itself, and it could. Number 2, the Governor, in the budget, put money going to the Opportunity Scholarship Fund. That should not have happened. There is absolutely no authorizing legislation for those funds. I have brought, to this body this year, different bills and amendments, to either increase revenue for some sources or slow down the amount of funds that were not getting in over future years, and nothing has gone through. So at this point, I am absolutely not supporting any new funding when we are taking funds from other places. This is not the time for that. I understand and feel very much for those families that originally received scholarships and are kind of facing this gap year, because the federal program that was enacted will go in effect in

2027. But I know for a fact that the Missouri Synod Lutheran Schools are not going to kick those kids out for that year, and I really believe the Catholic schools will not, either. We have other funding choices for that \$3.5 million. Those scholarship organizations exist already, and they can be-- you can privately raise funds to fill that gap. They could easily raise that \$3.5 million to handle those kids. My first 2 years here, I voted for the Opportunity Scholarship bills, both of them. But in 2024, the second house of Nebraska overwhelmingly voted and said we do not want taxpayer money going to opportunity scholarships, and I am going to support that vote. So to recap: we're in a budget shortfall. No new spending. Number 2, LB304 and the Opportunity Scholarship Funds should not be in LB1071. The people voted in 2024 that no taxes-- their tax money should not go for these scholarships, and we have other options for those funds. We always look at things and say, are there other ways to fund this issue, and there are. And so, in my opinion, with both those in there, I will not be voting for LB1071, as it is. Thank you, Mr. President.

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

RAYBOULD: Good morning, Mr. President. Thank you. Good morning, colleagues. Good morning, fellow Nebraskans watching this. I absolutely think Senator Hughes is brilliant. I really do. It makes so much sense. I voted for LB1071, one of the very few 19 people that voted for cloture, because I thought Senator Clements was so wise, and acting in his full authority with integrity and honesty, which brings me to the private school funding that we're arguing about. I feel that there has been so much misinformation and disinformation spread on this topic. I have a 4-page list of those organizations, the Scholarship Granting Organizations, SGOs, that are accredited-- or nonaccredited but approved by NDE, and those that are working on their accreditation. I bet you can't even guess how much private funds have already been raised, both-- for all private schools, Lutheran or Catholic. They have-- already have total scholarships awarded-- eligible funding raised, \$9,134,500. Organizations have said, loudly and clearly, no child will be disenrolled. No child will de-- be disenrolled. And I have been feverishly responding to all those who have emailed me. Lots of clergy members have emailed me, and I try to set the record straight. Senator Linehan was so puzzled by me. I am a child and a product of Catholic school education, from grade school, high school, college, and even graduate school. She could never

understand. My children went to Catholic schools, so she could never understand my position on this. The truth is, my family and my parents, we've been involved in our parish for years. My father was on the, the financial committee, making sure-- at Blessed Sacrament-- that no child, no family that had requested tuition assistance would be left unaided by this. Now that I'm here in-- back in Nebraska, I've attended so many Table for Ten galas and, and fundraisers and Pius X fundraisers to do exactly the same thing, to raise funds for their tuition endowment so that they can provide tuition assistance to every family that has requested that. And this amount of money that they've raised for those SGOs that qualify is breathtaking. That shows that they do care. And we care. And they have the financial ability to raise those funds. There is so much misinformation talking about a gap year. It's very confusing, but they say the gap year means that those children will be disenrolled and not funded. This program has gone into effect already, for those SGOs that qualify that are 501(c)(3)s. They can start getting money in from those contributors in 2026. The federal program that releases those funds and authorizes the re-- release of those funds starts January 1 of 2027. The point that I'm trying to make, that those children that are enrolled in 2026-2027 school year, so we're talking about August of 2026 through May or June of 2027, those children are enrolled. The payment from the SGOs that are qualified will be released January 1, for that entire school year, or they can hold some funding back and start it for 2027-2028. In the meantime, they will be continuing to receive contributions. What I think I want to read now is the legal opinion that tells about this. Treasury has stated it will have procedures in place by the end of 2026, enabling states to designate eligible SGOs for the start of 2027. While contributions made in 2026 are not eligible for the federal credit that people want. Even if used for scholarships in 2027, nothing in the statute bars SGOs from using 2026 funds for the scholarships awarded in 2027. So that is a lot of disinformation that has been disseminated by so many people in our Chamber, so many folks out in Nebraska not understanding how this program works. I know the Lutherans have come out loudly and clearly that no child will be disenrolled. And the Catholics--

KELLY: That's your time.

RAYBOULD: I know, we're there with you.

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KELLY: Thank you, Senator Raybould.

RAYBOULD: Thank you, Mr. President.

KELLY: Senator Kauth, you're recognized to speak.

KAUTH: Thank you, Mr. President. I'm always a little bit surprised at how people can take an opposite side on a subject, based on that subject. It doesn't seem like a lot of us are sticking to our true core convictions. On March 11, Machaela Cavanaugh stated, I hope every child gets the education they desire according to their needs. But yet, she's advocating against kids being able to get into a private school. I don't know if she means according to their educational needs or according to their financial needs, but she's advocating against poor kids. Senator Conrad, on Monday, said that the bill that we were working on was just more effort to punish poor kids, and I can only assume that she is also referring to herself, because this-- opposing this stop gap measure is only punishing poor kids. I'm going to read you a letter I received from a mom, here in Lincoln. We have 2 children who were enrolled in preschool in Lincoln Public Schools in the past. This year, with the assistance of the Opportunity Grant, our daughter is attending kindergarten at St. Teresa's. We're looking to enroll our son in kindergarten this fall there. We cannot reiterate how much of a blessing it has been to our family to have the choice of having our daughter attend school at St Teresa's There's a unique dynamic that our family brings to the table. Both of our kids were diagnosed many years ago with autism. With early intervention, many years of ABA in-home therapy and consistency, consistency, our children continue to thrive. That doesn't mean they're cured, but it is more manageable. All of this was addressed upon an initial school tour last year. We went in, knowing the fact that unfortunately, private schools do not have the extra support that the public school system does. But thanks to early intervention on our part and St. Teresa's willing to give our daughter the opportunity to attend school there, she was accepted, and received the financial assistance our family prayed for through the school choice voucher. Our family currently lives in a public housing complex. We are not rich. We are a low-income family who receive Medicaid and SSI benefits for our children. We should not have to stress about funding for choosing to send our children to the school we feel is best equipped to teach, learn, and allow them to grow. With our children being on the spectrum, consistency is key in maintaining positive productivity

moving forward. Friendships have been built, support systems in place, and our daughter currently receives additional support through her IEP plan with the school. But yet, the opposition would have you believe that no private school will take kids with IEPs. She has blossomed and grown so much in just her first year of kindergarten alone. We would hate to see that disrupted if adjustments need to be made to schooling, just because a bridge gap in funding couldn't be made until the federal grants take effect in 2027. And it's really really easy for us to say, hey sure there'll be a fundraiser, they'll raise the funds somehow and no school's going to kick kids out. Schools have to run according to a budget. They can't just let kids stay there. They do-- would have to do fundraisers. They would have to do something specific. There's no guarantee that they would get that money. My-- gesundheit. My husband and I, along with our other family members, are recurrent voters in both local and national elections here in Nebraska. We are asking you, please hear us in our concerns and reflect on the testimony we've provided. Please know there are many other people like us who pray for this to move forward. We should not be burdened with financial hardships or making a difficult decision for our children's education when they have established themselves through their hard work and determination in the school system. Not everyone in the private school system is rich, like many people believe. We are a testament that even low-income families with children with disabilities can thrive and succeed in private schools. Some of us taxpayers just need a little extra financial assistance in sending our children to the schools we feel are of best interest to our children and our family. And I thank this mom for sending this letter in, and if Senator Hansen would like the rest of my time.

KELLY: Senator Hansen, 42 seconds.

HANSEN: Thank you, Mr. President. OK. Well, briefly, I do want to remind people like maybe-- all my colleagues understand this, but people listening, that when we hear the argument that some of this gap funding to help these kids, like I said, in limbo for a year, is going to go to private organizations, the \$11 million, in LB304, per year, goes to private businesses to help kids. I'm not saying it's warranted or not. It's going to help families. But in the context of arguments, they both go to private organizations.

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KELLY: That's, that's time, Senator. Thank you, Senator Hansen. Senator Storer, you're recognized to speak.

STORER: Thank you, Mr. President, and good morning. Senator Hansen, I'm probably not going to take my full time, so don't go far. I'll hand this over in a moment. I guess I just want to get up and, and make a couple of statements on behalf of not only clarifying where we're at, where I'm at today. Up to this point, I have not voted in favor of the gap funding, just representing the folks that I hear from in my district. And I am passionate that each one of us is, is elected, clearly, to represent the majority of the folks that voted us here. But here's where we are today. We're arguing over \$3.5 million. And my frustration, primarily, is that this has been messaged as school choice, which I do not, I do not understand the-- in a very practical manner, this \$3.5 million is not changing policy in the state of Nebraska. We are not putting anything into law that changes the direction of how this state will fund education in any way. This is not a fundamental shift in policy. It's just not. Now should it have been in the budget? We could argue that. I, I think it's clear that because it's in the budget, we're here today, being delayed on passing the budget, so there's that. But we're here today, and we are obligated. One of the fundamental responsibilities of the-- of this body is to manage the people's money in the state of Nebraska and to pass a budget. \$3.5 million is holding us up here, over an argument that really is not accurate in terms of what this is and what this isn't. It is not changing the policy in Nebraska on school choice. It is not. It is not. It is a one-time fund to help ensure that students who benefited from the Opportunity Scholarships previously are not uprooted and their families are not disrupted, and that those students can have continuancy in their education. And I don't understand, really, what the opposition to that is, when you peel it all back. There are opinions on school choice. There's certainly a recorded vote of the third house-- second house, but that's not what this \$3.5 million is doing. I would also say in terms of the childcare funding, I want to be, be clear that, that what I heard, maybe the most important and most often issue when I was campaigning and when I was out visiting with people in my district, was one, they had trouble hiring employees. They-- I mean, it didn't matter if you were a Main Street mom-and-pop shop, or in agriculture, or education-- teachers-- difficulty filling, filling jobs, and that almost-- is always and currently is tied to lack of access and ability for people to get

their children into childcare. So if both parents cannot find childcare, then they need to stay home and take care of their children. That leaves us in an employment, employ-- employability crisis. So this-- LB304 and the childcare funding matters. My district has over 36% of the children in my district would qualify, so it is very important to continuing to get our economy back on track and help employers. So I am just being-- I'm, I'm hopeful, I'm prayerful that everybody can take a deep breath and understand that we're not all going to like-- I don't like everything in this budget. I don't. There are some things that we end up having to say, listen, we're going to, we're going to have to ultimately understand the objective, which is to pass a budget in the most responsible way we can, and ask ourself if arguing over \$3.5 million that is not changing the fundamental policy of how we fund schools here long-term is really the right thing to do. I probably don't have much time left. If I do, I yield it to Senator Hansen.

KELLY: 2 seconds.

HANSEN: Thank you, Mr. President.

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

MURMAN: Thank you, Mr. President. I just want to get up and let everybody know where I'm at. The 2 controversial subjects that are in the budget, neither one of them would disqualify me from voting for the budget. I realize, constitutionally, that's the one thing we have to get done. And there's several things in the budgets that are cut that I'm not real happy about, but I am for smaller, limited government and lower taxes, so I can support some cuts as long as they're not something that I think is so far out of line that I can't support the whole budget. And same way with the 2 subjects that are in here. School choice, I've always been for school choice, whether public, private, or home school. I think every family ought to have the opportunity and the privilege to educate their, their own child in the way that they think is best, so as many options as are available, that's a good thing. I do realize this is only gap funding, so only be in effect for one year, but I am happy that the federal tax credits will take effect in a couple of years, and that will give families more opportunity to go to the school that best fits the needs of their child and their family. As far as the childcare support, I do support childcare centers being available all over the state. I realize that

families do need the childcare. I, I do not want to incentivize families to use childcare unless it is low-income families, and the 185% of poverty level I think is too high. I would much rather see it in a pre-COVID level of about 135-- I think it was 130%. Like I said, it goes to the-- this support does go to the childcare providers and we need those providers available for families that are low-income, families that only have one parent, so they have that opportunity to have that child care that's really needed and it is needed by some families all over the state, including Greater Nebraska. In summary, I do support the budget. I'm a conservative. I support smaller government, and I'll vote for it with both in or both out. But I'll support it either way. And if Senator Nel-- Ben Hansen would like more time, I think I do have some time to yield to him.

KELLY: Senator Hansen, one minute, 43 seconds.

HANSEN: Thank you, Mr. President. Thank you, Senator Murman. I do, I do want to reiterate, I'm glad we're having people up here advocate and talk about school choice. There's people who are advocating against it. I get that, but this is something Senator Storer pointed to earlier, that what we're talking about here with the one-year gap funding is not-- it's not necessarily we're, we're passing legislation for school choice. We're not expanding school choice, and we're definitely not talking about vouchers. And so, all we're talking about-- because I know Senator Raybould has a-- has-- is passionate about misinformation. We're not talking about any of that stuff. All we are talking about is one-year appropriation-- this does not go on past that. You would have to pass new legislation, or pass something-- appropriation to continue, in which I highly doubt they would because of the federal law. We're talking about one year of gap funding for these kids to, to help them stay in the school that they're currently at, as opposed to having to move into another one. That's all we're talking about, and that's \$3.5 million, one year. Whaat we're talking about with LB304, which is-- some other people, what they want, which I'm not completely against as well, we're talking about \$11 million a year in perpetuity. Every year, \$11 million. Total, I believe it's almost \$60 million. I think \$60,000 million state and maybe \$70 million federal, so there is a mix of state and federal, but what we're talking about here is \$11 million. And so, when I, when I talk about maybe both of us kind of, you know, compromising here and moving things forward, that's what we're talking about. And so, I don't think it's unreasonable, and I think this is what the people are looking for

from us, when we're talking about compromises to move this budget forward, do our jobs, have some more time to talk about real things, like property tax relief as well. So, thank you.

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

CLOUSE: Thank you, Mr. President. I just want to make a couple of comments, just simply because I've received a lot of cards and letters on both sides, primarily of the issue dealing with the gap funding. And I have taken a position, I even mentioned this last year, I think, when I was talking to a couple senators. I'm like, well, why did this come up? We just-- you know, we just voted on-- and this was in January or February. We just voted on it a couple months earlier. And you know, it was, it was striking to me that this thing just keeps rearing its head. And, you know, we have the Big, Beautiful Bill. Well, it's going to take care of it. So when this bill-- or when this was thrown in there, I wasn't real-- too excited about it, because we'd talked about it, I thought it was a dead issue, and it just keeps coming up, so I voted no, against it, the first couple times it was on, on the floor. The other piece to this is the expanded childcare. And we do have childcare, it's in there. We had it prior to COVID. We had that funded at a different level. And so through COVID, then we expanded that level because we had more people that needed it, so the sunset is what we're talking about removing. We had a bill last year, very similar, and that voted against removing the sunset. And that bill did pass, and so now that has been expanded. So that's where I was at on both these issues. So I don't really like either one of them, quite honestly. But what's more important to me is getting on to some other issues and getting the budget passed. And I will support L-- the amendment and also the upcoming bill, just simply so we can get the budget approved. Both sides, it's compromise. I don't think anybody likes where we're at. I have said, told other colleagues that I mean they're all in, they're either both in or they're both out. I'm not playing the game of going one or the other or continuing this fight. To me, it's, it's a compromise situation, so I will be supporting the compromise if they're both left in. Now we have 180 bills on General File and 107 bills on priority bills yet, which are good bills by senators on both sides of the aisle, senat-- bills that we just need to get to that really impact more than the limited 2 groups that we're talking about here. And so, I think we need to get this issue resolved, move on, and start working with things that

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impact property tax, other issues that are of grave importance across the state. A good compromise-- you know, I've heard that said that it was a good compromise is when neither party likes it. I always thought a good compromise was when both people liked it. But I think we're going to be at the point here, where if we get a compromise situation on this bill, it's going to be neither party really likes it. So I will be supporting the amendment and the bill, and I will yield any remaining time I have to Senator Hansen, if he'd like it.

KELLY: Senator Hansen, 2 minutes, 5 seconds.

HANSEN: Thanks. Keep, keep getting more every time. It's better than 2 seconds. Thank you. I was hoping to provide a little perspective. Not so much with my colleagues here because I think they understand this. This might be for people who are trying to understand what we're debating and what we're talking about here and what the results could or could not be. So what could happen here, the bill passes, both people get what they want-- to help low-income families and children. This bill does not pass, and in my opinion, now we risk what I mentioned earlier: mutual destruction. These kids are not, you know, if they do not get funded in some other way, which I had a Catholic school close in my district a few years ago because they couldn't afford it. Now we risk these children not being able to stay in their school and move somewhere different. And then we also risk, which is definitely a real possibility and I want people to understand this-- that the childcare subsidies goes back down to 130%, and there are no extra childcare subsidies. I'm not opposed to increasing childcare subsidies, but I feel like there should be more guardrails in place. So when people here push their button, and I want people here who are listening and watching to know, when they push the no button, they're pretty much saying we are OK risking losing childcare subsidies because we hate helping these kids for one year with gap funding. That, ultimately, is what the result could very well be. I'm OK with getting rid of the childcare subsidies, the increase in childcare subsidies. I'm going to risk that for all these families, because for one year, for \$3.5 million, I am so ideologically opposed to helping these families with gap funding. So people can pay attention--

KELLY: That's your time.

HANSEN: --to the board when it comes to it. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Senator Fredrickson would like to recognize some guests in the north balcony, from Telegu Samiti of Nebraska and the U.S.-India Relationship Council. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk, for items.

CLERK: Mr. President, amendments to be printed from Senator Hunt to LB937. New LR, LR446, LR447, from Senator Jacobson; LR448, from Senator Holdcroft; LR449, from Senator DeKay; LR450, from Senator DeKay; LR451, from Senator DeKay; LR452, from Senator Spivey; LR453, from Senator Hallstrom; LR454, from Senator Hallstrom; LR455, from Senator Juarez; LR456, from Senator Dungan; LR457, from Senator Hallstrom; LR458, from Senator Andersen; LR459, from Senator Dover; LR460, from Senator Dover; LR461, from Senator Ballard, those will all be referred to the Executive Board. New A bill, LB867A, introduced by Senator Hardin. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out of the provisions of LB867. LB958A, from Senator Machaela Cavanaugh. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of the provisions of LB958. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. Senator Fredrickson, you're recognized to speak.

FREDRICKSON: Thank you, Mr. President. And good morning, colleagues. And good morning, Nebraskans. So I, I just wanted to chime in really briefly. I am really excited to have guests in the Chamber, as announced by the Lieutenant Governor. I want to acknowledge a group, they are LD 20 constituents who are here in the balcony today. They're representing Nebraska's Hindu community in observance of LR424, which is listed today on the agenda. LR424 recognizes the holiday of Deepavali, also commonly known as Diwali, or the Festival of Lights. Diwali is a five-day festival that will take place this year from November 6 through the 10, and it is an enduring symbol of the triumph of goodness, light, and knowledge over wickedness and darkness. Diwali is recognized by more than one billion people worldwide, including many here in Nebraska. It's celebrated as a day of Thanksgiving and marks the beginning of the new year in the Hindu community, which is celebrated by family gatherings, gifts, and other traditions. And I am incredibly proud as the senator who represents LD 20, that the only Hindu temple in the state of Nebraska is in my district. I am honored that the Nebraska Legislature is able to commemorate this holiday, and

thank you for those who came to observe the debate this morning. So I did also want to speak a little bit about the bill on the floor today, and the amendments in front of us. And you know, folks have probably been following along at home and listening to some of the debate. And you know, it's-- it, it has been kind of interesting, you know, there's been a lot of public conversation, but a lot of the behind the scenes conversation has really highlighted how, you know, these, these vouchers have, have really kind of brought this budget process to, to a bit of a halt. And I, I, I find myself laughing a little bit, because I, I think we're, we're hearing a lot of talk on the floor about how this \$3.5 million stop gap funding for one year is, is sort of like the end-all be-all for, for kids. They're going to be thrown out of schools. They're going to be thrown on the streets. Like, it's, it's as though the, the, the worst possible outcomes can happen. And I think if you're saying things like that, you're, you're, you're just deeply unserious. That is so unserious. We're talking about \$3.5 million for one year across the entire state. Most of these schools, one or two kids. You don't-- you think they're going to throw them out of school? That says quite a bit about those schools, if that's the action they decide to take. I've also heard from philanthropy, private money, that they would raise \$3.5 million to cover those costs. Will you all accept that? Crickets. That's because this is not about the \$3.5 million for these kids. The proponents of this want this so desperately because they want precedent. Every single person who's pushing this so hard wants to come back in 5, 10, 15, 20 years and point to the fact that we did this. \$3.5 million is raiseable from private donations. It will happen. That is being declined because they want the state to fund this. Many of the people pushing this, by the way, are the ones who are always saying, why can't philanthropy pay for this? Why does the state have to pay for this? This is an example where philanthropy will pay for it, and you're so stubborn, you want the state to have to pay for this and you had the philanthropy dollars. So don't be fooled if you're watching this at home that it's about these kids that are being thrown out of school. They're not being thrown out of school. If that's happening, come talk to me. I'll write you a check for your tuition if you are going to be thrown out of school. I mean, seriously-- I think this is ridiculous. This is the entire state budget over this process. We can't be taking that argument seriously, because it's not serious. That is a solvable amount of money. And if you are a school who is going to be throwing a kid out because of a one-year stop gap funding, if you're thinking of

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kicking a kid out of your school for that, reach out to my office. I want to hear from you directly if that is, in fact, true, and why that has to happen. And for the families at home, please understand that. There are serious people in here who will help you. Because it's not about the kids. It's about the precedent of the government paying for private education, so let's just be really clear about that as we--

KELLY: That's time.

FREDRICKSON: --have this conversation. Thank you, Mr. President.

KELLY: Thank you, Senator Fredrickson. Senator Spivey, Dungan, Arch, Hansen, and Hunt would like to recognize guests in the north balcony, from Just Emagine, in Omaha. Please stand and be recognized by the Nebraska Legislature. Senator Lippincott, you're recognized to speak.

LIPPINCOTT: Thank you, sir. I'd like to read a letter that was sent to me and probably many of the rest of the state senators, from the second house. This is from Dr. Jordan Engle, who is the superintendent, also the principal at the Grand Island Central Catholic Schools in GI. I'm writing to express my strong support for continued appropriations for school choice funding in the Governor's proposed budget and to share a very real impact these dollars have had on students and families at Grand Island Central Catholic. At our school, school choice funding has been life-changing for many families. These funds have opened doors for parents who deeply value a faith-based education, but would not otherwise have been able to support it financially. Students receiving school choice support are thriving in our classrooms. They're engaged learners, active participants in our school community, and students who benefit from the stability and support that mission-driven environment provides. For many of these families, school choice funding is not optional or supplemental. It's the only reason they're able to remain at Grand Island Central Catholic. If this funding were to go away, we would no longer be able to support a number of families who are completely reliant on it. Those students would be forced to leave school where they are known, supported, and successful, not because of academics or behavioral concerns, but solely due to finances. That kind of disruption has lasting consequences for children and families. The impact would extend beyond individual students. Schools like ours would be placed in an unsustainable position, forced to choose between turning families away or absorb-- absorbing financial losses that

threaten long-term stability. Either outcome undermines the goal we all share of putting students first and ensuring access to high-quality education options across Nebraska. School choice funding has proven to be a responsible investment that empowers parents, strengthens schools, and serves students well. It allows families to choose the educational setting that best meets their children's needs and keeps students in environments where they're flourishing. I'm grateful for your leadership and for your continued commitment to Nebraska's students and families. I respectfully urge you to maintain school choice funding in a state budget so that students who depend on it can continue to learn, grow, and succeed. With that in mind, I do fully support LB1071, and also, AM2920 and AM2748. Thank you, sir.

KELLY: Thank you, Senator Lippincott. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. Yesterday, I falsely accused a friend of voting one way on an upcoming bill, or she was going to, and I was wrong. Because you see, this place is a rumor mill. It's a rumor bill about how we're all going to vote. And I should have done better, and I should have done my due diligence. Turns out we're all tired. It's not an excuse, so I apologize to her. I was wrong. I should have trusted her. But that same concept is really why we are, I think, where we are today. And that is that there are so many vote cards that swirl around-- when we say vote cards, we mean these cards that have all of the names of all the senators, and there's columns for yes, no, undecided, lean yes, lean no. They're worth about less than the paper that they're written on. The only thing that really matters, of course, is that board, and the votes that are taken on the board. And so, I do not blame anyone who says, I want to see what the votes are on the board. And so, that's what we're doing today. Some folks said, we want to have our chance on the floor. We want to have the opportunity to see what the votes are on the board. So we're giving people the opportunity to see what the votes are on the board, and we'll see what they are. And it makes sense to do that, so that everybody's working from the same page. What Senator Clements did last Thursday, I think, marks him not only as the funniest person in this room, which I think he is, but also as a statesman. He thought to pass the budget, he had to give up a thing that he loves. And he did what he thought was best for the budget. I think that's commendable, to put at risk something that you think is loved-- that you love, for the sake of the budget. I get it. What we have here before us today isn't

about any numbers anyone passes out. It's not about who says how much something's going to cost or isn't going to cost. I believe it's not even about childcare. I think this is about a fundamental disagreement that I've seen all 8 years that I have been here, about how this country ought to operate with respect to education. The question is ideological, and the question has been answered by the voters of this state. And if you think that the voters of this state got that wrong, but they got your election wrong-- but they got your election right-- so if you think that the voters of this state got that one wrong, but they've got your election right, then I have a problem with that. Then we're not believing in democracy anymore because I think that voters are smart enough to choose what they believe. But let's throw that to the side for a second. This is a fundamental disagreement that we are having about whether or not there should be public education for every child, no matter who they are, that comes to the state and we educate them, or whether there should be some other system where our tax dollars support some kids, but not all kids, to go to some schools and not others-- a kind of elitism that we're creating, where some kids get opportunities, but if you have a certain kind of disability, or if you disagree with some kind of social or political belief, you're not allowed to those schools. I just-- that's just not where I am. For me, the public school is the thing that we should be funding.

KELLY: That's your time, Senator.

DeBOER: Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer. Mr. Clerk, for items for the record.

ASSISTANT CLERK: Thank you, Mr. President. Transportation and Telecommunications will have an executive session at 11 a.m., in room 2022. That's Transportation in room 2022, at 11 a.m.

KELLY: Thank you, Mr. Clerk. Senator Guereca would like to recognize guests in the north balcony from Heartland Workers, from across the state. Please stand and be recognized by the Nebraska Legislature. Senator Andersen would like to recognize guests in the north balcony. They're fourth graders from Palisades Elementary in Gretna. Please stand and be recognized by the Nebraska Legislature. Senator Dorn, you're recognized to speak.

DORN: Thank you, Mr. Lieutenant Governor. Thank you, everybody, for the conversation this morning. This is one time we are truly talking about a bill and the process that we're going through. I noticed we've had probably 4 or 5 groups of kids up there today and that's who we're talking about. That's who we are making part of this bill, part of what we do here in the Legislature. I do know also that the FFA is having their state convention here, in the city of Lincoln, because it was on the news that 8,000 students across the state are coming to Lincoln for the FFA convention, and they're having that this week. I find this very interesting, all of the discussion, all of the proposals. This is the budget. This is a bill that is in front of us every year, and there are hard decisions in it, tough decisions in. Most people don't like something in it or more than something in it. But yet, this is the budget that the Appropriations Committee, under Senator Clements-- and if you were with him all year and been in the committee, you saw the amount of work he put into it. And also, our Fiscal staff is up here. Every time we talk about the budget, they are here. And sometimes, I'm-- I kind of wonder-- I'm kind of glad they're not here to see all the other times we have, I call it, discussions. But I'm glad they are to be part of this, so that as we make the budget, year in and year out, they're also part of this and they see, see some of the challenges that we go through, and that's what I guess I wanted to talk more about today. Senator DeBoer stole some of my lines, or whatever. So yeah, I-- when I first came up here and became Appropriations member, I thought, wow-- on that committee. And as you go through the process and you go through the process now for 8 years, you understand I call it, all the details we look at. Not just one bill, not just one department or one agencies, but all of those agencies, and how they have to come to the Appropriations Committee, or to the budget, and get the OK for an additional appropriation, or the funding-- the approval of yes, you can spend this in the next year or the next 2 years, or whatever. That is what you're allowed to go up to. And how that comes about is quite a process. I just am so thankful that we have an Appropriations Committee, and that all the people on there, we get to vote on all of those things. One thing I've always-- since I was early on up here, I remember the first year, we had a, a certain issue that we voted on, came out of that committee 5-4, was included in the budget. And I thought, oh, that's kind of rare. No. Every year, we have 2, 5, 10 things that come out of that budget process 5-4. 9 members on that committee, and it's not just a rare occurrence. It, it happens. Certain times, or many times, that is

included in the budget, never brought up on the floor, flows right through. And I tell people, we spend, in Appropriations sometimes, \$5 million, \$10 million, \$20 million with 5 votes-- 5 yes votes in committee, goes out to the floor, goes out to the budget, and now is included in the budget, just because of time limits and time constraints out here on the floor, never voted on again, never pulled out-- 5 senators determined whether something was in sometimes or something's out. So it is-- yes. One vote matters very much. And when we get up here on the board, pretty soon, in-- 11:15, 11:20, we'll vote again. Everybody will also have a vote on that. And we'll get to see-- all the people of Nebraska will get to see-- oh gosh. I apologize. I was going to leave some time for somebody. But just wanted to make sure I thank all the members of the committee for all their work this year, going through all this. All the members of every committee, because every one of you is on a committee. You get the bills, you get-- vote it out of committee or not vote it out of committee, and comes to the floor. That's part of the process that goes on up here first. And then, we get to have, I call it the discussion on the floor. So thank you very much. We'll wait for the vote.

KELLY: Thank you, Senator Dorn. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. I thank, thank Senator Dorn for his 8 years of service on the Appropriations Committee. It's a long process, and I appreciate all the Appropriations Committee members and the hard work they've put in. It is not just 2 items, it's hundreds of items that we've had-- we've dealt with. And it's getting close to the end, looking forward to that. The-- 2 main items have been discussed today. The childcare subsidy, I, I looked up what the total budget is for childcare subsidy. It's state General Funds of \$60 million a year. What AM2920 has is another \$10.7 million of Health Care Cash Fund, and that's-- so that brings us to \$70.7 million, would be the funding for the childcare subsidy, of state funds. Then there's also \$70 million of federal grants that are used for this subsidy, so it's a program that's \$140 million of benefit to Nebraskans, and low-income Nebraskans. And the education scholarship provision is about \$3.6 million, and that's compared to the \$140 million, I think it's a small amount to request. But it's also got a 185% poverty cap, which both of these programs assist low-income families, helping to get them in the

workforce, and helping to have their children-- the education that best fits. With that, I'd yield the rest of my time to Senator Storm.

KELLY: Senator Storm, 3 minutes.

STORM: Thank you, Mr. President. I support LB1071, and-- with both gap funding and for the child tax credits-- childcare tax credits. Like many senators have said, this is a one-year, \$3.5 million, money to go to a lower-income family and children to stay in a school that's fitting their needs. You know, I've been shocked that certain senators around here won't, won't vote for this. It's just shocking that when you look at what fits best for a child, what school's best for them, where are they succeeding, and people are willing to take that out, out of the budget. And to me, that's just been very, very, very shocking. But I think what people need to realize, this isn't about money. This isn't about \$3.5 million. This is purely philosophical. If there was \$1 in the budget that went to a private school, the same senators would vote against this. So we're going to get ready to vote here, and you can see who's against that. But this, this philo-- philosophical notion of private versus public schools-- and I've mentioned before on here-- is very much a dark cloud that hangs over the Unicameral and the state. It's pretty nauseating, actually. And what people don't understand is this hurts education in Nebraska. It truly does. And we're the only state in the nation that doesn't have any type of school choice program. I mean, why is that? Why is it that Nebraska doesn't that? It's a tremendous amount of money and, and resources and forces that pushes against that. They don't want that in this state. And what people don't understand is a school choice program in this state would actually help the public schools. It truly would. It would help to elevate the public schools, elevate the private schools. Parents should have some type of choice where their children go to school. That's, that's very, very crucial. And why don't we, why don't we have a system in this state where they can't have any, any kind of choice? And I'm going to read a letter here, that I received actually today from, from one parent. It says, I strongly urge you to vote to keep the \$3.5 million gap assistance in the budget so that the parents, like my wife and I, may keep and send their children to the school of their choice. These forms of financial assistance that have been offered in the past have greatly helped us send one of our kids to school. It helped us to cover the cost of my child's school tuition for 2 years, which was a huge blessing for us in a time of financial instability. I'm a disabled veteran, and my

benefits, combined with my wife's part-time income, barely cover our bills, let alone full tuition for our kid's school. With everything that has been going on around the world, volatile financial situations for many Americans, and the significant increases in the cost of living, we have been struggling to afford our child's-- children's tuition. Our children's school has been great in providing additional financial assistance to us, but these assistance--

KELLY: That's time, Senator.

STORM: Thank you.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. Just wanted to follow up. I did pull the full case from 1947 that Senator Brandt asked about, and it's a little light on facts and a little harder to find than some of the modern cases. But essentially, it appears, from the full read, that the Legislature was then attour-- attempting to raid trust funds that had been collected for a specific purpose to provide specific aid in regards to the budgetary process. So I did just want to flag that. Also, I want to make sure to add some other important legal and policy considerations for the body, in regards this controversial component in regards to our budgetary debate. I'm going to quote extensively from a law review article, written actually by a really good friend of mine, in 2023, about the constitutionality of these types of scholarship and voucher schemes, under Nebraska's Constitution and Supreme Court case law. Essentially-- and you can find that from the University of Nebraska Lincoln, 2-9-23. But essentially, the article, 17-page article, details nicely the history of the Nebraska Constitution, literally from 1866 forward, that has contained a no-aid provision of one sort or another, in regards to the utilization of public funds for private education. And it's important to remember that both from a textual perspective and a functional perspective, this legislation is, in essence, really a scheme that attempts to do indirectly what the Legislature cannot do directly. No one can argue that the Legislature can enact a direct appropriation to a private school. That would not pass constitutional muster. Thus, there is this new approach designed in the, the scholarship kind of program or scheme, so that's important to remember. That's an additional constraint on this controversial

component of the legislation. The other thing that's important to remember is that in addition to the restrictions in the Constitution that have a clear history in the utilization of public funds for private education, there have also been a host of challenges to efforts in Nebraska to provide support for private schools, say, for example, through bussing or through the textbook loan program. Long story short: the Nebraska Supreme Court has essentially decided, in regards to those issues, that it isn't an impermissible violation-- violation of the non-aid provision in that instance, because they were providing the same benefit to public and private schools. That's another indication about what fails in this regard There is no access to public schools for these tax credits for these scholarships, and it runs afoul of our constitutional restrictions and the case law on these very points in Nebraska. Additionally, there have been efforts through attempts to amend the constitution to address-- remove these non-aid provisions. There have been direct referendums on the voucher scheme that was put forward in recent years. And colleagues, this isn't an initiative that you can tinker with, like minimum wage and sick leave and medi-- medical cannabis. It was a referendum. It is a direct rebuke of that program, and it had resounding support across the state and across the political spectrum. The cleanest, clearest way for proponents of this measure to advance their cause is to organize, associate, and petition their government and their fellow citizens for change. If they want to create a program that allows for the utilization of public funds for private education in this regard, they need to run a citizen initiative that changes the Constitution. That's the path. That's a clear path to achieve their goals and put the question, yet again, to Nebraska voters. I wanted to make sure to lift up those specific restrictions and legal concerns in regards to this issue, because it's important and it matters and they need to be heeded when we're deciding whether or not to move forward--

KELLY: That's your time, Senator.

CONRAD: --with these issues in our budget. Thank you, Mr. President.

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

RIEPE: Thank you, Mr. President. I rise in opposition to the amendments, and also to LB1071 as written. The voters, in a petition, have spoken. They rejected using taxpayer dollars for private

education, period. They said-- that said, when we can-- and we should hear the voters and the taxpayers, and try to be responsive to those situations. I know with the minimum wage, we needed to make some adjustments, which I supported, but I think that that should be the exception and not the rule to how we function in response to the population, the citizens, the voters, the taxpayers that we serve. The private schools that I am aware of do not and will not turn away or reject a child for the gap year. I thought that Senator Fredrickson hit it square on the mark when he said that there is money out there, and in the scope of things, we're not arguing about the \$3.6 million. That could easily and will be covered, either by the schools-- and I would assume any of the Catholic schools that I'm aware of have payment plans, and they would accommodate the families, and I know-- so other schools would as well. We also have many friends of private education or good citizens who will step up and support these families. If the school is a not-for-profit, and most are not, they certainly would be eligible for a 501(c)(3) charitable contribution that does turn out to be a motivation for some. That alone is a big incentive, as is the idea that graduates of schools are generally quick to step up for their alumni and-- when asked to support students who might benefit from the private school alternative that they were afforded. My own son attended K-12 in a public school and did well, and we very much were appreciative of that education. However, when it came to going to school, he went to 2 different universities, private universities, which I personally wrote the check for. I never turned to anyone for that. It was my choice. And so, I think we need to move forward with the budget, but with the exclusion of the voucher program. And you can call it a gap year. I call it a voucher program. And quite frankly, at this point in time, without the child's-- care program in it, and so that's where I will be. And thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Would Senator Clements yield to a question?

KELLY: Senator Clements, will you yield to a question?

CLEMENTS: Yes.

M. CAVANAUGH: Thank you, Senator Clements. So in all of the work that we've done on this budget, would this make you the queen bee?

CLEMENTS: Oh, I'm a worker bee.

M. CAVANAUGH: You're a worker bee. Who's the queen bee? Keisha?

CLEMENTS: Yes. Yes. Yeah.

M. CAVANAUGH: Yes. Keisha's the queen bee.

CLEMENTS: The Director. Yes.

M. CAVANAUGH: For the-- yes. For the record, Keisha Patent is the--

CLEMENTS: We all listen to her.

M. CAVANAUGH: --the Director of the Fiscal Office. And thank you to all of our fiscal analysts, who have been working along-side us very diligently on this budget bill. I believe that Senator Raybould had some things she wanted to share. I'm just going to give her a second here. But it's been an honor to serve on the Appropriations Committee for the last 2 years, and it's been an honor just to work with the staff and, and Chair Clements and all of the members of the committee. Even if I am obstinate and opposed to most of the things that we do, I appreciate you all, so thank you for that. And I'll yield my time to Senator Raybould.

KELLY: Senator Raybould, 3 minutes, 45 seconds.

RAYBOULD: Thank you, Senator Cavanaugh. Thank you, Mr. President. So I passed a handout for you so that you can see that the, the private sector has been stepping up for all the different private schools out there, no matter what their denomination is. You know, these schools have started this process, not just this year but last year, to, to get the 501(c)(3)s established, and to be identified as a scholarship granting organization, an SGO, so that they would be a nonprofit entity that would be able to disperse these type of funds that people had hoped to apply for, to get a tax credit, so-- and to encourage people to continue to do so. And so, that handout clearly shows you that the private donors, private entities have all stepped up. So there, there is-- there won't be a funding gap whatsoever. So you can see so far, they have about \$9.1 million, \$9.1 million. So the reality

is they don't need our \$3.6 million of taxpayer-- taxpayer-funded assistance. They don't need that. They have the entities set up. And come the end of this year, the federal government will have all the guidelines, the regulations well-defined and established. Funds can start to be dispersed January 1 of 2027. Those funds can be applied to the academic school year of 2026-2027. It's also at the school's discretion if they want to carry over some of those funds for the following school year of 2027-2028. And the, the nice thing to, to keep thinking about-- and, and you've heard me say this before: most, if not all of these private schools have established a tuition assistance program already. Because, like everyone in this Chamber, we care-- we care about school choice. I've said before, I am a complete product of school choice that my-- a choice that my parents made and help fund. And fortunately, I grew up with kids from Cuba, Cuban refugees, and then followed by Vietnamese refugees. But I know our Catholic schools in the city of Lincoln did not deny any single one of those kids who needed tuition assistance or the families who needed that tuition help. That will be the same going forward. So I know Senator Conrad has made a very compelling legal argument that it's really not constitutional. I know some sen-- some other senators said even if it were \$1, we would be fighting it. And I've made arguments about the constitutionality on several of the other funds that we have swept in order to try to balance our budget, or even make-- get through our budget deficit, which will be carried on to next year. But I just wanted you to take a look at this. There is a tremendous generosity of our fellow Nebraskans for the schools of their choice. I've participated in so many fundraisers-- so have my parents-- throughout the state of Nebraska, because we care. We care about making sure that folks have that opportunity. And you can see, from the handout, there are already funds available that will assist any family, any child. Thank you, Mr. President.

KELLY: Thank you, Senator Raybould. Mr. Clerk, you have a motion on your desk.

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

KELLY: Speaker Arch, for what purpose do you rise?

ARCH: Call of the house. Roll call vote, regular order.

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KELLY: 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: 34 ayes, 1 nay to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All Senators outside the Chamber, please return to the Chamber and record your presence. All unexcused members, please leave the floor. The house is under call. Senator Hardin, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. Members, the first vote is the motion to invoke cloture. All those in favor-- request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn not voting. Senator Bostar voting no. Senator Brandt voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting no. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKinney not voting. Senator Fred Meyer voting yes. Senator Glen Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting no. Senator Quick voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Rountree. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey. Senator Storer not voting. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper not voting. Vote is 27 ayes, 15 nays, Mr. President, to invoke cloture.

KELLY: Cloture is not invoked. I raise the call. Mr. Clerk.

CLERK: Mr. President, items for the record. New LR's: LR462, from Senator Ballard; LR463, from Senator Lonowski; LR464, from Senator Conrad; LR465, from Senator Murman, LR466, from Senator McKinney; LR467, from Senator McKinney; LR468, from Senator Guereca; LR469, from

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Senator Guereca; LR470, from Senator Ballard; LR471, from Senator Brandt; those will all be referred to the Executive Board. Mr. President, as it concerns the agenda, Final Reading, LB1133, Senator Kauth would move to return the bill to Select File for a specific amendment, that being AM2887.

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

KAUTH: Thank you, Mr. President. So we need to return back to Select because there was a typo in the address, and we need to make sure, for the public record, it is correct. We need to-- we'll be striking out the word "Lincoln" and inserting the word "Linwood," and then changing the address correspondingly. So I would ask for every-- everyone's vote to return this to Select File. And this is the state claims bill-- and then we'll get it back on Final Reading and get it passed. Thank you.

KELLY: Thank you, Senator Kauth. Senator-- no one else in the queue. Senator Kauth, you're recognized to close. Senators, the question is the motion to return. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays to return to Select File, Mr. President.

KELLY: The motion is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Kauth would offer AM2887.

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

KAUTH: Thank you, Mr. President. And as I said, we are changing the word "Lincoln" to "Linwood." Thank you.

KELLY: Thank you, Senator Kauth. Seeing no one else in the queue, you're recognized to close, and waive closing. Senators, the question is the adoption of AM2887. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 0 nay on adoption of the amendment, Mr. President.

KELLY: AM2887 is adopted. Senator Guereca, you're recognized for a motion.

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GUERECA: Mr. President, I move that LB1133 advance to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. It is advanced. Mr. Clerk. Items for the record.

CLERK: Thank you, Mr. President. New LR: LR474, from Senator Clouse; LR475, from Senator Andersen; LR476, from Senator Andersen; 477-- excuse me, LR476, from Senator Andersen; those will all be referred to the Executive Board. New LR: LR477, from Senator Jacobson, that will be laid over. New A bill, introduced by Senator Bostar, LB1096A. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of provisions of LB1096. As it concerns the agenda, Mr. President, LB935, introduced by Senator Bosn. Senator Conrad would move to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

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

BOSN: Thank you, Mr. President. Good morning, colleagues. LB935 is the Judiciary Committee priority package. There are a number of bills included in the committee amendment, which is AM2743. I'm going to take a little bit of time to talk about LB935, and then run through, from a 30,000-foot view, what the amendment includes, and would ask those who have bills in the package to punch in. And to the extent that I can, I will ask you questions, so that you can introduce your portions. LB935 addresses abuses in civil litigation related to frivolous or harassing claims and the costs those claims impose on defendants, particularly on political subdivisions and ultimately, all Nebraskans and taxpayers. LB935 works as follows. A political subdivision may request attorney's fees and court costs when it is forced to defend a claim that is, quote, frivolous or intended primarily to harass the political subdivision or its public officials. If the court rejects the underlying claim against a political subdivision and the political subdivision requests attorney's fees, the court must hold a separate hearing to determine whether the claim was frivolous or harassing. If the court determines the claim was frivolous or harassing, the party asserting the claim has the burden to rebut that finding or show the claim was otherwise excused. If the party fails to carry that burden, the court must award reasonable attorney's fees and other expenses to the political subdivision. LB935 does not

diminish anyone's right to bring a meritorious claim. This bill is about protecting the integrity and fairness of civil litigation and limiting abusive or distorted claims practices. To quickly go through the other bills that you will hear about in this committee priority package, I'd like to start with LB978, which was introduced by Senator Storer. This bill allows a minor depicted in child sexual abuse material, obscene material, or related prohibited online content to sue for damages and injunctive relief. LB978 also authorizes the Attorney General or a county attorney to seek civil penalties and court orders to stop violations, and it separately prohibits the sale, distribution, or possession of child sexual exploitation devices or images resembling minors. Next, we have LB876, which is filed by Senator Hallstrom. This creates a short-term no-contact period that applies automatically after an arrest for certain domestic or sexual assault offenses. The purpose of this bill is to provide immediate protection in the period right after arrest, before a protection order can realistically be obtained or before the court could even act. LB789-- I will also note all of us used transposed numbers for all of the bills that we put in this committee, which has made it very interesting. LB789 was one of my bills. This adopts Nebraska's version of the forfeiture by wrongdoing hearsay exception, modeled on the federal rule. In plain terms, if a defendant intentionally causes or intentionally aids another in causing a witness to be unavailable in order to prevent testimony, the defendant forfeits the ability to block that witness's prior statements as hearsay. The Confrontation Clause of the Sixth Amendment guarantees criminal defendants the right to face their accusers in court, ensuring that they can challenge witness testimony. But colleagues, no one should be permitted to take advantage of his or her own wrong. We guarantee the right to confront, but we do not guarantee the rights to obstruct. LB1020, in the package, was filed by Senator Bostar. This bill modernizes statutes of harmful conduct, including mobile tracking devices, certain drone-related privacy and restricted area issues, and swatting. Those provisions also make related harmonizing changes to stalking and other statutes. LB1139, filed by Senator Hallstrom, changes how child support and spousal support liens operate. Instead of functioning as a continuing judgment lien in the same way they do now, this lien attaches when a payment becomes due and unpaid and extinguishes when a payment is made. LB1139 also creates a more workable process for real estate transfers when the obligor is current. In addition, it includes limited paternity provisions, allowing a challenge to an

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acknowledgement of paternity in certain circumstances supported by accredited genetic testing, while also requiring the challenger to be seeking to establish paternity in himself. LB1199 was filed by Senator Ibach, and it expands eligibility under the Rural Attorney Loan Repayment Program by increasing the population threshold for designated legal profession shortage areas and also appropriating additional funds to that program. The goal of this bill is to improve access to legal services in underserved rural areas. Finally, LB1228 filed by Senator Holdcroft, creates a new state docket fee in certain civil and traffic actions, and also creates a \$10 case management systems software fee. The software fee is directed to a cash fund that the Supreme Court may use for electronic case management systems primarily, including the updates that are desperately needed to JUSTICE. Colleagues, LB935 was advanced from the committee on a 5-3 vote, with 3-- 5-0-3-- excuse me-- vote, with 3 present not voting. I ask for your support to AM2743 to LB935. And now, I would like to see if-- starting with Senator Storer, if she would yield to a question.

KELLY: Senator Storer, would you yield? 3 minutes, 35 seconds.

STORER: Yes, I would.

BOSN: Senator Storer, would you like to tell us briefly about your bill, LB978?

STORER: Yes. And thank you, Chair Bosn. I'm here to introduce or have introduced LB978 as part of this package. And it is to protect children and rape victims from online sexual exploitation. The bill prohibits sexual abuse material and other obscene illegal content on internet websites. It also prohibits possessing or trafficking child sexual exploitation devices, which are dolls or mannequins resembling children intended for sexual purposes. What LB978 does is strengthen civil enforcement against entities that knowingly publish or distribute material that is already illegal under Nebraska law. Victims can sue those who intentionally create or distribute this content and recover damages, attorney's fees, and litigation costs. The Attorney General may also seek an injunction to stop violations and a child whose features are represented by a sex doll, may file suit through a parent and recover those same remedies. Under current law, individuals who possess or distribute this material may be prosecuted, but websites that post and monetize face no accountability, and victims have no legal recourse in our state

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courts. The National Center for Missing and Exploited Children documented 6,673 child sexual abuse material reports in Nebraska in 2024 alone. A 2020 New York Times investigation found one leading pornographic website infested with rape videos and recordings of assaults on unconscious women and girls. These websites make millions of dollars and should be held accountable when they intentionally harm Nebraska women and children. I ask for your support for this portion of the package and will yield back time.

BOSN: Thank you. Would Senator Hallstrom yield to a question?

KELLY: Senator Hallstrom, would you yield?

HALLSTROM: Yes.

BOSN: Senator Hallstrom, would you like to tell us a little bit about your bill, LB876, and also, your bill, LB1139?

HALLSTROM: Mr. President, how much time do I have?

KELLY: One minute, 10 seconds.

HALLSTROM: Okay. We'll start with LB876. Thank you, Senator Bosn. LB876, which is part of AM2743, was advanced seven to nothing 7-0 in its amended form by the Judiciary Committee. The provisions consist of sections 8, 9, 19, 26-32, and 34-39. There was a great deal of work done between introduction of the bill, the conduct of the committee hearing, and the finished product that came out of the Judiciary Committee, involving the Supreme Court Administrator, the criminal defense attorneys, Fraternal Order of Police, and the County Attorneys, and I appreciate their efforts in working on this. I'm probably not going to get much into the substantive provisions, but I'll finish up by saying the bill that was introduced and the intent of the amended version are one and the same. We have just made some significant changes in the logistics and the application, the manner in which the protections will be provided to victims of sexual abuse and domestic assault. And I'll plug back into the queue to go through the substance.

KELLY: Thank you, Senator Hallstrom. As stated by the Clerk, there is a priority motion. Senator Conrad, you're recognized to open.

CONRAD: Thank you, thank you, Mr. President. Good morning, colleagues. I rise to urge your favorable consideration of this priority motion. I also want to thank my friend, Senator Bosn, for her great leadership on the Judiciary Committee and extend our collective gratitude to all members of the Judiciary Committee. Each committee assignment comes with different benefits and different challenges, but it's no doubt that when many of us have wrapped up our, our time in our jurisdictional committees, the Judiciary Committee is, is still going, many times, late into the night. Historically and presently, they receive the most bills referenced their way. And not only is it a matter of volume, in terms of what the Judiciary Committee has to process, but it also touches upon very controversial and very complex matters in both civil and criminal law. I know our members there work really, really hard and have made important concessions in certain aspects of this omnibus bill, this committee package, to mitigate opposition, and that is important to the process and I thank them for those important negotiations. However, friends, I want to just quickly note that the underlying bill, LB935, is really just a very simple bill dealing with civil procedure related to the allowance and provision of the award of costs and attorney's fees in certain legal actions impacting political subdivisions. I actually think I caught the tail end of that hearing because I, I had a similar bill up that day and it was very interesting. There was no opposition to that bill and the hearing was very, very quick. But then when you look at the committee amendment to LB935, as evidenced in AM2753, as is typical in our committee packages, you will see 8 other distinct bills, dealing with a very wide-ranging set of different and disparate subject matters. Not always, but typically, our tradition and practice in the Legislature and particularly as it relates to Judiciary Committee packages, generally, we see one package dealing with civil matters, one package with criminal matters. That's not always the case. I'm speaking in general terms. But, for example, if you look at the component parts of AM2753 to LB935, you can see a very wide-ranging set of different bills in different subjects: a massive increase to regressive court fees, a new type of police-issued protective order, a change to the hearsay rule of evidence, increased criminal penalties for a host of different acts, you can see modifications and changes to a loan repayment program meant to assist with retaining and recruiting rural lawyers. You can see a measure related to paternity and family law. You can see the elimination of presumptive probation for simple drug possession in the criminal context that unwinds hard-fought

criminal justice reforms that previous Legislatures ushered in, due to long-ranging work from national experts at the Council for State Government, and the Crime and Justice Institute, and what have you, to address our issue of overcrowding and mass incarceration in Nebraska. I know we're at the tail end of the session. I know everybody is working hard in good faith. All of these component parts were amended into the simple measure related to civil practice in municipalities. Just 2 days ago, this was reported out. They are-- the component parts are nicely detailed, thanks to committee staff, in short form on an 11-page committee statement. Almost every one of the bills in the committee amendment have had controversy and/or have received opposition. Thanks to the hard work of Chair Bosn and members of the committee, many of the points of opposition have been resolved in the components that have been moved forward in this committee package, and they deserve a lot of credit for that. But not all of them have. And these issues and these bills joined together in this package still are going to require considerable debate and deliberation, and record building, and clear record votes as to how members may feel with the component parts. So I know other members who have had concerned-- concerns about various aspects of this package have been working on procedural tactics to help structure the debate and the record-building in a clear way, and I know those will be forthcoming shortly. I particularly want to make sure to let the record know and my colleagues know, one of my primary concerns with the legislation is the massive hike in regressive court fees. I have spoken out against this from when the Supreme Court gave their State of Judiciary, putting forth this idea. Senator Holdcroft, my good friend, was carrying the original legislation in this regard, and I put procedural motions on that, because I was so deeply concerned about the regressive nature of this massive court fee increase. What was introduced has been made better, but is still of deep concern to me in regards to the component parts on LB935. So when I placed these motions on there, I did let Senator Bosn know that that is why, because I was deeply concerned about them. That is an ongoing point of discussion in this body over the course of the past many years, about increasing regressive fees on our citizenry to balance budgets, to pay for special projects, because our General Fund is under pressure due to fiscal recklessness because the Governor and his allies cannot enact, through tax policy, a reverse Robin Hood scheme to tax the poor and benefit the wealthy. What they have done instead is a cynical effort to nickel and dime Nebraskans to death through increased fees

across many, many agencies. And now, the courts are no different. And it's important that we have a deliberate discussion about how these court fees not only are regressive, but how they also don't work like other fees that other agencies charge, for a variety of different reasons. People will say, we should run government like a business, and if you want a fishing license, then you should pay more for it. That's their thinking on it, and that's fine. You don't always have a choice about whether or not you end up in court. In fact, many times, you do not. That's why the courts have been primarily focused with General Funds. It also adds insult to injury that this court comes forward, asking for a significant increase in regressive fees to pay for a computer program or whatever it might be, after they asked this Legislature to pass massive increases in their own salaries that cost millions of dollars a year, that came on top of very recent increases in salaries that put Nebraska judges at the top of the country, in the top 10, in terms of what we're paying our judge-- judges. Nobody got up to talk about cost of living and how that should bear on that discussion. The same people who fought against increases for constitutional officers eagerly voted to make our judges some of the highest paid in the country, and they put their interests in front of the technical needs of the court. And that's wrong. And now, they're asking for a regressive fee increase that comes on top of recent regressive fee increase across many agencies and the court itself, because they struck a deal with the Governor and they thought the Legislature would go along. They may very well get their way, but we're going to spend some time on it. Thank you, Mr. President.

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

STORER: Thank you, Mr. President. I just wanted to spend a little bit more time talking through the bill that I introduced that's part of this package, which is LB978. It really-- I think many of you have come to acknowledge that I am passionate about protecting minors, particularly online, and standing up for anything that can, that can put appropriate guardrails in place, as technology continues to change. Sometimes, we have to pedal pretty fast to keep up with those changes, and make sure that we are protecting vulnerable people that are otherwise unable to protect themselves. So this bill targets one of the darkest and fastest-growing evils of today: the sexual abuse and trafficking of children online. Children are being hurt and their abuse is being uploaded and some websites are making money from that

knowingly and intentionally. Consider what this means for victims. In one case, a missing teenage girl was discovered in dozens of online sex videos on a porn website. In another case, the assault of a young girl was uploaded to a porn website and viewed thousands of times. In both cases, the abusers faced criminal charges, but the websites hosting and profiting from the abuse faced zero accountability. The same is true for victims in Nebraska, where children may be exploited over and over again, because this illegal content is available on websites and there is no real recourse to get it taken down. A report by MIT found that sites from around the world are moving into the U.S. because of the lack of policing and enforcement. And in fact, there are now more websites hosting child sexual abuse material in the United States than any other country in the world. Without new legislation, the problem is only going to continue to grow. So this bill creates a cleaner path to justice, it gives survivors a voice, it creates real incentives for websites to remove illegal content, and it ensures that those who facilitate abuse cannot simply look the other way. This isn't about frivolous lawsuits. This is about recognizing that when a child's abuse is distributed online, the harm doesn't end when the camera stops, and we need every tool at our disposal to fight it. I also want to acknowledge and-- my appreciation for Senator Murman, making this his priority bill. And I don't know if he wants any time to speak to this, or what time I have left. I caught you off guard. I didn't ask you ahead of time. I apologize.

ARCH: Senator Murman, one minute, 30 seconds.

MURMAN: Thank you. Sure. I'll take the time. I was honored to be able to prioritize this bill of Senator Storer's. I think it builds on the legislation that I passed, I think, just last year, that would-- that, that forced Pornhub out of the state of Nebraska-- well, it didn't force them. They, they left on their own, but age verification to access pornography on the Internet. And at that time, of course, the free speech argument was used against it, and many said it wouldn't work anyway, but PornHub did leave, so after the Supreme Court decision concerning a similar bill in Texas was, was done, the-- Pornhub did leave the state. And I think this is a similar bill that is even more egregious, with child pornography on the Internet, so I thought it was very important to get that prioritized and make sure that bill came to the floor. And I appreciate Senator Storer for

bringing that bill and allowing me to prioritize it. And with that, I'll yield back the rest of my time. Thank you.

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

HOLDCROFT: Thank you, Mr. President. Thank you for the opportunity to present LB1228, which is part of this-- a, a part of LB935. And thank you, Senator Bosn, for incorporating the core mission of LB1228 into this Judiciary Committee package. When I originally introduced LB1228 at the request of Governor Pillen and in close coordination with our State Supreme Court, the goal was simple: to create a sustainable user-- user-funded model for our jud-- judicial branch that reduces the burden on the state's General Fund while ensuring our courts have the technological tools they need to operate in the 21st century. AM2743 refines that approach in 3 critical ways. First, Sections 36 and 37 of this amendment establish the Case Management Systems Software Cash Fund. As our court system increasingly moves towards the digital filing and remote access, the cost of maintaining and securing these platforms grows. By implementing a modest \$10 per case, case management fee, we will reduce the impact to the General Fund when modernizing the Judicial User System To Increase Court Effectiveness, acronym JUSTICE Case Management IT System. Section 1 sets a tiered docu-- docket fee for civil and traffic cases. The Judiciary Committee spent time refining this amendment, and they have carefully calibrated these fees, from \$16 for small claims to \$45 for district court civil actions, to ensure they are impactful for state revenue without being a burden to justice-- to justice. These fees will be remitted to the General Fund. Further, Section 35, subsection (3) ensures that our counties, cities, and villages are not on the hook for these fees should a defendant be unable to pay. We are making it clear that local governments will not be required to pay these state doc fees, preserving local budgets while strengthening state-level resources. There has not been a significant fee increase in district court fees for 23 years, in divorces and disillusioned [SIC] for 19 years, in small claims for 23 years, and in traffic for 23 years. The State Budget Administrator testified at the hearing on January 30 to the positive impact this bill will have on our General Fund, and the Nebraska State Court Administrator explained the importance of modern-- of modernizing JUSTICE case management system platform. Our court system is often the most direct point of contact Nebraskans have with government, whether they are settling a small claims dispute, navigating a difficult family dissolution, or resolving a traffic

citation. Currently, every Nebraska taxpayer, regardless of whether they ever step foot in a classroom-- in a courtroom shoulders the burden of maintaining our judicial infrastructure. Additionally, the digital case management system currently in use is languishing in the 20th century. We cannot expect 21st century justice to run on antiquated software. There needs to be a dedicated, sustainable investment in this system. Chairwoman Bosn and members of the Judiciary Committee, thank you for advancing an amended version of LB1228 in the committee package, to the floor. This legislative initiative represents a rare opportunity where the executive, legislative, and judicial branches have come together on a unified solution. I would like to thank Chief Justice Funke and his team for their collaboration, and I urge the body to advance the entire package to Select File. Thank you, Mr. President.

ARCH: Mr. Clerk, for items.

CLERK: Mr. President, report from the Health and Human Services Committee concerning gubernatorial appointment to the Nebraska Rural Health Advisory Commission. Your Committee on Health and Human Services, chaired by Senator Hardin, reports LB603 to General File. Your Committee the Judiciary, chaired by Senator Bosn, reports LB1032 to General File, with committee amendments. New LR, LR478, that will be referred to the Executive Board; LR479, from Senator Wordekemper, that will be laid over; LR480, LR481, LR482, those will all be referred to the Executive Board; LR483, from Senator Sanders, that will be laid over. And finally, a priority motion, Senator Glen Meyer would move to recess the body until 1:00 p.m.

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

[RECESS]

STROMMEN: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

STROMMEN: Thank you, Mr. Clerk. Do you have any items for the record?

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CLERK: I have no items at this time, Mr. President.

STROMMEN: Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda.

CLERK: Mr. President, General File, LB935, introduced by Senator Bosn. When the Legislature left the bill, pending was the bill itself, as well as a motion from Senator Conrad to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

STROMMEN: Turning to the queue, Senator Ibach, you are recognized to speak.

IBACH: Thank you very much, Mr. President. I want to thank Chairwoman Bosn for including LB1199 into LB935, and AM2743. LB1199 is to help provide funds under the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Act to impact a larger number of recipients across state. As we all know, Nebraska's rural counties face a crisis with respect to access to legal services as we see counties across the state losing practices and practicing attorneys. Without lawyers living and working in our communities, Nebraskans who have business or personal planning needs or who find themselves needing our court system have a hard time getting that help. The Legal Education for Public Service and Rural Practice Loan Repayment Assistance Program serves to help and attract and keep attorneys in rural parts of our state. We do this by offering small grants towards student loan repayment for attorneys practicing in our rural communities. Unfortunately, as time has passed since implementation of this program, the crisis has spread from our smallest towns to even our larger communities that are now having trouble recruiting and retaining young lawyers. LB1199 is a step toward addressing this problem. The bill expands the definition of rural for purposes of determining whether an attorney is practicing in a rural county and eligible for assistance from a population of 15,000 to 75,000, and provides \$10,000 from the State Settlement Cash Fund. This has been agreed to by the Attorney General, Attorney General Hilgers, to accommodate the increase in recipients. I'd like to thank Chairman Bosn again, however, I would still offer just a few of the statistics that led me to carry this bill. The Nebraska County Attorney Association has 11 active postings in rural Nebraska. Of the 11 postings, only three counties are currently eligible for student loan repayment assistance. Of those 11 postings, 8 are coming up on being

vacant for one to three years. Those counties are Adams, Dakota, Kimball, Buffalo, Cheyenne, Sheridan, Scotts Bluff, Hall, Gage, and Platte. The public defender offices are likely to be affected as well. Those are Hall, Clay, Adams, Dawson, Scotts Bluff, and Brown. I would also point out that we have counties with zero and counties with three or fewer attorneys. Those are Banner, Grant, Arthur, McPherson, Logan, Thomas, Blaine, Loup, Garfield, Wheeler, Boyd and Hayes. So as you can see, we are, are desperate for attorneys in rural Nebraska. I would also share a, a brief letter from an attorney that sent me her support for this. She says it's-- they are overwhelmingly supportive. We believe the best legal representation comes from leaders who live in or have familial ties to the communities we serve. We could onboard three new lawyers every year if given the opportunity. We could also hire four KLOP interns, which is the Kearney Attorneys Program through UNK, and up to six summer law clerks every summer. Despite our strategic vision-- vision and years of creating our own pipeline of hopeful new hires, we still have difficulties getting lawyers to commit to living and working in rural Nebraska. She goes on to say, I could go on about the ties to our current lawyers, but there's a huge value in being close to home because folks' roots are always a part of those homes. Again, thank you, Senator Bosn, for including this bill, and I would ask for your green vote. Thank you, Mr. President.

STROMMEN: Senator Bostar, you are recognized to speak. Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. There's a new voice emanating from the president's chair. It's nice to see you there, Senator Strommen. Thank you so much for the time, and happy to continue some of the dialogue about my concerns with this legislation. As I noted earlier, there, I believe, will be some procedural matters put forward to help better structure debate on this wide-ranging committee package. I think some of the measures contained herein are OK, are good, make sense. I think some are a bit more contentious. Some are a bit more complex. And I know because we've had a long-standing discussion over the past many years in regards to increasing regressive fees for our citizenry across many agencies and for many budgetary purposes, that there's an ever-growing right-left coalition that has concerns with that approach to governance, and recognizing the financial hardship and imposition that that approach brings from a fee perspective akin to the negative financial burden through our taxation and revenue component. So I think because the court fees component, which is a lot

better than where it started-- make no mistake about that-- but since that will generate so much additional discussion, and I know Senator DeBoer has been working on amendments to refine that discussion even more so. I think it's important that we have a separate debate and dialogue on the court fees components. I do have some just general questions and concerns about how a new aspect of procedure would come into play in the, just kind of generally speaking, a police-issued protective order. I know that there have been strides made in regards to that measure negotiated between different stakeholders and Senator Hallstrom to make it more workable and compliant with due process protections and separation of powers and individual liberty and practicality issues, but I, I still want to make sure that we have a clear understanding of that component. When it comes to the increased penalties for new crimes, looking at the individual aspects therein, and I know Senator DeBoer has some important practical and technical considerations for the record to build in some of those regards, my general concern about those penalties are-- no quarrel with Senator Bostar or specific to the activity that he's listed there per se-- but again, the ongoing discussion that we've had in this body about how the imposition of any new penalty or an enhancement of a criminal penalty exacerbates our mass incarceration problem and what that means for prison overcrowding, what that means for the taxpayer, what that means with an ever-ballooning Department of Corrections budget, what that mean with a massive new prison on the horizon. And consultants, experts-- the, the expert reports from consultants have been clear that, under our prior sentencing scheme, Nebraska would have to build not one, but two new massive prisons, which we have no money for. And since those analyses have been completed, there have been a host of new penalties and crimes and new felonies put forward by this Legislature, further exacerbating overcrowding and mass incarceration. I have a host of concerns about the amendments to the rural lawyer program, and I am deeply concerned about rolling back hard-fought criminal justice reform, smart justice reform, wins that were a product of CSG and CJI and longstanding work amongst all stakeholders to right-size our criminal code and elim-- the elimination of presumptive--

STROMMEN: Time, Senator.

CONRAD: --probation for simple drug possession, et cetera. Thank you, Mr. President.

STROMMEN: Senator Clouse would like to recognize the University of Nebraska-Kearney wrestling team underneath the south balcony, Division II national champions. Please rise and recognize the team. Turning to the queue, Senator Bostar.

BOSTAR: Thank you, Mr. President. And good afternoon, colleagues. LB1020, included within LB935, is legislation designed to update and modernize Nebraska's criminal code in order to meaningfully address the very real threats created by evolving modern technology and changing criminal practices, threats that simply did not exist or were not widespread when many of our current statutes were originally drafted. LB1020 addresses the misuse of mobile tracking devices. While existing statutes contemplate court-authorized tracking, they do not adequately address the widespread availability of consumer-grade GPS trackers, such as Apple AirTag devices, and tracking software that can be surreptitiously installed on vehicles, personal property, or electronic devices without the knowledge or consent of the individual being tracked. This bill makes it a IIIA felony to knowingly install or use a mobile tracking device without consent or to continue tracking after consent has been revoked, while carefully carving out legitimate uses for parents, caregivers, businesses, law enforcement acting under a court order, and other lawful purposes. This provision reflects the reality that technology has made stalking and surveillance easier, cheaper, and far more invasive than ever before. Legislation goes on to update Nebraska's stalking and unlawful intrusion statutes to better reflect modern conduct. Stalking today often involves digital surveillance, location tracking, and remote monitoring rather than physical following alone. The bill clarifies definitions, aligns criminal penalties with those already in place for terroristic threats-- also a IIIA felony-- and ensures our statutes capture both traditional and technology-enabled stalking behaviors. It also modernizes unlawful intrusion laws to explicitly cover recording, viewing, or monitoring individuals through electronic means, including drones, when a person has a reasonable expectation of privacy. LB1020 creates a new standalone offense for swatting, a practice that has emerged largely because of modern communication technologies. Swatting involves making a false emergency report, often anonymously or through digital systems, with the intent or reckless disregard that armed law enforcement or emergency responders will be dispatched. This conduct places victims, neighbors, law enforcement officers, and first responders in immediate danger. LB1020 clearly defines swatting,

establishes escalating penalties based on harm caused, and requires restitution for the significant public safety resources expended as a result of these false reports. The bill goes on to address the growing presence of unmanned aircraft systems by prohibiting their operation in restricted and controlled airspace without proper authorization. As drones become more common, they also present new risks to public safety and infrastructure and personal privacy that our statutes must acknowledge. After working with professional drone pilots, we have included an exemption for professional FAA certified Part 107 drone pilots from the requirements to alert law enforcement of their flight plans prior to operation if they already have FAA authorization for their flight. This relieves undue bureaucratic burden on professionals who are already registering their flights and acting in good faith. Taken together, LB1020 is about making sure our criminal code reflects the world as we actually live in today. Criminals are using new tools, new platforms, and new methods. Nebraskans deserve laws that recognize those threats and respond to them clearly, proportionally, and effectively. LB1020 was heard-- was supported at the hearing by Lancaster County, Lancaster County Sheriff's Office, the Sarpy County Sheriff's Office, the Lincoln Police Department, the Bellevue Police Department, the Nebraska State Fraternal Order of Police, the Omaha Police Officer Association, the Lincoln Police Union, the Nebraska County Attorneys Association, the Nebraska Coalition to End Sexual and Domestic Violence, the U.S. Institute of Diplomacy and Human Rights, victims of domestic violence and digital stalking, and professional drone pilots. I would urge your support of the amendment and the underlying bill. Thank you.

STROMMEN: Senator Bosn, you are recognized to speak.

BOSN: Thank you, Mr. President. I just wanted to rise and talk a little bit about the bills in the committee priority package that were mine, specifically starting with LB935 and the frivolous lawsuits. Colleagues, this bill came to me when one of the attorneys, technically out of Omaha, but represents a smaller community outside of Omaha, indicated that tremendous amounts of their city budget was going towards defending what were very clearly frivolous lawsuits, things that were filed on a daily basis. And he indicated that this was a significant burden for the taxpayers in that county. I said, OK, let's look into this and I'll, I'll think about it. And instantly, I was contacted by the League of Municipalities, the Lincoln City Attorney's Office, the Omaha City Attorney's Office, OPPD, a host of

organizations who said, no, this is a very real issue, and it is costing taxpayers significant money. Because what happens, I'll, I'll use the example that I was provided here in, in Lincoln, was essentially someone will file records requests in Freedom of Information Act, and there's no purpose to it. It's really just to sort of use someone's time and force them to sort of dance, dance when I say dance, jump when I said jump, provide me these documents. And they would ask for the same documents over and over again, but it's still eating someone else's time, it's costing the city attorney's office a significant amount of money, and ultimately the taxpayers have to fund the city's attorney's office. And so I said, OK, let's put something together consistent with what other states are doing in this area, and this is the legislation that we came up with. I had a, a positive hearing. I had two proponents, no opponents. And colleagues, I'm not sure if any of you have had the opportunity to review the position comments that were submitted. It had significant support from communities all across Nebraska as being a real solution to an actual problem. I want to be very clear, I don't want to take away anyone's opportunity to file lawsuits that are, are meritorious and are legitimate, and I think this, the let the-- verbiage in this bill does a great job of sort of defining what constitutes frivolous, providing the opportunity for a hearing to be heard, and, and allowing good cases to go forward while stopping some of these frivolous claims where we're just essentially raising costs for taxpayers. One of the examples in the comments that was provided, and I won't use the individual's name, but this was a comment submitted representing the Nebraska Intergovernmental Risk Management Association. And he gave an example in 2022 and 2023, NIRMA provided defense counsel to dozens of members in a lawsuit by an individual who sued all 93 county election commissioners in Nebraska. This case was ultimately filed in Lancaster County District Court, and the purported basis of the plaintiff's suit was allowing unconstitutional elections. The state, an election software company, and others were also sued in the same action, resulting in seven attorneys needing to be involved on the defense side with associated litigation costs for all the named public entities. The pro se def-- excuse me, pro se plaintiff was unable to articulate any legitimate legal theory in his suit, and the court found that it was nothing more than a, quote, rambling preamble of the plaintiff's social and political commentary, end quote. But this individual filed numerous unsuccessful, successive motions that the court needed to address, such that it took eight months to get a final

order of dismissal. So the reality is the costs of that are borne by the taxpayers in each of those communities. And so while meritorious claims should go forward, we, we should not be saddled with the burden of, of the costs for those who are bad actors. So colleagues, I again ask for your ultimate support. I'll get in the queue again and talk about the other bill that's in there that is mine, but I do ultimately ask for your red vote on the motion to indefinitely postpone and a green vote on amendment and the bill. Thank you, Mr. President.

STROMMEN: Senator Hallstrom, you are recognized to speak.

HALLSTROM: Thank you, Mr. President. Earlier on the mic, I started to talk about what is LB876 portion of LB935. I'll just go into a little more detail with regard to the specific components. I would note that this bill was initially a, a little bit contentious in terms of looking for a 72-hour protective order that would be issued directly by law enforcement. We had some pushback from the judicial system not wanting to create that type of intervening element that the judges would then work on afterwards. And so again, with the work, the diligent work of the parties that I referenced last time on the mic, we were able to convert this to a 72-hour no-contact order that may be issued by law enforcement for a period, as the name denotes, 72 hours, for victims of felony sexual assault and domestic assault. And what we're really looking at is victims of domestic and sexual assault are the most vulnerable in the period immediately after the incident. The current protections for victims of a domestic and sex assault are insufficient because it typically takes the form of a condition of release to not contact the victim, and the victims are generally unaware this protection is afforded to them. The current protection is inadequate for law enforcement to protect victims when the suspect violates this condition. The solution, as reached by the amendment adopted by the Judiciary Committee, requires a no-contact period for 72 hours after the arrest of the suspect. The suspect may not contact the victim and avoid the residence of the victim-- must avoid the residence of the victim for a period of 72 hours after the arrest. If the third day falls on a Saturday, Sunday, or a day when the courts are legally closed, the no-contact period ends at 11:59 on the next day the courts aren't open. So in summary, offenses under the amendment apply to domestic assault under Section 28-323 and felony sexual assaults. The victim may waive the no-contact period under, under the amendment by signing a written waiver. The amendment further requires law enforcement officers to provide the arrested person with

a printed advisement form. Details of the advisement are outlined in the legislation. Arrested persons must also be advised of the no-contact period upon release from custody orally and in writing if the release is prior to the termination of the no-contact period. Further, violations of the no-contact period can be punishable by a Class I misdemeanor, and a second or subsequent offense can be punishment by a Class IV felony. And finally, the no-contact period does not apply if the victim provides a written waiver or the arrested is discharged after the court finds there is no probable cause. Another provision that was added at the request of the criminal defense attorneys representative provides that the perpetrator upon release is notified and that his statements may not be used against him in certain circumstances. So all in all, I think we've put together a nice package, an alternative, a compromise that was worked both by the interested parties and the Judiciary Committee. And again, it was advanced 7-0 by the Judiciary Committee. I do have another portion of this, LB1139, I'm probably not going to have enough time this time on the mic to talk about it. But I do want to, to note Senator Conrad has indicated a number of concerns that she has with the overall package and each and every element virtually of the bill, but i do want the record to reflect that of the bills that are included, six of them were advanced on a vote of 7 or 8 to nothing. There was only one component part, LB1020, that was advanced on a vote of 5-2. 51-2 by the Judiciary Committee, which is an eclectic, diverse group, but nonetheless 51-2 on these issues. And to my knowledge, one of the issues of contention had to do with the court cost fees element of this, and there is an amendment pending by Senator DeBoer that would address that hopefully to her satisfaction. And there was also an element of the issue that came out 5-2, that had to do with whether or not we should have felony penalties for stalking or whether they should be stair-stepped. That certainly is out there for discussion. Those are two issues that hopefully would cover the field if we have to make any changes. And I will further discuss LB1139.

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

J. CAVANAUGH: Thank you, Mr. President. I like Senator Hallstrom's math there. When you count the same yes votes multiple times to get to 50-- was it 51-2? 51-2. So there's a lot of analogies you can make to that. And maybe I'll think of a clever one for the next time. But well, so I punched initially to rise in opposition to the sections about the court fees Senator Hallstrom just talked about. I think

they're-- this is a big, complicated bill, and there are parts in it that I think I would support or am OK with, and parts in it that I would probably oppose. And I am learning about some parts as we go. I appreciated, jeez, now I'm sorry, if it was-- was it Senator's Ibach's bill that adds in the rural lawyer's loan forgiveness? I appreciate that part. I've long advocated for us to fund the Commission on Public Advocacy at an appropriate level. Commission on Public Advocacy is state professional lawyers that go and do high-level cases, so homicides, sexual assaults, things like that in rural Nebraska, in some of these communities that have no lawyers. And so of course, I do think we should focus on getting lawyers in those communities. But in those instances, they're probably not going to be somebody who could try a homicide case. They're probably more likely going to do a lot of wills, trusts, and estates, and, you know, some commercial transactions and things like that. And they-- we still will need things like the Commission on Public Advocacy. But that ties into what I-- my opposition to this bill is the increase in fees. And I have always been in favor of us fully funding the Commission of Public Advocacy. I have been opposed to funding it through court fees. And I have-- I opposed a court fee increase bill a few years ago that would have gone to-- I think it was actually Senator DeKay's bill-- that would've gone to the Commission on Public advocacy. But I did bring my own bill. I think it's the only bill I've brought to the Appropriations Committee, was specifically for an appropriation for the Commission on Public Advocacy, because I believe so strongly in the fact that we need to adequately fund the essential functions of government and I-- and indigent criminal defense is one of them, and it's a tremendous service that is afforded to these rural counties because the state picks up the tab and the county does not have to pay the potentially hundreds of thousands of dollars in litigation fees to defend someone in their county. So good program. This, the part I oppose is the Section 35, and it might be through 37. But Section 35 is, in addition to all other court costs assessed according to law, a state docket fee shall be taxed as cost in each civil cause of action or traffic misdemeanor or infraction filed in the district court and county courts in the following dollar amounts. And under here, this is the part I'm kind of picking up on as we're going, is the original bill had higher fees. This still has civil cause of action in district court, \$45. Civil cause of action county court, \$20. Dissolution, \$26. Traffic misdemeanor, \$36. Small claims, \$16. And then the fee shall be remitted to the State Treasurer on forms prescribed, and then there's

an additional part. In addition to all other court costs assessed according to law, a case management system software fee of \$10 shall be taxed as cost in each civil cause of action, traffic misdemeanor, or infraction filed in the district courts and county courts. This fee shall be remitted-- and it goes on. So what that means is there's this \$10-- so there's say civil cause of action in district court, \$45. Add another \$10 on top of that, you're on \$55 on top of the fees that are already being assessed. And I have opposed across the board these increases in fees and shifting a lot of the essential functions of government to fee-based collection. And then, of course, there is an access-to-the-courts issue when we are making it more and more expensive for people to be able to file for a dissolution, which I would take to mean a dissolution of marriage. So we're making it expensive for more people to get a divorce, more expensive to, to get into a small claims court. I'm going to run out of time, so I'll punch my light and talk a little bit more about this. And of course I'm listening to the conversation because there are, I appreciate, there's much in this bill. I appreciate people flagging things that then we can look up and have a conversation about. So I will, with that, I will push my light and get back in. Thank you, Mr. President.

STROMMEN: Senator McKinney, you are recognized to speak.

McKINNEY: Thank you, Mr. President. Also want to say congratulations to the UNK men's wrestling team on their national championship. It's great. I've experienced that in my life, and it's definitely an amazing feeling to do it with your team. And I'll yield the rest of my time to Senator Clouse.

STROMMEN: Senator Clouse, you are recognized to speak.

CLOUSE: Thank you, Mr. Speaker. Colleagues, I'd like to point out the University of Nebraska Kearney wrestling team again. As is proper protocol, I needed to get into the queue to speak. But if you look at the queue, that was going to be maybe an hour or two from now. And they've got other things that they need to be doing. So thank you, Senator McKinney, for giving me this opportunity. I handed out on your desks, or on each of your locations, a little bit of write-up about this team and what they've done. Coach Dalton Jensen, he is the Division II tournament coach of the year, second year in a row. And I think many of you that happened to attend the university dinner that night got to hear from Coach Jensen, and I think he's very impressive,

and we're very proud of the work that he's done. Also Assistant Coach Andrew Sorensen has been there and helped out the whole time with this. I'd like to also point out the 174-pound national champion, and you've all got that in front of you, so I can't pronounce the name, but they say it just goes by Augie. Augie, you want to stand up? Yeah. So, that's Augie. And the, the rest of the wrestlers, you see their names on there. And this is just a great opportunity to thank these students, student-athletes, for what they do. And, of course, athletic director Marc Bauer, he went on-- but Marc actually, and talk about the UNO communication-- connection, if you recall a number of years ago, UNO won the Division II National Championship and they come home and their gym was locked. And when Coach Bauer won the national championship, come home and we, we joked and said, no, we'll leave the gym unlocked for you. So Coach Baur has won a few national championships of his own. And the, the streak and the legacy just continues with Coach Jensen and, and Coach Bauer. Wrestling is important to our community. It's important in the university. And I know a few of these kids. I shouldn't say-- I don't care, everybody's a kid to me anymore. But with these guys, they are student athletes. They're top of the line. Coach Jensen and Coach Bauer always recruited good quality student athletes, and these, these guys represent our university well. That represent our community well. And I think-- and I also told him that Senator McKinney was an All-American in his own right. So he understands more so than others of what it takes to achieve that level. And even it might be Division II, Division I, Division IA, IIIA, whatever. It's still an accomplishment when you look at the number of schools and the programs that, that these guys compete with and the level that they achieve. Also, you can't bring props in, but if you're interested in looking at the trophy, it's outside the glass. So with that, I'll yield the rest of my time. Thank you.

STROMMEN: Senator Hunt, you are recognized to speak.

HUNT: Thank you, Mr. President. Colleagues, there are definitely predators in every state, and Nebraska is not exempted from that at all, which is why I'm glad that there's a portion of the committee amendment in LB935 that's seeking to address that. But what I'm struggling with is the selective outrage regarding when we have concerns about children and when we don't. And I think that a lot of you should be ashamed of yourselves for pretending to take sexual violence seriously when it's a talking point, but not when it matters

for moral consistency. Because you're not there at all. What activated me to put my light on was hearing speech after speech after speech about the horrors of trafficking and the exploitation of minors and description of pornography, while at the same time, the politicians delivering those speeches, you guys, have spent years aligning yourselves with national figures whose documented relationships with known sex traffickers, whose own histories of sexual misconduct allegations raise deeply troubling questions about your consistency. You can't say with one breath that the rise in sex trafficking and child sex abuse is a heinous problem that we need to do something about and then in the other breath praise Donald Trump. Put his flags on your flagpole, put his stickers on your car, on your home. Go to his events. Take pictures with his people. Take directions from him. Go in the news and talk proudly about how you're doing his bidding. Jeffrey Epstein ran a sex trafficking operation that exploited vulnerable girls for years, operating in elite circles of wealth and power and political influence, and Donald Trump was a huge part of that. He called Jeffrey Epstein his best friend. In February 2017, in an email to former Treasury Secretary Larry Summers shortly after Trump's inauguration, Epstein wrote, quote, I have met some very bad people, none as bad as Trump, not one decent cell in his body. So yes, dangerous. In a December 2018 email to Summers, Epstein referred to Trump as, quote, borderline insane and nuts, accusing him of acting like a, quote, maniac with great dangerous power. In his correspondence, Epstein told associates he believed Trump was, quote, evil beyond belief. He also claimed that he had the ability to leverage President Trump. In a December 2018 text, he claimed he was the only one to, quote, take Trump down. He said he was only one who would be able to take Trump down in 2018. In a 2019 exchange with author Michael Wolf, Epstein claimed that Trump knew about Epstein's sexual misconduct with young women, noting that Trump had asked Ghislaine Maxwell to stop. If we are serious about confronting trafficking, we can't pretend that this is just a problem of anonymous criminals, that we're gonna solve it with this bill. And I hope we do, but this isn't just internet strangers in a dark corner of society. It's your President, it's your President, and you've got his sticker on your car. It's disgusting. It's a problem of systems that reward powerful men, silence victims, and allow political loyalty to override moral accountability. So when I hear you speak passionately about protecting children, while also protecting national political leaders who have faced numerous credible allegations of sexual misconduct, or

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refusing to even acknowledge that there are documented failur-- failures of institutions that allowed the sex trafficking by Jeffrey Epstein to take place, I have to say, I don't believe you. It is horrible what happens to these kids. It makes me sick. And I think it makes a lot of you sick too. But you have the cognitive dissonance to just compartmentalize that and shut that off when you think about your beloved President. And that makes no sense to me. You have to be willing to confront sexual abuse wherever it happens, wherever it appears, even when it implicates somebody that you admire. So I really don't respect those of you who are Trump supporters and, at the same time, stand up and say we have to protect girls from being trafficked. That man is the head trafficker in chief. Your silence on Donald Trump's disgusting actions undermines the credibility of everything you have said. Thank you, Mr. President.

STROMMEN: Senator DeBoer, you are recognized to speak.

DeBOER: Thank you, Mr. President. Well, I'm very glad that we have some time this afternoon to talk about this bill because there are a lot of bills in here. And the first thing I'll say is that one of the reasons there's a lot of bills in here is because when you purport to limit senators to 20 bills, if they do not want to stay within that limitation, they'll just put like 7 bills in one bill. And that is what has happened here. Senator Bostar, and I'm workshopping the title for him-- I told him this- I'm workshopping it. At first I was like the "mayor of the felony factory," but factories don't have mayors. And then I was the "foreman of the felony factory." But then I thought, no, maybe it's just a "one-man felony factory," which is kind of where I ended. He has a bunch of bills here creating some new felonies. And then there's things about drones, and there's things about, I mean, there's a number of different things within his bill, which is his prerogative to put them all together. But when we try to falsely limit senators to 20 bills, that's what will happen. So I wonder if the "one-man felony factory," Senator Bostar, will answer some questions.

STROMMEN: Does Senator Bostar yield to a question?

BOSTAR: Yes, of course.

DeBOER: Senator Bostar, actually, I'd like to talk to you about drones. We talked about this, and you know that I think we got to a

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good place on the drone piece of your bill. But a lot of people won't understand it, and maybe the people out there won't understand it. So your bill will make it a misdemeanor to not allow or to not show a peace officer the ID, as it were, on the drone, is that correct?

BOSTAR: Yes.

DeBOER: OK. So tell me about these IDs that they're supposed to show, because we, we made a little modification in the committee amendment to-- from your original bill to make it clearer. So can you talk about that?

BOSTAR: Right. So, I mean, effectively we're talking about, it's the identification number or the registration number of the drone itself. Now, as, as we had worked together before the bill was advanced out of committee, there was some initial confusion about whether or not that meant that someone had to go out and sort of actively register their drone in order to have this information available for law enforcement. And, and so, I'm glad we get to address this because you-- that isn't the case. So this is a number that is legally required to be placed on the device in the manufacturing process. So it can be found in one of three places. So it's either on the drone itself, on the controller of the drone, or if it's an app-controlled drone, it may be sort of in that app, in the, the software on a mobile device.

DeBOER: So you know that this came up for me because I was concerned about children who have these drones that are still over a half a pound. So let's imagine a child, let's call them "Charlemagne," and Charlemagne is a child who has a drone that is over a half pound. If a police officer came up to Charlemagne and said, show me your registration, Charlemagne is 9? 9. And what would she have to do?

BOSTAR: Show them the drone and the controller, either or. I mean, I, I'm not familiar with Charlemagne's specific drone. But it would be-- that, that number would be either on the controller or the drone itself. And so the, the expectation would be that Charlemagne would allow the officer to, to get that information.

DeBOER: And as long as she did, she'd be OK?

BOSTAR: Yes.

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DeBOER: So the only way that someone would get a misdemeanor under this portion of your bill, which by the way, there are a lot of bills in there and that's because they artificially limited you to 20, is that right?

BOSTAR: I think the-- in this particular case, the bill maintains a very clear single-subject.

DeBOER: Sure. But you might have done them in more if you had the ability to do them in more?

BOSTAR: Who's to say?

DeBOER: Yeah. OK, so this portion of the bill there, Charlemagne says, sure, Mr. Police Officer, here is the, the thing. She doesn't have to have done any kind of registration or anything. She's, she's 9, after all.

BOSTAR: Correct. There, there is nothing-- her possession of the drone is the possession of the information itself.

STROMMEN: Time, Senator.

DeBOER: Thank you, Mr. President.

STROMMEN: Senator Machaela Cavanaugh, you are recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I, I think I rise in support of MO524 [SIC]. This is a pretty hefty bill, so I'm trying to kind of understand what all is in it. It seems like there's quite a bit held within the underlying bill, LB935. I know that we had-- we have lots of Christmas trees, and that it was my understanding that there would only be six bills in the Christmas trees. But there's more than six bills in this Christmas tree. So for people at home or just generally who don't understand, Christmas tree is what we call a bill that has multiple bills in it, like you're building a tree. And you start at the top, so Senator Bosn's bill, LB935, would be the star on top of the tree. And then you attach other things to it to build out the whole tree. So I'm just trying to figure out what all is in this bill. And I, I wonder if Senator Bosn-- I was going to ask a question about some fees. I'm trying to figure out where they are in here. I see that there's a-- about divorce in here, and I thought that I had heard that there was a fee increase on divorce fees. And I am concerned about

that because making it harder to get divorced or more costly when we-- there seems to have been a theme, or continues to be a theme this year, of domestic violence and, and fees, and felonies. And when we are bringing forward all this legislation to address and support victims of domestic violence, making it more expensive to get divorced is the opposite of helping victims of domestic violence. So I'm not certain that they're in here. I'm trying to search and see if they are. And I guess between now and my next time on the mic, I will look to see if there are actually in here. If they are, that is definitely something that I am going to want to strike out of this bill because I don't think that we should be making it harder for people to get divorced, for whatever reason that they are getting divorced, but especially when it comes to trying to protect victims of domestic violence. That's gonna make it just that much harder for them to separate legally from a difficult situation, a harmful situation. Another thing that I'm concerned about in here is in, oh, 20-- 2021, Senator McKinney here when we did the CSG study, so that would have been 21, right? Yeah. OK, 2021. We hired this Criminal Justice Institute, CGI-- CGI, criminal-- CJI, Criminal Justice Institute, to do a comprehensive study on our criminal justice system and reforms that we could make. And this same organization entity, they did this for the state of Texas. And there is an ALEC article about the state of Texas criminal justice reform and how much money it saved the state in moving forward with criminal justice reform. And let me tell you, we could cut a lot of taxes, a lot of taxes, if we took criminal justice reforms seriously. We could basically be funded through probably inco-- or sales tax at this point, because it's costing us so much money. So we went through this whole process. There was a big negotiation. There was committee that was involved in it. There were things that were recommended that were negotiated in and out, in and out. Senator Geist at the time and Senator Lathrop were kind of like leading each side of it. And U.S. Senator Pete Ricketts, then Governor Ricketts, was opposed to pretty much all of it, and we did pass some things. And ever since then, we have been eroding the things that we passed. And I am concerned that there are things in the committee amendment that further erode that investment that we made in 2021. And considering the financial situation we're in, I think it is ill-advised to erode criminal justice reforms. We should be looking at how to increase our reforms and improve outcomes for systems-involved individuals.

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STROMMEN: Time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

STROMMEN: Senator Kauth, you are recognized to speak.

KAUTH: Question.

STROMMEN: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor, vote aye. All those opposed, vote nay. There has been a request to place the house under call. The question is, shall the house go under a call? All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays to place the house under call.

STROMMEN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. Senator Dover, Senator Clouse, Senator Murman, Senator Ballard, Senator Hughes, please return to the Chamber. The house is under call.

ARCH: Senator Kauth, we are missing Senator Dover and Senator Clouse. Would you like to proceed? There was a vote open. Will you accept call-ins? The question is, shall debate cease?

CLERK: Senator von Gillern, voting yes. Senator Brandt, voting yes. Senator Hardin, voting yes. Senator Hughes, voting yes. Senator Lonowski, voting yes. Senator Sorrentino, voting yes. Senator Andersen, voting yes. Senator Fred Meyer, voting yes. Senator Storer, voting yes. Senator Storm, voting yes. Senator Riepe, voting yes. Senator Hallstrom, voting yes. Senator Dover, voting yes. Senator Jacobson, voting yes.

ARCH: Record, Mr. Clerk.

CLERK: 26 ayes, 3 nays to cease debate, Mr. President.

ARCH: Debate does cease. Senator Conrad, you're recognized to close on your motion to indefinitely postpone.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I'd ask for your favorable consideration of this motion. There's no emergencies that need to be addressed in regards to the various aspects of this committee package, so I, I really don't think we need to move forward with it in its entirety today. As noted, there are a host of disparate parts important to different senators and different stakeholder groups, from massive increases to regressive court fees, a new type of police-issued protective order, a change in the hearsay rule of evidence, a host of increased criminal penalties for various activities, changes to a rural lawyer loan forgiveness program, a bill relating to the establishment of paternity, eliminating presumptive probation for certain crimes-- which has been one of the most important smart justice reforms we have passed in recent years to address mass incarceration-- and other matters. My-- one of my primary concerns is the regressivity of the court fee increase. Again, we've talked about this many times over the last many sessions in terms of how Nebraskans are literally being nickled and dimed to death in regards to government services, and I think where we've definitely come close, if not completely jumped the shark, when it comes to blurring the lines between fees and taxes, and what those purposes are and what we're doing with them. And I think it is particularly insulting to the citizens of Nebraska that the court itself has come forward asking for this massive, regressive fee increase on litigants in our courts, our citizens, our neighbors who are-- who have a right to access justice and the courts. And they come forward and they do this after they've already secured raises for themselves. And they've secured raises for themselves in 30 of the last 36 years. And they're at really in the top 10 in terms of their peers across the country for judicial pay, and that amounts to millions of dollars a year. And now they want the citizens of Nebraska to have to pay more and more and more and more. While many of our states are actually looking to reduce fees for courts and otherwise, due to their regressivity, due to the spiraling nature that that can cause a family in additional ensnarement and entanglement with unpaid court fees and the consequences that that can bring forward. But not Nebraska. We're moving in the wrong direction. And one thing that I think is important to note in regards to these issues, some members who are supporting these massive increases to court fees have given an impression that these fees haven't been touched or addressed for many years, in some instances, 20 years. And I don't think that's the whole story. If you go and you look at the legislative research publication from October

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2024 on selected Nebraska court fees, you can see a very, very long list of court fees. You can see the years that they were enacted, how much they were set at, how they have increased, when they were increased, how over the course of the years some were promised to be time-limited and then were sunset and then brought back. But year over year over year there's been more and more fees added that inhibit access to justice, and that are regressive. And there is a massive component herein that remains problematic from these perspectives. Right now--

ARCH: Time, Senator.

CONRAD: Thank you, Mr. President.

ARCH: Colleagues, the question before the body is the motion to indefinitely postpone. All those in favor, vote aye. All those opposed, vote nay. Mr. Clerk, please record.

CLERK: 8 ayes, 36 nays.

ARCH: The motion is not successful. Mr. Clerk, next item. I raise the call.

CLERK: Mr. President, LB935, introduced by Senator Bosn. It's a bill for an act relating to civil actions. Provides for awards of costs and attorney's fees and certain actions involving political subdivisions; defines and redefines terms; transfers and harmonizes provisions; repeals the original section. The bill was read for the first time on January 9th of this year and referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments, Mr. President.

McKINNEY: Senator Bosn, you are recognized to open on the committee amendment.

BOSN: Thank you, Mr. President. Good afternoon, colleagues. So I wanted to go through a little bit about the second bill in the package that was mine, and that was LB789, and just touch a little bit on the work that was done in that bill. So this bill also was widely supported by a variety of individuals, individuals coming in from the Nebraska Coalis-- Coalition to End Sexual and Domestic Violence, individuals coming and from the County Attorneys Association. As well as the Assistant Attorney General. This bill seeks to adopt the

federal rule of forfeiture by wrongdoing as a way to intimidate victims and to prevent them from showing up to court to testify. Colleagues, this bill has been something very near and dear to my own heart because of the work that I've previously done at the county attorney's office and the experiences that I have had firsthand. I-- when a domestic assault or anything domestic related is filed, the first thing that the office would do was send a note to the victim and request an opportunity to meet in person or over the phone, whatever was more convenient. And I can tell you from those meetings, there were more than a dozen times where victims would come in and relay to me concerns that the defendant has threatened them. And those, those threats are very, very real to those victims. They have included things such as, I was told if I show up for court that the defendant will kill my dog. I can't come-- I can't go, it's not worth it. It'll just make it worse. I can't lose my dog right now I've been told things such as, if I come and do this, he's going to fight me for custody of our children, and I know what happens when the kids go there. And so I just can't show up. I have listened to thousands of hours of jail calls. I, I used to sit in the office when I was-- just had, just had my son and was pumping to feed him as well, and I would sit in there and pump and listen to jail calls. And I would play the first call that a defendant would make when they were booked in, was a call to the victim. And they'd often use other individuals' PIN. They'd often call someone else's number other than the victim's number to try to avoid me hearing those calls. And those calls were disgusting. The threats were appalling. And the result of that is when a victim then doesn't feel that she can show up or that her, her safety is more endangered by showing up than-- or by not showing up to court than by showing to court, I can't fault a victim for that. I don't think anyone in here can say straight-faced, well, that's on her, she should have come. And if she wasn't willing to come, then, then she gets what she deserves or he gets what he deserves. Colleagues, that's, that's just entirely, entirely wrong. So what this bill seeks to do is says that if a defendant procures the victim's unavailability, in other words, if the intent is to threaten the victim sufficiently that they don't show up for court and their threat results in the victim not being able to be served or not showing up for court, that that action in and of itself eliminates the hearsay exception. This is based off a case law from 2008, *Giles v. California*-- I think it's *Giles*, it's G-i-l-e-s, maybe it's *Giles*-- where that forfeiture by wrongdoing was codified. And a majority of

states have laws or rules or court interpretations that adopt this as, as a means to keep the ability to confront the witnesses against you, right? You have the opportunity to cross examine those who come in and want to testify against you, to present your own defense. But what you don't have is the right to obstruct their willingness to come to court in the first place. Going back to some of the-- I, I think about some of the meetings that I had and cases that I would, you know, as a result, have to dismiss, because when someone comes in and tells you-- you also can't put someone on the stand when you know they're going to lie. And when victims would come in and say, I, I just can't do this. I can't put my kids in this position. Those-- that person deserves safety and they deserve the ability to feel safe and to be respected. And it is, obviously, my job as the individual prosecuting the defendant to respect their, their right to safety. But that, that hurts. And it's, it's wrong, and I don't want to reward that. And this legislation seeks to right that wrong. And so I certainly ask for your favorable consideration on LB780-- the portion of AM2743, which is LB789. I would also note for you, if you look at the position comments that were submitted on this, there were 3 position comments submitted, all were in-- were proponents They included individuals from a variety of different districts. But specifically looking at the child advocacy centers, Ivy Svoboda submitted a comment and stated that, you know, we support this bill. Allows statements made by a victim or witness to be admitted in court when the defendant intentionally caused the witnesses unavailability, prevents offenders from benefiting legally when they undermine the justice process through manipulation or threats. It goes on a couple paragraphs later: We have noted examples where children involved in sexual assault or domestic violence situations have become unavailable as witnesses because offenders use intimidation, coercion, or control. One of our member CACs, child advocacy centers, documented a case where a child repeatedly witnessed domestic violence in the home, calling police on multiple occasions when his father assaulted his mother. Despite the recurring violence, charges were minimal and the child lived in an environment where fear and retaliation shaped his willingness to speak. This pattern reflects how children exposed to domestic violence may later refuse to testify, not because the abuse did not occur, but because the offender's actions have made participation too dangerous. Colleagues, so that is the other portion of the bill-- of the package that was mine. And so I'm happy to answer any questions. I know Senator Cavanaugh, Macaela Cavanaugh had a question for me, and I had stepped off the floor so I

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wasn't able to get back before her time was over. I will look for her to address that, but happy to ask questions that you may have and ask for your favorable support on AM2743. Thank you, Mr. President.

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

McKINNEY: I would like to divide the question.

ARCH: Senator Bosn and Senator McKinney, could you please come forward? The chair rules the amendment is divisible. Mr. Clerk, will you please explain the division to members of the body?

CLERK: Mr. President, the committee amendment was divided into eight divisions. The first division consists of Sections 2 and 4 of the committee amendment, which was originally LB935. The second division is LB1199. The third division is LB978. The fourth division is what was originally LB7-- excuse me, LB876. The fifth division is what was originally LB789. The sixth division is what was originally LB1020. The seventh division is what was originally leg-- LB1139. And the eighth division and final division is what was originally-- and the eighth and final division is what was originally LB1228. Senator Bosn, as chair, has elected to take up the third division first, which is LB978.

ARCH: Senator Bosn, you are recognized to open on this division.

BOSN: Thank you, Mr. President. LB978 is the bill introduced by Senator Storer, so I'll give her a heads up since, obviously, now we're moving in a different trajectory. I'm going to yield you time. So LB978 is the bill that addresses civil causes of action regarding obscene material, child sexual, sexual abuse material, and child sexual exploitation devices or images. I would note for everyone here that this bill came out of committee on an 8-0 vote. There were no opponents and no neutral testifiers. And may I yield time on an opening? Oh, I would yield the remainder of my time to Senator Storer.

ARCH: Senator Storer, 9 minutes, 12 seconds.

STORER: Thank you, Mr. President. And thank you, Chair Bosn. I'll go back through, and some of this may, may be a little repetitive. And honestly, we-- after I had shared some information and opened on this earlier, I had a couple of colleagues come up and indicate, you know, how, certainly, some of this information is uncomfortable. This can be

an uncomfortable topic, and, and but this is addressing some real issues and real harms that are occurring to victims here in Nebraska. So what LB978 does, what the intent is, is to protect children and rape victims from online sexual exploitation. Again, the bill prohibits child sexual abuse material and other obscene illegal content on internet websites. It also prohibits possessing or trafficking child exploitation devices. These are dolls or mannequins that resemble children intended for sexual purposes. LB978 strengthens the civil enforcement against entities that knowingly publish or distribute material that is already illegal under Nebraska law. Victims can sue those who intentionally create or distribute this content and recover damages, attorney's fees, and litigation cost. The Attorney General may also seek an injunction to stop violations. A child whose features are represented by a sex doll may file suit through a parent and recover the same remedies. This is not about a Playboy magazine or cable TV. This addresses material so harmful that publishing it is already a crime. Child sex abuse rape videos. It's on the internet, and children are in this material and exposed to it every day. Under current law, individuals who possess or distribute this material may be prosecuted, but the websites that post and monetize from that material being posted face no accountability. And victims have no legal recourse in our state courts. The National Center for Missing and Exploited Children, again, and I mentioned this statistic earlier, but they documented over 6,000 child sex abuse material reports in Nebraska in 2024 alone. Again, a 2020 New York Times investigation found one leading porn-- pornographic website infested with rape videos and recordings of assaults on women and girls. Colleagues, these websites make millions of dollars, and they should be held accountable when they intentionally harm Nebraska's women and children. This bill simply allows people harmed by illegal obscene material to sue the website owners and force them to remove the illegal content and recover monetary damages for harm. And the threat of lawsuits will help reduce online exposure to this vile material and force website operators to proactively remove illegal content. This is about commercial websites benefiting from child pornography and child trafficking. The bill includes a clear exemption for internet service providers, search engines, and cloud providers. They're only liable if they actually create or develop the content. LB978 will strengthen protections for children, hold commercial websites accountable for profiting from abuse, and provide survivors another avenue to justice. This bill advanced, again, from the

Judiciary Committee with no opposition. I appreciate your support and ultimately your green vote on LB935, and with the division on LB978. I'm going to use up the rest of my time to just share a few more, few more details. The things that I learned while working with individuals to put this bill together, again, were just absolutely astonishing. And when this kind of material, which is already illegal, is distributed through an online platform, I was shocked to learn that victims have no legal recourse to force those companies to remove that material, to take it down. That's what we're seeking to do with this legislation, to provide a remedy for those survivors, to help them find justice. There was also some-- I do want to point out, you know, some of the things that we did, we did address in an amendment that was made in committee to make sure that the language was clear this is intentional. Intentionally-- that the platform knows that it is intentionally provided-- and I'm looking for my notes, knowingly and intentionally. So it prohibits a person from, and it's very important, knowingly and intentionally allowing or facilitating access to prohibited content on a publicly available internet website, or disseminating prohibited content on an internet website, or creating or developing prohibited content that is made available on an internet website. Prohibited content is specifically defined to include child sexual abuse material, content that promotes child sexual abuse material and obscene material. So again, this is important. This is important to victims. This is important to protecting children, women and children in the state of Nebraska, and providing them an avenue for justice. So I ask for your green vote on the now divided LB978. Thank you.

ARCH: Mr. Clerk, for an amendment.

CLERK: Mr. President, Senator John Cavanaugh would move to amend with AM2938.

ARCH: Senator Cavanaugh, you're recognized to open on your amendment.

J. CAVANAUGH: Thank you, Mr. President. And I'm not sure where we're at on the board. Are we getting the board updated? So this amendment-- well, first off, I support Senator Storer's section of the bill. This just happens to be the section where this would fit AM2938, is it's actually Senator Conrad's bill, which is, hold on, my notes here, LB1097, which I'm a co-sponsor of. It was a bill that went to the Judiciary Committee, but I saw a lot of the content of this bill

today, and I thought, well, this seems like a good place to add LB1097. So LB1097 would create an explicit civil cause of action for victims of child sexual abuse and individuals with developmental disabilities who are victims of sexual abuse. The bill would waive sovereign immunity for state agencies and political subdivisions in these very specific cases. LB1097 creates a pathway outside of the current tort claims framework in response to recent Nebraska Supreme Court interpretations that have significantly limited the ability of victims to pursue civil remedies. There's a good reason for us to make a distinction for these victims. Children and individuals with developmental disabilities are some of the most vulnerable populations we have, have, particularly when those individuals are under supervision, custody, or control of government entities. Recent Nebraska Supreme Court decisions, including *State v. Moser* [SIC], 2020, and *Joshua M. v. State* have reinforced sovereign immunity interpretations that leave significant gaps in accountability. This leaves victims in place where the legal system that is designed to protect and make-- protect them and make victims whole recognizes there's a harm done to them, but that there is no remedy for that harm. Let me be clear, this bill does not mean a political subdivision is automatically liable for every injury a child suffers. In other words, if someone wants to sue a political subdivision such as a school for sexual assault that happens to a child, they still must prove that the school officials were negligent in failing to protect the child or in failing to prevent the harm. So I actually attached this when I saw the, the underlying first part of the bill about local liability, and I thought it was relevant to that, but this is where it is. So the bill does not change the burden of proof. This bill would also provide a 12-year limitation period beginning at age 21 for child victims, along with extended timelines recognizing delayed disclosure among victims with development-- developmental disabilities. Recent legislative discussions have emphasized protecting vulnerable children and trafficking victims-- which other bills, and of course this bill-- and LB1097 reflects those same priorities by ensuring accountability where harm is acknowledged. So I appreciate the, well, the opportunity to have this conversation and, and attach this bill. I do think I have some issues with parts of this committee package. Senator Storer's part is one that I support and have supported with Senator Sanders' bill earlier this year about trying to do something to protect victims of trafficking. And I think there is lots of work that we need to do, good work that can be done on helping victims. And I do think-- I

appreciate that Senator Conrad brought this bill. I think Senator Wayne had brought this bill previously. This is an issue that needs to be addressed by the Legislature, and so that's why I have brought it here. I think it's, it is relevant to the conversation on this bill as a whole. As I said before, I have other issues with the, the rest of this, but I'll limit my conversation at this point just to this part. So I'd ask for your green vote in support of AM2938. Thank you, Mr. President.

STROMMEN: Returning to the queue, Senator Andersen, you are recognized to speak.

ANDERSEN: Thank you, Mr. President. I'd like to yield my time to Senator Hallstrom.

STROMMEN: Senator Hallstrom, 4 minutes and 50 seconds.

HALLSTROM: Thank you, Mr. President. Thank you Senator Andersen. I'll continue discussing some of the-- my parts of the bill. I may get another opportunity to talk later and may not quite get done this time around. But the second part of my bills in this package is what was originally LB1139. The legislation is intended to address the method of releasing a lien on real or personal property, which is created by a support or a judgment when that judgment is verifiably current and no arrearages are owed. Under current law, section 42-371, a support order judgment creates a lien on real and personal property of the judgment debtor. This means an automatic lien attaches to real property located in the county where the judgment is entered. Currently, the lien may only be released if the judgment creditor delivers a notarized release that is then filed in the court case where the judgment arose. This requirement applies even when the judgment debtor is fully current on support payments. In most cases, this process works smoothly. However, there are situations where it creates significant logistical challenges and hampers the transfer of real property. For example, if a judgment creditor refuses to sign a release, even when support is current, the sale of the property can be delayed or perhaps prevented altogether. And as you might imagine, unfortunately, in a divorce situation, ex-spouses frequently have difficulties cooperating with one another, not only with regard to custody and visitation issues, but also with regard to taking actions to accommodate the sale of property by the, the other ex-spouse. This delay can create a chain reaction. A buyer may be unable to purchase

the property and, in many cases, that buyer cannot close on their next home until they have sold their current one. As a result, families who are not involved in the underlying support dispute can face serious hardship simply because a lien-- lien release is withheld. And I might add, in many cases, there is no support dispute. It's just the way things are with ex-spouses. LB1139 proposes to solve this issue, and LB1139 now part of this amendment, by clarifying that a lien under a support order judgment attaches only when an amount becomes due and remains unpaid. Once the amount due is paid, the lien is automatically released. In other words, if a judgment debtor is current on their support obligation, no lien attaches to their property. Additionally, current law is widely interpreted to mean that any arrearage relates back to the date of the original judgment for purposes of determining attachment. In addition, Nebraska is, to my knowledge, the only state that imposes a lien for future yet-to-accrue child support payments, further complicating the lien release process and inhibiting transfers of real estate. The amendment that the committee adopted, which is in Section 38 of the committee amendment, was brought by the clerk of the District Court of Douglas County, clarifying that spousal-support-only judgments that do not include child support are maintained by the clerk of the district court in the county where the judgment was entered. The amendment ensures that the bill functions as intended by including the district court. We have also put a protective provision in that says that the, the child support must have been current for a period of at least 12 months, or a lesser period if the decree had been entered less than 12 months ago, to ensure that you're not just having the seeking the release of lien coming into court after not paying their child support for an extended period of time. But they must have been current for at least 12 months. I think that's a good protective provision. I want to emphasize that if any arrearages are owed at the time of transfer, a formal release would still be required. LB1139 and the corresponding amendment to this bill is intended only to apply to those cases where the judgment debtor has met their obligations under the support order judgment and is current on their obligation. This ensures that judgment creditors remain fully protected against delinquent support payments and the release only applies to the specific parcel of real property being transferred. Thank you.

STROMMEN: Senator Spivey, you are recognized to speak.

SPIVEY: Thank you, Mr. President. It's nice to see you up there, doing all the things, making us follow the rules and that we're in order. So I appreciate that, Mr. President. Good afternoon, colleagues and folks that are joining us. And of course, thank you for coming to work with me today, Grandma. So originally I was already in the queue for the IPP motion and wanted to talk about the bill overall. I know that the question has been divided and we are specifically on LB978 with the amendment that was originally the bill LB1097. Trying to keep all these numbers together in my notes to follow along. So I wanted to speak briefly to the amendment that's in front of us, and maybe some of my comments overall, as I know that we will get through those, but based on each bill. And so I am now getting caught up specifically on Senator Storer's part of the bill. I can definitely appreciate why she has brought that bill. I actually, in one of my various iterations of a career, worked at the child advocacy center in Dallas. And in Dallas, we saw the worst cases of child abuse and neglect in, in Dallas County. And so the, the model around advocacy centers and this integrated approach and how we think about addressing, especially for children, sex trafficking, abuse and neglect, the integrated model with forensic interviewing and child welfare and law enforcement all being housed in one place and trying to take a trauma-informed approach, was birthed out of the work at the child advocacy center where I was employed. And so I have seen it firsthand, what does it look like when folks are on the ground, and some stories that I wish I could forget. And so I know the importance of the conversation and what this bill hopes to address, and I appreciate Senator Storer's intent with bringing it. I originally, and that was kind of my question, and I talked to Senator DeBoer, who's the vice chair of Judiciary, around why the civil approach versus just the criminal. And I asked the question that Senator John Cavanaugh kind of stole my thunder to, that I know that my predecessor, Senator Wayne, brought a bill that was similar, that passed and then was vetoed. And then Senator Conrad has brought a similar effort to continue that fight and path down for folks that are impacting-- impacted by that type of harm. And so I appreciate AM2938 and the combination of those bills, I think the subject aligns. It has the same intent from the original introducer. And so I am in support of AM2938. And then the specific bill that has been divided, LB978, with the addition of that AM, because I do think that goes hand in hand. And it really shows I think the case for what we are saying as a state of importance and the work that we need to do to ensure that people can be held accountable for

the extreme harm and trauma and terror that they have caused. I wanted to take the rest of my time again, and will get back in the queue based on the legislation and the division that's in front of us, just around the overarching bill. And so I appreciate that Senator McKinney divided out the question, because I know we pass a lot of Christmas trees and have things in bill. And this felt like the Christmas tree inside the Durham Museum. It had a lot parts and pieces, and a lot things that I think are worthy of and deserve individual time on the floor and debate. There are things that I think we need to spend time on and discuss. I appreciate the work of the Judiciary Committee, and there's also places where I think the full body needs to weigh in, like we are seeing, for example, with the budget. And so, specifically, I will get back in the queue when we talk about some of the court fees, the liens. When we look at child support and spousal support, I have some concerns with. And so I appreciate that division of the question so we can have intentional debate and dialogue around each of the individual measures, since there's eight that have been divided out, and can ensure that we are thinking about policy in a very intentional and comprehensive way. Thank you, Mr. President.

STROMMEN: Mr. Clerk, for an announcement.

CLERK: Mr. President, the Judiciary Committee would hold an exec session now under the south balcony. Judiciary Committee now under south balcony. That's all I have at this time.

STROMMEN: Returning to the queue, Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I rise in support of my friend Senator John Cavanaugh's amendment. This does relate back to legislation that I have supported over many years, and have prioritized as my personal priority in past years and have carried multiple versions from last session that naturally carried over. And then reintroduced measures in this session as well, all to try and take the Supreme Court up on its invitation to fix the law for-- generally speaking, for most of the modern time in regards to how the courts viewed things like awful things that happened to little kids in the state custody and care of foster care or while they're at school or while they are detained in congregate living facilities like jails or youth centers. There was an opportunity when the state acted negligently in the hire or supervision of various actors or had

knowledge about various actors under their control, their employees, their foster parents, et cetera. And when little kids got sexually assaulted or hurt, there was recourse in the courts to ensure that we could hold those government actors accountable. That we can have some sort of compensation for counseling and medical care and other aspects that come with those traumatic events available to child victim survivors. And then through a series of very, in my opinion, very misguided decisions, recent decisions, the Nebraska Supreme Court overturned decades of precedent and said there is no recourse. When somebody dies in state custody and the state had advance warning and didn't take appropriate action. When little kids are physically and sexually assaulted by foster parents and DHHS knew about it and didn't stop the abuse, the Supreme Court says there's no justice, no accountability for those, for those at the department. Senator Wayne, Senator Halloran, Senator Slama, and others worked on this issue for years to take the Supreme Court's invitation to change the law because the current precedent provides an absurd result. If I, as an individual, didn't protect kids entrusted to my care, I would be held fully liable. Yet when we entrust the care of our most vulnerable kids to state actors or schools, they get a free pass. They get special immunity. And that's not right. So a strong bipartisan effort exists and is ever-growing to right this wrong, to hold big government accountable when they have a hand in hurting kids, little kids that get sexually assaulted. We haven't been able to get those bills out of committee, so admittedly there's probably a procedural problem with this substantive amendment. And I don't know if Senator Cavanaugh is going to take it to a vote or not, but wanted to draw the connection with the important work to protect kids that my friend Senator Storer has in this first part of the division. We could look at a pull motion, we could look to try and get those measures out of committee, or we could see if perhaps the body wants to let them move when given the opportunity at these-- this late stage of debate. I appreciate what Senator Storer is doing, I think it's important. I think it's important that we do all that we can to protect all of our kids from sexual abuse and harm. And it should be no different when big government is involved. But presently under wrongly, in my opinion, decided Supreme Court cases, government gets a free pass.

STROMMEN: Time, Senator.

CONRAD: Thank you, Mr. President.

STROMMEN: Senator Holdcroft, you are recognized to speak.

HOLDCROFT: Thank you, Mr. President. Well, my bill is in the last division, so I'll wait to talk about it as we get a little closer to that debate. But I thought I'd take the opportunity to, you know, spread some good news about what's going on in DHHS. DHHS offers statewide early hearing detection and intervention services. The Nebraska Early Hearing Detection and Intervention program is a statewide public health initiative run by DHHS that ensures newborns are screened for hearing loss shortly after birth. The purpose is to identify hearing issues as early as possible, and connect families with follow-up testing and early intervention services. By catching hearing loss early, the program helps prevent delays in speech, language, and learning and social development, giving children the best chance to grow and communicate successfully. Families can get support through diagnostic evaluations, referrals to specialists, and early intervention programs tailored to their child's need. For more information or assistance, you can contact the Nebraska DHHS toll free at 888-545-0935. Next. Free online early learning platform for Nebraskans 60 and older. That's still a ways off for me. The GetSetUp program is a free online learning platform offered through DHHS for Nebraskans age 60 and old. It has-- it provides hundreds of live interactive virtual classes taught by older adults for older adults. The classes, the classes cover topics like technology use, health and wellness, hobbies, and social engagement. The classes are easy to join, available day and night, and desig-- designed to help participants stay mentally, physically, and socially active from home. The program is important because it helps address common challenges facing older adults, such as social isolation and lack of digital skills. By teaching participants how to use devices like smartphones, tablets, and computers, GoSetUp enables them to stay connected with family and friends, access tele-- telehealth services, and continue learning new skills. These opportunities support healthier, more independent aging, and improve overall quality of life. Nebraskans can get involved by signing up for free classes through the GetSetUp platform on the DHHS website or by contacting the State Unit on Aging for assistance. Interested individuals can call 402-471-2307. And the last thing I have here is Nebraska's TB program provides prevention tuberculosis services. The Nebraska TV-- TB program run by DHHS is a statewide public health effort focused on preventing, detective-- detecting and treating tuberculosis. It tracks TB cases, provides

testing and laboratory support, and helps ensure that people diagnosed with TB com-- complete the full course of treatment. The program also offers education and guidance to health care providers and communities to reduce the spread of this infectious disease. TB can be serious and contagious if not properly treated. By identifying cases early and supporting patients through treatment, the program helps prevent outbreaks and protects the health of the broader community. It also ensures that vulnerable populations, such as individuals with weakened immune systems or those recently arriving from areas where TB is more common, receive proper screening and follow-up care. Nebraskans can contact their local health department or health care provider for TB testing, especially if they have symptoms or have been exposed to someone with TB. If diagnosed, patients can receive case management support to help them complete treatments safely and effectively. The program also provides educational resources and expert consultation, making it a valuable support system for those individuals and healthcare professionals across the state. For more information, please visit dhhs.ne.gov/pages/tuberculosis.aspx. I'll say that again. dhhs.ne.gov--

STROMMEN: That's time, Senator.

HOLDCROFT: Thank you, Mr. President.

STROMMEN: Mr. Clerk, for a motion.

CLERK: Mr. President, Senator Conrad would move to bracket the bill until April 17th with M0525.

STROMMEN: I recognize Senator Conrad to open on her motion.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. As I understand, there was just an emergency executive session called by the Judiciary to kill both of my bills that try to help little kids who are the victims of sexual assault underneath the south balcony. Because members were either so offended or so threatened that some of us had the audacity to fight for justice for little kids who are hurt at the hands of big government. And I guess that's the punishment that's coming our way or the retribution for raising serious policy questions about various aspects of this committee package. And let me be clear, Senator Hallstrom, Senator Bosn, that doesn't hurt me. It hurts little kids who got sexually assaulted at school. So you can be

gleeful about your mean-spiritedness, but it doesn't impact me. Let me give you an example of who that kind of activity hurts by arbitrarily in an emergency aspect running under the balcony to kill bills to bring justice to little kids who were sexually assaulted. Here's the kind of kids I was trying to help that the Supreme Court turned their back on in Joshua M. just a few years ago, and that you have today. Siblings like Joshua and Sydnie and Abigail, whose parents were in a severe serious car accident and their mom was disabled and she was unable to take care of them. And their dad was found to be an unfit parent due to active alcoholism and instability. As such, the county attorney of Richardson County filed petitions, alleging the siblings in need of becoming wards of DHHS in 1996. Two of the kids, who were toddlers at the time, were placed in foster care. And the infant sibling was placed in a different foster home. And during the time that the little kids who lost their parents were in this foster home, it is undisputed-- this is the court's decision-- it is undisputed that from 1996 to 2004, all three siblings were subjected to frequent physical and sexual abuse in the foster care home. Those reports were provided to DHHS. There were criminal cases filed about the horrific sexual and physical abuse the foster parents brought on the little kids who were wards of the state. Those cases moved their ways through the criminal court. When the kids' parent-- when the kids' attorneys tried to hold HHS accountable for their negligence in allowing this to happen, the Supreme Court turned its back on 40 years of precedent and gave special legal protection to DHHS, even though they knew about this horrific abuse and didn't take appropriate steps to stop it. I'm trying to fix that. These measures are to address that issue. I have drafted them narrowly and more broadly to try and ensure access to justice for little kids who get sexually assaulted at school or in foster care. And because Senator Cavanaugh had the audacity to talk about that in relation to this bill, I don't even know if he was planning to push it for a vote, you had to run under the balcony, have an emergency executive session to kill the bills. No notice to your committee members, no professional courtesy to me. Fine. Your, your actions speak for themselves. And it also doesn't kill them. It just raises the threshold if I wanted to file a pull motion. And maybe I will. And maybe we'll have that vote. And a bill that was primarily about court fees has now become about access to justice for little kids who were sexually assaulted. So I'm grateful, Senator Bosn, to have the opportunity to talk about this issue for the next five, six, seven hours, however much we have left. Because I can't get those

bills out of committee, so we'll talk about them on the floor today. And the other good news is while we spend time talking about how the mean-spirited actors in this body have turned their backs on childhood victims of sexual assault in regards to the civil justice system, it's another day that we're not facilitating the work of Big Ag to dismantle the Brand Committee. It's another day that we are not denying the people their voice by changing our unique approach to electoral votes. If you think you're hurting me, you're not. I'm actually more passionate and determined at this moment on this measure than I have been all day. And it's because I had the opportunity when working on these measures with Senator Wayne and Senator Halloran and Senator Slama that I got to meet a little girl who was a survivor. Taylor has developmental disabilities. And she was raped while she was in a program at LPS. And LPS knew about the assailant's proclivities for this kind of behavior, and they didn't protect Taylor. And Taylor's case started to work its way through the civil justice system. And then Moser came down. And she lost access to justice in the courts because the Supreme Court turned its back on decades of precedent. Taylor and her mom, Loree, who's now not with us any longer, and countless families like them, have petitioned this Legislature for change, have asked us to take up their cause. Senator Wayne passed a measure, I believe it was LB28, that had broad support across the political spectrum and across the state that was needlessly and heartlessly vetoed by Governor Pillen to finally right this wrong. That has been in place in recent years due to misguided Supreme Court decisions. And that lets schools and big government have special immunities and a free pass when the most vulnerable people, little kids, people with developmental disabilities, foster kids, are entrusted to their care and they have a hand in negligent supervision or hiring, wherein those vulnerable people are hurt or sexually abused. After Senator Wayne was term-limited, I told him and the Woods family that I would do all that I could during my remaining time in office to continue to champion their cause. And I have kept my word to them. Taylor's mom and dad died recently and unexpectedly. And so Loree is not here to fight for Taylor anymore, but I am. And I will. And I may not pass the bill to fix it this year, or even next, but I'm never going to stop trying. And I don't understand how hardened your heart has become when you won't work together on what should be a non-political issue: to ensure child sex assault victims have access to justice for counseling and care. As they do if they were harmed in the private sector or a private school. You won't bring that same

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equity and approach when they're harmed by big government, and that's ridiculous. Thank you, Mr. President.

STROMMEN: Senator Storer, you are recognized to speak.

STORER: Thank you, Mr. President. I have been in the queue for a while, so I'll just spend a little bit more time giving you some information on what is now AM2930, which is the equivalent of LB978. And just for a little better background, Senator John Cavanaugh did not-- there was no communication, so I was certainly taken by surprise with the amendment of AM2938. We have not yet had that conversation, so that-- just so everybody knows, that's technically at this-- at this point, that's an unfriendly amendment, because a surprise to everyone. Again, you know, when you start looking at the harms, and, and I appreciate Senator Conrad's advocacy, all children certainly matter. There is no question about that. AM2930 is very specific in a remedy for victims that currently does not exist. And that is giving them the tools to sue a platform, an online platform, that has pornographic material posted, and to make them take it down. It seems simple. Again, I was shocked when I learned that wasn't a pathway that they had. So AM2930 will give them that pathway. It will give that access so that they can begin healing. I can't even imagine, honestly, to first and foremost be the victim of pornographic material and then compound that with having those images displayed for the world to see online. And then compound that with the inability to have any remedy to have it removed. That's the equivalency of a living hell. So I ask for your support on AM2930. Ask for your green vote. I am opposed to the motion to bracket and currently opposed to AM2938, as I have not even had time to vet through that. I would yield the rest of my time to Senator Bosn.

STROMMEN: Senator Bosn, 1 minute, 42.

BOSN: Thank you, Mr. President. Colleagues, we talk a lot in here about the importance of collegiality and treating each other with respect and giving each other courtesy heads up, and how important it is that this is a nonpartisan body and a non-partisan Legislature. And then we do things like don't bother giving a courtesy heads-up that we're gonna divide the question on a committee priority package. How hard would it have been to walk over here and say, hey, we want to divide the question so that we can take up-and-down votes on each of these bills individually? I wouldn't have cared, but it would have

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probably saved us some time so I could have been prepared. No courtesy there. No collegiality. Any conversation about adding AM2938-- I'm next in the queue, so I'll just finish this and you can-- I'll start my next five minutes.

STROMMEN: Senator Bosn, you are recognized to continue.

BOSN: Thank you. No conversation about adding this amendment or, hey, we're gonna do this. And you know what makes it extra frustrating is a month ago, I had a conversation with Senator Conrad right there. And I said to her, I know this is important to you. If we can come to some sort of an agreement, I'll let you attach it, and we'll be done with this. Nothing, crickets after that. No con-- no courtesy conversation. No here's what I'd like to do. No proposal. No agreement on anything. That bill is still in committee. Yes, I was willing to work with her on it, and I was going to come to some sort of an agreement. And for everyone to talk about how it's unprecedented that we hold executive sessions-- emergency executive sessions, I can tell you as a former member of Senator Wayne's Judiciary Committee, we did that routinely. We did that routinely. We can't talk about collegiality when it's convenient and then ignore it when it is inconvenient. If you want to do something and add an amendment, it doesn't take any time to come over and say, this is what our plan is. I've been here all day. This is an unfriendly amendment. And if somebody has an intention to work this out and to work through some sort of an agreement on this, that was-- that was a wrong way to do it. And to stand up and say, oh, this is an ugly vote for all of you if you take this, fine. You know why it's an ugly vote? Because you didn't have the courtesy to come and have a conversation or to see what could be worked out with anybody. That's an ugly vote. I am opposed to AM2938. I'm opposed to the motion to bracket. And I support AM2930, as well as LB935. Thank you, Mr. President.

STROMMEN: Senator Hallstrom, you are recognized to speak.

HALLSTROM: Thank you. I would echo Senator Bosn's comments with regard to the protocol. Collegiality is not a one-way street. It's not collegiality just because it's convenient for you and not convenient the next time. It doesn't change the character of collegiality or protocol or accepted practices. I tend to listen closely. Senator Col-- Conrad said this amendment has everything to do with protecting our children from sexual assault and harm. But she doesn't seem to

have the same level of concern when we're talking about victims of sexual assault and domestic abuse if there's an element of enhancing or creating a new penalty. What the heck? Come on. Assault is assault. We want to protect the offenders and the criminals, if convicted, because we don't want to enhance or create a new penalty. I'm flabbergasted at that. I'll get back to a little bit of the substance. Second issue, taking a look at the provisions of what was LB1139. I've talked about the lien priority. The other aspect of the bill has to do with the issue of paternity. AM2743, Sections 40 and 41 adds two new sections to existing paternity laws, specifically provisions relating to notarized acknowledgments of paternity and when they may be rescinded or challenged. Under current law, section 43-1409, a notarized acknowledgement creates a rebuttable presumption of paternity. A signatory may rescind the acknowledgement within the earlier of 60 days or the date of the first administrative or judicial proceeding relating to the child in which the signatory is a party. After the rescission period, the acknowledgement may be challenged only on the basis of fraud, duress, or material mistake of fact. With the burden on the challenger. This portion of the amendment provides that after the recess-- rescission period ends, a notarized acknowledgement is treated as a legal finding of paternity. Effectively, the acknowledgement functions as a final legal determination of paternity unless set aside through one of the statutory limited gateways for challenge. This amendment adds an additional basis for the challenge of a notarized acknowledgement of paternity by allowing a person who has reason to believe that he is the biological father to challenge an existing acknowledgement using a scientifically reliable genetic test showing the acknowledged father is not the biological father. The amendment requires the test to be performed by a College of American Pathologists-accredited or equivalent laboratory. In addition, the amendment adds an applicability clause making the changes apply to actions under section 43-1401 to 43-1418 that are pending on the effective date, and those filed thereafter. A committee amendment makes one exception to that applicability clause. You might recall last year we had LB150 into which LB412, which I introduced, was amended. We were addressing the issue of a biological father's inability to have standing to challenge and, and prove up on his fatherhood. It was designed to, to address the case of Chatterjee v. Chatterjee. We thought we covered the field and got that taken care of in an issue of fairness to allow an outlet for a biological father to challenge. There was a district court case

since that time, Enright v. Carlisle [SIC], which indicated that the alleged father does not have the ability to de-- disestablish the paternity if there is acknowledged a statement of paternity by the alleged father. So this particular amendment addresses that issue again, trying to get us back to where we thought we were last year, to ensure that the biological father armed with the testing results, DNA testing results, will have his day in court. One of the things that we have added to that is that in connection with that challenge, the one exception to the applicability clause is that for any action filed after the effective date of the act, they must also couple that with the requirement to--

STROMMEN: Time, Senator.

HALLSTROM: --establish paternity.

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

J. CAVANAUGH: Thank you, Mr. President. So just to clear the air, I do think that we could all aspire to procedurally move, you know, in more better ways and more collegial. There are obviously sometimes tactics are things that happen, right? And people make decisions or they do things on the fly. I do you think a courtesy heads up is, is appropriate. I did apologize to Senator Storer for this being attached to her section of the bill. That was not the place I thought it would go when I, when I had it drafted up, because I, I came up with this idea originally because of the underlying LB935. I did not give Senator Bosn a heads up about that, and I apologize that I should've notified Senator Bosn about filing LB1097. I would say in Senator Conrad's defense, not that she needs me to defend her, I didn't ask Senator Conrad's permission to do this. I did tell Senator Conrad that I was going to do it because I'm a cosponsor of LB1097, and it is her bill. But sometimes in these conversations, you move quickly, things are dynamic, and we can, you know, maybe get ahead of ourselves in terms of checking all the boxes that we should have done. So I, I do think this is a really valuable conversation. I think there are really good parts of this bill, there are parts of LB937-- or LB935, sorry, and then AM2930 and AM2938 that I certainly am supportive of. And the reason I brought AM2938 was I really do support this, and I think it's something we should take up. If there is an opportunity to negotiate and find some fraction of that to move forward, I would be very interested in having that conversation. I don't know where folks

really are at on this, and so maybe we'll take a little bit of time. I see there's a lot of folks in the queue. I don't know if people will call the question really quickly here because of the temperature in the room. But if there is an interest in having some sort of amicable solution to AM2938, I am open to that. But to go back to what, what it is about, so the Nebraska Supreme Court ruled in Moser v. the State of Nebraska, which is, though spelled the same, I think is pronounced differently than our friend and colleague here. But a different person. And that case was about an individual who was double-bunked and was killed by his bunkmate after, I think, it was they knew they shouldn't have been doing that. So the state was taking the wrong action. And then the personal representative of Mr. Berry's estate-- so Mr. Berry is the victim-- sued the state. And then, the Supreme Court ultimately held that-- let's see, on September 15th, 2017, Moser filed an administrative claim under the State Tort Claims Act. No action was taken within six months. Moser filed this action on November 26th, 2018. In it, she asserted three causes of action. One, the state's negligence in breaching its duty to protect Berry from harms against which he was unable to prevent himself. Two, its negligence per se in failing to with the requirements of DCS Administrative Regulations 21-1001. And three, wrongful death under Nebraska Revised Statute 30-80-- sorry, 30-809. And so then the court ultimately held at the end-- I'm probably going to run out of time here, so I'm just trying to cut to the chase here. So Senator Conrad did mention this, the Supreme Court did say, of course the assault that Mr. Moser out-- that Moser outlines in the complaint was horrific. But in, in accordance with our case law, with respect to the intentional tort exception discussed above, we must conclude that Moser's allegations arose out of an intentional tort for, for purposes of STCA, State Tort Claims Act. To find otherwise would require the court to engage in very semantic recasting of events that we, we rejected in Britton. This we do not do. And then it says, the Legislature may wish to revisit the state's sovereign immunity in cases such as the one presented by the appeal, as indeed that body has done previously in response to decisions of the court. But it is clear that it is the province of the Legislature and not the court to make such policy judgments. So the court basically said, this might be a good idea, but it's not currently the law. And that's really where-- why we call it the "Moser fix," is the Supreme Court had said, we-- well, they didn't say we should do this, but they say that it's a policy decision left for the Legislature. And I think a lot of people

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have agreed, as was talked about, Senator Wayne passed a bill that then was vetoed, and that already addressed this. And as we have heard recently-- oh, I'm out of time.

STROMMEN: Time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

STROMMEN: Senator McKinney, you are recognized to speak.

McKINNEY: Thank you, Mr. President. I rise in support of the bracket motion, and I want to clarify some things. So, yes, I did ask for the ques-- for the things to be divided. But I was going to go to Senator Bosn and tell her of this, but before I could do so, the question was called. So I had no time. Yes, I could have came faster, but I assumed we were going to be able to have a conversation a little bit. And I was talking-- a couple people was asking me questions and I had to respond to some emails, but my intent was to go over and say, hey, they would like to divide the question. But instead of that happening, after about, I don't know, three or four people, y'all called the question, so we could talk about collegiality both ways. I had the intent to go talk to her about it, but before I could do so, we couldn't get through four people of debate before the question was called. I think that is-- so let's, let's not be hypocrites here. I can admit, yes, I should have talked to her, but my intent was to do so. But before I could do so, y'all called the question. So let be clear and, and-- clear about that. Y'all didn't allow for the queue to go behind-- beyond like four or five people, if I remember right. So let us be honest. Two, I, I really didn't like what happened. You know, we were called randomly to go exec and the votes were to IPP Senator Conrad's bills that deal with political subdivisions and holding them accountable for kids getting sexually assaulted. And I support Senator Storer's bill. I voted for it because I think kids should be protected. But then on the other hand, I don't think it was right for people to stand up and say we care about kids and they should be protected, but then you IPP a bill that would allow kids to be protected, or at least hold political subdivisions accountable for kids being assaulted. It's like you're talking out of two sides of your mouth there, if we're being honest. So it's just funny, but you know, I'm not surprised. This is the Nebraska State Legislature. Every day and every week there's hypocrisy just flowing out every day. But members wanted to divide the question because it was some bills they

liked and some bills they didn't like. And I was like, all right, cool. I don't got a problem with it. It's some that I was cool with and some I don't like at all. So I just wanted to be clear that Senator McKinney had intended to go talk to Senator Bosn, but I wasn't able to mainly because I assumed-- and I shouldn't have assumed-- that I had a little time. I responded to some questions from my staff, some emails and a couple other things and people asked me some questions, and I was going to get over there, but the question was called after, I don't know, like four or five people, which is very fast if you're watching. It was a long, long queue, at least, I don't know, not everybody, but it was enough people to assume there was some time to walk across and have the conversation. But somebody wanted to call the question. Can we talk about that? Why-- the tradition of calling a question after three or four people? That's a problem too. I think-- I don't think you could be offended when you voted to call a question after four or five people. Just being honest. So, I mean, yeah, I could've came sooner. I can admit that. But we also have to admit, at least prior to, I think, '23, when I was in this Legislature, people were not calling the question after three or four people. It was different norms. I know it was different times and different bienniums. But some things, you know, just we need to call a spade a spate. And wrong is wrong, right is right. So that's why Senator McKinney didn't communicate faster. The question was called and I was like, well, divide the question. So it is what it is, and we're here, and I think it was wrong to IPP Senator Conrad's bills. If we actually care about kids, we need to show it in our votes, and I don't think that showed anything. It showed that we protect political subdivisions over kids, if we're being honest. But you are protected in private schools, but not public schools, which is crazy in itself, if you think about it. A kid going to private school has more protections than a kid in public school--

STROMMEN: Time, Senator.

McKINNEY: --but people yell they love public schools all the time.

STROMMEN: Senator Machaela Cavanaugh, you are recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I rise in support of the bracket motion. I'm also going to be supporting AM2938. This conversation about collegiality has been interesting. I haven't considered this place to be collegial, at least towards me, for a very

long time, if ever. So, you know, I guess collegial is subjective. I will say that IPPing bills, because you're pissed off at a miscommunication or lack of communication does seem pretty juvenile and childish, especially when I'm looking at what LB1097 and AM2938 do. The Legislature hereby declares that the state agencies and political subdivisions shall be liable in sim-- in a similar manner and to a similar extent as a private individual or entity under like circumstances for tort claims rising out of sexual abuse of children and individuals with developmental disabilities. Yesterday was the disabilities advocacy day. A lot of people out there, lots of families. I think most of you went out and talked to them. So for the members of the committee that voted to IPP this, I hope that they will start calling your office and trying to explain to you how vulnerable their family members are for sexual abuse. Yeah, I mean, I'm not gonna be here next year. But I would highly recommend being cautious and remembering behavior like this when you're voting for chairs of committees. Are they going to take the job seriously or are they going to be juvenile and petty and call an emergency executive session because somebody introduced an amendment that's a hostile amendment, so they're going to take quick and swift action to make it even harder to protect children and developmentally disabled individuals? I would not vote for that person. I would take that person seriously, and I don't take that personal seriously. And I'll yield the remainder of my time to Senator Conrad.

STROMMEN: Senator Conrad, yield?

CONRAD: Yes, thank you, Mr. President. How much time do I have?

STROMMEN: 2 minutes.

CONRAD: OK, very good. Thank you, Mister President. Thank you to my friend, Senator Machaela Cavanaugh. I had an opportunity to visit with Senator John Cavanaugh and Senator Bosn, Senator Storer, and the Speaker, some other members who were interested in the discussion off the mic. And this is definitely an example of one of those points in late in session where everybody's working very quickly, but perhaps not as collegially as we could. In addition to that, there were a few pieces of missing information or miscommunication that I was able to share with Senator Bosn about how we derived at the moment, that I hope was helpful to contextualizing her understanding of the situation. We were able to put our collective heads together and find

a good resolution for this particular moment in our debate. So with that, Mr. President, I would like to withdraw my bracket motion.

STROMMEN: Without objection, so ordered. Next in the queue, Senator DeBoer.

DeBOER: Thank you, Mr. President. Well, I was just telling a colleague a minute ago that we're all mostly water, every one of us. We're, we're basically living right now on water, those white winter green mints that they have in the bowls, M&M's, a lack of sleep, some anger, some frustration, some hopes, but not very many. And we're doing some things that are maybe not entirely always as thought through from the beginning as possible. So we all make mistakes. We all make correct actions for the-- in the wrong timing. We all make all kinds of things, and here we are. And in the end, the 49 of us, crazy thing is, we're on the same team, trying to get things done for the state of Nebraska. So here we have another bill where some things have seemed like a good idea and then turned out not so great. But that's OK. I think we can get back to a different strain of argument now. I will say about the bill that is in discussion that I hope that this "Moser fix" does get resolved. And that's one of my hopes that I do still have, is that that's a thing that will get resolved here after I go in the next couple of years. And I have some encouragement that they will figure out a way to help kids in these situations. So I hope that they can do that. And with that, I would yield my time to Senator John Cavanaugh.

STROMMEN: Senator Cavanaugh, 2 minutes and 40 seconds.

J. CAVANAUGH: Thank you, Mr. President. Thank you, Senator DeBoer. Well, and I appreciate Senator Conrad withdrawing the bracket, because obviously we got to get the board cleared so we can move stuff around. So, while I appreciate the conversation on AM2938, and obviously I would share Senator DeBoer's sentiment that I would like to see this bill adopted, I don't think this is going to end up resulting in that happening by having this amendment on here. So I'm, I'm going to withdraw. But I'll finish my time before that, since Senator DeBoer yielded me a good amount of time. So the-- I've talked about the Supreme Court interpretation, and really it is about having an opportunity for people to have recourse when they have been wronged, and it is-- got put on this portion for Senator Storer's part because it specifically has to do with vulnerable populations who are victims

of sexual assault. And so I, I do think that that's something we should accomplish, we should do, and it has the potential to be a poison pill. And I've expressed some of my concerns about other parts of this bill, but there's other parts of the bill like Senator Storer's part that I'm supportive of. So don't want that to happen either, and so I'm going to withdraw this. But I was thinking before, you know, this conversation about collegiality, we can hit a reset here. We can-- Senator Conrad has withdrawn her motion, I'm going to withdraw this, because I think there are fruitful avenues of conversation. So I was thinking there's the show Ted Lasso, where he says, "Be a goldfish." He says, you know, a goldfish has a 10-second memory, so be a Goldfish. Swim past, and or move on. And then there's a musician called Ani DiFranco, I think is how you pronounce it, was popular in my youth. And she has a song that says: Goldfish have no memory. I guess their life is a lot like mine. And the little plastic castle is a surprise every time. And so I'm going to suggest to everybody right now to be a goldfish, and we'll reset. We can have this conversation in as constructive and positive a manner as we can. Keeping in mind, we will disagree about a number of things here, but we can do it in a better way. So I apologize to Senator Storer for causing problems on her bill. And I do still support AM2938, but Mr. President, I'd like to withdraw my amendment.

STROMMEN: So ordered. Returning to the queue, Senator Hunt, you are recognized to speak.

HUNT: Thank you, Mr. President. On my last turn, on my last opportunity, I spoke about the hypocrisy of our colleagues, who are big Donald Trump heads, big lovers of the "pedophile in chief," in my opinion, and all of the things that he's done to harm people in our country. All of his support for his best friend, Jeffrey Epstein, one of the most notorious child sex traffickers in recorded history, in our modern times. And, you know, there's another organization that's doing a lot to harm young women, and that's ICE. That's another organization that all of you are head over heels in love with, can't even do anything in this state to do anything to stop them. And during my break that I've had between my previous opportunity on the mic, I've collected some articles and I'll share some of the headlines with you. ICE is shutting down pregnant-- ICE is Shutting Pregnant Girls in a Facility with Inadequate Care, in an Abortion-banned State. A lot of these girls are turning up pregnant in the ICE facility, by the way. So who's getting them pregnant, everybody? Underage girls. Who are the

adults in the ICE facility who are getting them pregnant? Think about that. The abuse of pregnant women and children in U.S. Immigration detention-- this is a report from U. S. Senator John Ossoff, who's doing an investigation into that. This is from U S. Immigration and Customs Enforcement themselves from their own official website. DHS initiative uncovers widespread abuse, exploitation of unaccompanied kids placed with previously improperly vetted sponsors. It says, in the past four years, the United States saw a record surge in the number of unaccompanied alien children crossing its southern border. In many cases, these vulnerable children were released to sponsors in the United States without proper vetting. Some of the sponsors had paid smugglers to bring the children into the country or fraudulently claimed familiar relationships. As a result, these children were subjected to physical abuse and sexual and labor exploitation. Another one. Detained Immigrants Detail Physical Abuse and Inhumane Conditions at Largest Immigration Detention Center in the U.S. It says, human rights organizations, including the ACLU, sent a letter Monday-- this is from January 26, 2026-- to U.S. Immigration-- Customs and Enforcement, detailing accounts of violent assault and sexual abuse by officers. Some of the same sexual abuse, no doubt, happening to these underage girls in the ICE detention facility in Texas, where they're sending all the pregnant girls. Here's a report on Trafficked and Tortured, Mapping ICE Transfers, uncovering how immigration and customs enforcement weaponizes detention transfers of people in its custody to justify the padding of the agency's budget and as a harsh form of retaliation, torture, and labor trafficking. It says, for example, during a transfer, people are often not told where they are being transferred to or why. Throughout the journey, they may not be provided with adequate food, water, or even access to a restroom. This is an article. More than 700 Women Lost in ICE Detention. More than 700 women lost. Lost? More than 700 women were moved out of an Immigration and Customs Enforcement detention center, some with serious medical conditions, and lawyers have no information as to where they are. Starting in September, women were moved out of Kan-- out of the Karnes County Residential Center and sent to detention centers around the country so the Texas center could be used to detain families. Lawyers soon after began to report not knowing where these women are. And not having access to updated information on the ICE online tracking system. Here's another article from U.S. News. Mother was allegedly trafficked to U.S. and illegal-- illegally detained by ICE while accused abuser is free. What is concerning me most, and what

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I've actually seen rise to a level of public consciousness, which I think is a good thing, and it's why it's so valid to talk about on the floor, especially when there's an issue before us that's dealing exactly with this. And so many of you are speaking in support of measures to protect trafficked people, but then you go to the ballot box and you say, Donald Trump, my favorite person. I'm voting for you, I love you, thank you. I can't wait to do everything you tell me to do. And you come in here and do it. And then you say, ICE agents, thank you so much. I love that you're putting all these pregnant teenagers in this facility in Texas and getting them pregnant because ICE agents are raping them in this detention center. Your votes have to reflect what you say on the floor, and they don't. I think that that, you know, hypocrisy, whatever. Everyone's a hypocrite.

STROMMEN: Time, Senator.

HUNT: But you should be so ashamed at the lack of moral courage. Thank you, Mr. President.

STROMMEN: Senator Dorn, you are recognized to speak.

DORN: Thank you, Mr. President. I know most people have been dwelling on the Judiciary bill and amendment and all that and everything, but I've been listening to the conversation a little bit. But I wanted to get up and talk a little bit about what Senator Hardin's office sent out this morning was-- and, and talk little bit about how we dealt with this in Appropriations. And that is the-- our rural health transformation program that is, I call it, being from the federal government, the \$218 million, and how that's coming down and how that's-- they're putting more information out how you can apply for those grants and how those grants, some of those grants work. But Senator Hardin this morning sent out, him and his office sent out a email for some web connection links that you can do, or whatever, for that. What we did in Appropriations this year for-- worked with DHHS and-- Senator Clements and the committee did-- worked with them so that there's a separate fund set up that this can be deposited in, these funds can be deposited in. And then we gave the authority to allow them to be able to appropriate these funds. So without that authority, those funds would have come in and they would have just sit there. We probably couldn't have had them expend it, but that is things that are-- that happen. And part of what-- pull up the other part here, it comes from the Department of Health and Human Services,

and it's the Rural Health Development Transformation update, and it lists several things on there about how and when organizations, tribal health, nonprofit organizations, local governments, rural clinics, hospitals, and rural regional hospitals, how there's different programs that they can apply for and give some dates, which start here. Well, the release dates, but having a response back in a due date, and estimated intent to award issue date. And some of those here are in early April and stuff. So want just to make sure if, if you hear of somebody, or if there's someone out in the lobby or something that wants to, I call it, be brought-- or have that type of information or look more at that, and so that we make sure as a state that we get the best use out of all of that. I know they're working very hard to come up with those types of programs and those types of grants. And with the timeline that's out there, a shorter timeline, originally they said that the money all had to be spent by sometime in October. And since I've heard-- don't know if it's correct, but I think they have to be awarded by then. But tremendous opportunity here for the rural hospitals, the rural EMS squads, a lot of funding that is going to go, \$218 million, coming back to the state of Nebraska, federal funds to work through this process. And I'll yield the rest of my time.

STROMMEN: Senator Andersen, you are recognized to speak. Senator Jacobson, you are recognized to speak.

JACOBSON: Question.

STROMMEN: The question has been called, do I see five hands? I do. The question is, shall debate cease? All those in favor, vote aye. All those opposed, vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays to place house under call.

STROMMEN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house under call Senator von Gillern, Senator Dover, the house is under call. Please return to the Chamber. Senator Armendariz, Senator von Gillern, the house is under call. Please return to the Chamber. Senator Jacobson, we are lacking Senator

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Armendariz, would you like to proceed? There is a vote open. Senator Jacobson, would you accept call-ins? Mr. Clerk.

CLERK: Senator Ibach, voting yes. Senator DeKay, voting yes. Senator Storer, voting yes. Senator Andersen, voting yes. Senator von Gillern, voting yes. Senator Brandt, voting yes. Record, Mr. Clerk.

CLERK: 25 ayes, 1 nay to cease debate, Mr. President.

STROMMEN: Debate does cease. Senator Bosn to close.

BOSN: This is just on the division of the first amendment. OK, so this is Senator Storer's bill. Colleagues, this is the portion of the bill that addresses the child sexual assault material and the private right of action when someone is displaying that or sharing that information. So I would ask for your green vote on AM2930, and remind everyone this came out of committee 8-0. I ask for your green vote of AM2930, and then we can move to the next division. Thank you, Mr. President.

STROMMEN: You've heard the closing. The question is the adoption of AM2930. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 46 ayes, 0 nays on adoption of AM2930, Mr. President.

STROMMEN: The amendment is adopted. Mr. Clerk. I raise the call.

CLERK: Mr. President, next amendment, the second division, AM2927, consisting of what was originally LB935.

STROMMEN: Senator Bosn, you are recognized to open on AM2927.

BOSN: Thank you, Mr. President. Colleagues, AM2927 is the division that is LB935. For those who are following along, LB935 addresses abuses in civil litigation related to frivolous or harassing claims and the costs those claims impose on defendants, particularly the political subdivisions and ultimately Nebraskans and taxpayers. LB935 works as follows. A political subdivision may request attorney's fees and court costs when it is forced to defend a claim that is, quote, frivolous or intended primarily to harass the political subdivision or its public officials, end quote. If the court rejects the underlying claim against a political subdivision and the political subdivision requests attorney's fees, the court must hold a hearing to determine

whether the claim was frivolous or harassing. The bill also does reference what the actual definition is of frivolous. If the court determines the claim was frivolous or harassing, the party asserting the claim has the burden to rebut that finding or show that the claim is otherwise excused. If the party fails to carry that burden, the court must award reasonable attorney's fees and other expenses to the political subdivision. Colleagues, this does not diminish anyone's right to bring a meritorious claim. It is about protecting the integrity and fairness of civil litigation and limiting abusive or distorted claims practices. Colleagues, I ask for your green vote on AM2927. Thank you, Mr. President.

STROMMEN: Mr. Clerk.

CLERK: Mr. President, Senator Conrad, I have FA1069, FA1070, and FA1071, and FA1072, all with notes that you withdraw.

STROMMEN: So ordered. Returning to the queue, Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I'm glad we're to this next aspect of the division. I think this measure is generally straightforward. But I was hoping that-- and, and I think I'm supportive-- but I was helping that my friend, Senator Bosn, may yield to a question.

STROMMEN: Senator Bosn, would you yield to a question?

BOSN: Yes.

CONRAD: Thank you, Senator Bosn. One issue that I was trying to think through in regards to this very discreet component of the committee package, which is the umbrella bill for, for the other parts, but now the second division before us, I was thinking about this measure. And is this law change needed because the litigants are not attorneys, they're pro se, or-- because what I'm trying to think about is that if an attorney files frivolous actions, there's enforcement mechanisms in our rules of procedure, in our ethical code. So is this outside of a party that has legal representation, is this a pro se litigant that we're trying to get after? I just, I wasn't quite sure why the existing remedy wasn't sufficient if the goal was to address frivolous, frivolous litigation.

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BOSN: Thank you for the question. I-- as best I can tell, and I may have to come back to this--

CONRAD: Sure.

BOSN: --not because I am trying to thwart the question, but I want to be sure. I don't believe there's any requirement that you aren't or that you are represented by legal counsel. I don't know that it really takes up that issue as to whether or not. But I understand what you're saying. If you are filing frivolous actions or, you know, essentially harassing someone using your legal license, there are ramifications.

CONRAD: Right.

BOSN: This more specifically deals with frivolous lawsuits and the ability to recover those costs civilly. So I will look that up and get back to you, but I don't believe it really specifies one way or another.

CONRAD: Thank you. Thank you very much, Senator Bosn. I was just trying to reconcile those, those perhaps existing remedies with the remedy proposed in this legislation, because I think we do recognize that in rare instances there is frivolous litigation. And, and that's why we have as part of our jud-- part of our rules of procedure as attorneys in the federal and, and state courts constraints on filing frivolous litigation. And that can come with a, a host of different penalties or sanctions against, against the attorney in regards to the practice of law. So I wasn't 100% sure how that worked in conjunction with this piece here. The other piece that I did just want to lift up is, you know, trying to get a sense or an understanding about, you know, exactly the assessment as to what's frivolous and what's not. I know working with citizen activists and journalists, et cetera, sometimes citizens file a host of public records requests on a topic that they're passionate about, or are kind of considered frequent flyers amongst the, the government entities that possess the documents that they want to get more information about. And whether that's environmental issue or a fiscal issue or an expenditure or a policy that they're working on, or anything under the sun, right? When citizens have a right to petition their government and find out what they're doing in our name and with our money, some citizens file a lot more public records requests than others. Sometimes they file the voluminous requests, and our public records law kind of helps to

resolve potential challenges or conflicts in that regard to seek the right balance between government efficiency and, of course, government transparency. So, I-- everybody agrees we shouldn't have abusive practices in our courts, but we definitely don't want to arbitrarily limit access to the courts or to public information when perhaps we have other remedies at play in other aspects of the law. So those are some of the things that, that I'm just trying to, to reconcile or think through. And I think that we should have a pretty expansive view of that in order to not chill a citizen's right to utilize the court to effectuate claims that they believe are important to them, even if they don't seem important to us at face value. And I do believe our judges are very adept at being able to suss out what claims have merit--

STROMMEN: Time, Senator.

CONRAD: --and which do not. Thank you, Mr. President.

STROMMEN: Senator Holdcroft, you are recognized to speak.

HOLDCROFT: Thank you, Mr. President. First, I'd just like to talk to-- to explain the strategy that's kind of going on here with for our audience, and also for some of our new members of the, of the Legislature who may not have really come across this division and the way we're proceeding. So we've-- normally this would be-- this is a committee priority bill that has a number of bills amended into it, and normally we would take it, even at cloture, as one package and vote as one package. But the opposition has identified a couple of the bills that are in it that they would really like to separate out and vote-- vote down. And so they've asked for a division. And so now we're considering all the bills that are attached to LB935 one at a time. And the chair, the chair of the committee has, has specified exactly in what order we will consider each one of these bills. And putting of course the most controversial ones at the end, because if we get to cloture after eight hours of debate and we have not voted on all the various divisions, then they automatically fold back into one bill and we vote on the one bill. So one strategy is to just keep debating these individual divisions until you get to eight hours, and then they all fold back into one another, and we vote on them as one package. So that's kind of the strategy that's going on right now. My bill, LB12-- LB1228, is one of the controversial bills, the one that has the fees in it, and so it is going to be last in the debate. And,

and so, and that's probably quite a ways down the road, but I would like to start speaking to the strategy of how we came up with the specific features that, that we have in LB1228. There are really two questions. The first question is, how do we fund our court system? Do we do it 100% on the back of the taxpayer and not charge the individuals who use the system anything? Or do we have some kind of a split? And, you know, most of the court fees are covered by-- through taxes. But then there are fees depending on the litigation that's going on for the individuals who are using the court system. That's where we are now. And the split, anecdotally, I mean, I got a comment from the court administrator. We're, we're split about 80% is covered-- of the court costs are covered by taxpayers, with about 20% covered by court fees. If you don't increase court fees over, over the years, from year to year, guess what happens? Inflation grows, the court, court costs go up. And you're not increasing fees, so the burden on the taxpayer gets more and more and more, and now we start moving to 85%, 90%. So I think it is prudent on a regular basis to increase the court fees, to keep that balance. So that not all of the court's fees are-- costs are laid on the taxpayer, and a certain portion, really a relatively minor portion, is left to the individuals who are using the court services. So if you agree with that, then the next step is, OK, how much do we increase court fees? And the logical thing would be to say, you know, if court costs go up 2%, increase court fees 2%. Keep that balance between what is being paid by the taxpayer and what is being paid by the user of the system. And so that's kind of the way we started. I mean, unfortunately for the last 20 years, as I mentioned in my opening, we have not significantly raised court fees and therefore we-- we're getting into this imbalance. And so this LB1228 attempts to rebalance that mix. And I'll go on my next time up, I'll try to go into some detail on how we came up with the fees that we have in the bill. Thank you, Mr. President.

STROMMEN: Senator Quick, you are recognized to speak.

QUICK: Thank you, Mr. President. And I was going to talk quite a while ago about another part of the bill, so I'm not specifically talking about this part. But it has to do with the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Act. And I know I talked to Senator Ibach a little bit about it, and so we're trying to maybe work on some things on that because Grand Island is actually part of an MSA. And in this, it goes up to 70-- 75,000 inhabitants of a county, but it says, and "not included within a metropolitan

statistical area," which Grand Island is actually part of. And actually, within Grand Island's MSA is Hall County, Hamilton County, Merrick County, and Howard County. So currently, Hall County, in looking it up, it said we're at 63,000 population for Hall County. Hamilton County is only 9,600. Merrick County was 7,800. And Howard County is 6,500. So I don't know currently if under those, you know, currently it's 15,000 population or less to receive some of those funds. So hopefully, Hamilton County, Merrick County, and Howard County-- I don't know if they currently qualify or not, so we're trying to find out some of those answers as we go along. I know I'd received an email from our county attorney in Hall County, and they were really wanting to be part of this. And I think that's one of the things we probably overlooked is that we're actually in, in an MSA, so even if the-- we leave the population at 75, we're also part of an MSA and probably wouldn't qualify. So hopefully we can work on some of that. One of the areas of concern, especially for Hall County, is he was talking about we have a 14-attorney office for-- in the county attorney's office, and we're 6 attorn-- attorneys short. So there's really a need to find enough attorneys to help serve in our county with all of the, the workload that they have and the number of cases that they have. We, we have a pretty, pretty diverse community, you know, and really the county is pretty diverse as well. So looking at making sure that we can get enough, you know, entice attorney, attorneys to come to Grand Island and to Hall County to, to help take care of some of that workload that we have going on. I know here recently, I think we did gain another county judge. I know they were looking more to see if we could get a juvenile justice, but they were-- we were able to add at least one county judge to help with some of the juvenile cases that we have in our area. And along with the judges also, you know, while I was, while I was out of the Legislature and still currently working on-- I've worked on a lot of juvenile justice issues in our county to try to figure out ways that we can help kids, keep them out of juvenile system, work with them and their families. Maybe define areas where we can actually do better to try to keep kids out of the detention centers in our state. We don't currently have a detention center in Hall County or Grand Island. If there's anybody that needs-- that has to be transported, usually the county sheriff does that work, and they would have to transport them to either up to Madison or to Omaha and maybe possibly Lincoln. And so those are areas that we're trying to address within our county, just to try to help, not only just help the kids-- and that's the most

important part, helping the juveniles who maybe have some issues with getting in trouble or whatever, but just trying to keep them out of that detention center and maybe do more of that work within our community. So, you know, we'll keep working on this. I'll keep talking to Senator Ibach and, and some of the lobby to try to get this worked out. And with that, I'll yield the rest of my time. Thank you, Mr. President.

STROMMEN: Senator Hunt, you are recognized to speak.

HUNT: Thank you, Mr. President. I've got some more articles that I found about your very favorite guys in the world, ICE. Here's some headlines. ICE is jailing, deporting victims of human trafficking, domestic abuse, suit says. Here's one. At least two dozen U.S. Immigration and Customs Enforcement employees and contractors have been charged with crime since 2020. And the wrongdoing includes patterns of physical and sexual abuse, corruption, and other misuses of authority, a review by the Associated Press found. Here's one from Minnesota Public Radio. Twin Cities ICE employee among 16 arrested in child sex trafficking sting. Here's one from the AP. Several ICE agents were arrested in recent months showing risk of misconduct. Here's one from the Marshall Project. They do a lot of very in-depth reporting. They say, How ICE is Making it Harder for Immigrants to Escape Domestic Violence. Increased enforcement and Trump's policy changes are causing some people to remain in abusive relationships rather than risk deportation, experts say, which people have been talking about for years and years and years. And really underscores, no matter what we do, no matter what we do, especially as a conservative state Legislature in a red state, to try to put a foundation of support under survivors of abuse, assault, sex trafficking, exploitation, no matter what we do as the state to wrap arms of support around them and make it easier for them to move on from that trauma, as long as we are supporting institutions like ICE, politicians like President Trump, that support rings completely hollow. Because the support that they actually need institutionally is not there. This article from Truthout, they also do a lot of in-depth reporting. These Women Exposed Prison Sexual Abuse. Now ICE Wants to Deport Them. So it's a matter of federal policy, colleagues, that women who experience trafficking, abuse, domestic assault, they are suppressed from even reporting that and coming to authorities and sharing those experiences, because they think they're either gonna get locked up or they're gonna get deported. And none of those things are

conducive to justice. This recent article from NPR from March 3rd, 2026, just a few weeks ago, pregnant migrant girls are being sent to a Texas shelter flagged as medically risky. It reads, the Trump administration is sending all pregnant unaccompanied minors apprehended by immigration enforcement to a single group shelter in south Texas. The decision was made over urgent objections from some of the administration's own health and child welfare officials who say both the facility and the region lack the specialized care the girls need. That's according to seven officials who work at the Office of Refugee Resettlement within the U.S. Department of Health and Human Services, which takes custody of children who cross the border without a parent or legal guardian or are separated from family by immigration authorities. The children remain in ORR's care until they can be released to an adult or deported or turn 18. It says, all of the officials asked not to be named for fear of retaliation. Since late July, more than a dozen pregnant minors have been placed at the Texas facility, which is in the small border city of San Benito. Some were as young as 13, and at least half of those taken in so far became pregnant as a result of rape, officials said. The pregnancies are considered high-risk by definition, particularly for the youngest girls. Quote, this group of kids is clearly recognized as our most vulnerable, one of the officials said. Rank and file staff, the official said, are, quote, losing sleep over it, wondering if kids are going to be placed in programs where they're not going to have access to the care they need. The move marks a sharp departure from long-standing federal practice which placed pregnant unaccompanied migrant children in ORR shelters or foster homes around the country that are equipped to handle high-risk pregnancies. The ORR officials said they were never told why the girls are being concentrated in a single location, let alone this particular shelter in Texas. But they worry the Trump administration is knowingly putting the children at risk to advance an ideological goal, denying them access to abortion by placing them in a state where it's banned. Asked if the administration is sending pregnant children to San Benito to restrict their access to abortion, HHS said that was completely inaccurate and that their placement decisions are guided by child welfare best practice.

STROMMEN: Time, Senator.

HUNT: Thank you, Mr. President.

STROMMEN: Senator Jacobson, you are recognized to speak.

JACOBSON: Thank you, Mr. President. I guess I would just say that we've, we've spent some time on the mic with-- about some rhetoric about our president. And everybody can have their own view. I'm not here to defend the president, but I do remember President Bill Clinton had a few mishaps along the way. I wouldn't want him training interns for me. Just thought I'd point that part out, but I see Senator Hunt missed that part when she was talking about it. I'd also ask the question what President Biden was doing when our borders are being overrun by illegal immigrants, and that what are we supposed to do with them today? How many billions of dollars are we spending to provide housing, medical care, and other services so that we can house illegal immigrants here in this country, because the president failed to do his job at the time to protect our borders? How many other countries are allowing that? I remember going to Canada a few years ago. We were going on a cruise and we, we decided to drive through Canada, waited in line four hours at the border to be admitted into Canada with our passports. Would they have put up with that activity? I doubt it. So when you start throwing stones, just remember, try not to be in a glass house when you do it. I get really annoyed by all of this one-sided, our President is horrible. We can go back through history and point out a lot of misdeeds by previous precedents-- presidents in both parties. As far back as I remember, think if we had social media when President Kennedy was president. There were a few items that could have been written about back then too. So I'm just saying that the rhetoric gets a little thick at times, and I get a little annoyed by it. But we are trying to talk about serious issues on this floor. I appreciate a lot of the commentary about issues that are real, people that need to be protected, about the judicial system and what the fees should be. I understand the concept that I would rather that people pay fees for services and that the fees be commensurate with the cost of providing that service. I'm also sensitive to those people that can't afford to have access to the jud-- judicial system, and because of that, we, we-- I don't want that to be an impediment to have access to the judiciary. So I understand that debate, and I think that debate has been good. But when we talk about civility, why don't we stick to things that this Legislature can control, not a bunch of rhetoric about national news, not about Jeffrey Epstein-- which I think there are a number of politicians on both sides of the aisle that were good friends with Jeffrey Epstein,

that were in photos, that went to his island. That's not our job to litigate here. And I don't know why we're wasting any time on that. With that, thank you for the time, Mr. President. I hadn't spoken today. I thought I'd just kind of counteract a few of what got said. Thank you.

STROMMEN: Senator Hallstrom, you are recognized to speak. Senator Holdcroft, you are recognized to speak.

HOLDCROFT: Thank you, Mr. President. I'd like to continue on my-- our discussion of fees, the appropriate fees, how much-- how much should they be, and how did we come up with the numbers that we came up with. So right now, our fees are the lowest of all five of the states that are around us. I mean, we're about one-third the fees in Colorado, we are about half the fees in Iowa, and we are below Missouri, Kansas, and South Dakota in our fees. So I think it's appropriate to-- and that's the way we took the initial stab. We said, well, let's kind of go to the middle. Let's be the same as Iowa, as far as our fees went. And that turned out to be, for some, that was just too high. So then we started to look at, well, how much have they gone up in the last umpteen years? And for each one of these categories, we went back to the most-- when, when was the last most significant raise of that particular fee and how much is it-- and when was that, and how much has it raised since? And in almost all of these cases, 2003 seemed to be the year when we were raising fees. And they were going up 14%, 18%. But since then, we have hardly, in, in each category, hardly raised fees at all. Most years are 1%. Some years are 0%. And so over the last 20 years, we've not significantly raised these fees. And therefore, the cost to the, to the taxpayer to fund the court system has steadily been raising. So I think it's time that we take a good solid look, and how much should we raise these fees. And what-- I have to give compliments to Denny Vaggalis, who's our legal counsel in the the Judiciary Committee, and also Senator Bosn herself, who worked very hard, very hard with the individuals to get these numbers to a point where our committee could, could vote to advance this bill out of committee. And I have to remind people that it came out 7-0 with 1 present, not voting. So I mean we, we worked very hard to get consensus within the committee to come to the numbers that we have. And in general, if you look, if you do the vision, you do the math, it turns out to be about an increase of 1.5% over the last years since the last time we raised these funds. So I think they're reasonable, I think, in, in, in most cases-- and then we-- I have to add that there

was also a request for an increase in funds to cover a new case management system. Our case management system has been around for a long time. I was amazed at whoever you, whether you were talking to a prosecutor or a defense attorney or to a judge, they all said the current system is antiquated and it's hard and it causes delays, and it needs to be improved. And so to fund that, we're also adding \$10 per case to raise money to, to again provide a system, a better responsive system to the people who are using the court system. So if you do all that, our district court civil costs increase from \$89 to \$144. Now \$144. In, in Colorado, that same court cost is \$265. So it's about, still about half of Colorado. In Iowa, it's \$195, so we're still below Iowa. And in Kansas, it is \$195, we're below Kansas. In Missouri, it's \$84, so a little above there. And South Dakota, it's \$97, so we're above them there. So we're right kind of in the middle for that particular category. For county courts, and county courts, some, some states don't have county courts, so there's not a direct comparison. But for, for-- let's see, for our new cost is \$70. In South Dakota, it's \$72. And in Colorado, it's \$95. So we're below on each one of those. And then divorce and disillusionment, the new cost is \$200. In Colorado, it's \$260. In Iowa, it's \$265. In Kansas, it's \$195. And then in Missouri, it ranges up to \$198, so right in the same range. Thank you, Mr. President.

STROMMEN: Senator Hunt, you are recognized to speak.

HUNT: Thank you, Mr. President. Is this my third opportunity?

STROMMEN: Second.

HUNT: Thank you.

STROMMEN: It's your second.

HUNT: Thank you, you know, I suppose Senator Jacobson thinks he did something by bringing up Bill Clinton. Girl, lock him up too. I don't like him either. I don't like anybody who is friends with Jeffrey Epstein. You think you got me on that one? I don't like him, either. I don't like anybody who defends sex traffickers, including Donald Trump. That would include you. I don't like anybody who harms women and children. And my record on standing up against that is clean. So no, I don't like, I don't like Bill Clinton either. And anybody in that group, they can all go to jail and rot for all I care. You listen

to what I said, I said we have to be willing to confront sexual abuse wherever it appears, even if it comes at the hands of people we admire. There was recently a New York Times investigation on Cesar Chavez, brilliant, noted labor leader who was admired by so many people. And he built a labor movement with Dolores Huerta, who it came out he was raping, assaulting for years, and she couldn't say anything about it. It came out that he was raping and assaulting underage kids for years, and they couldn't anything about it. And his memory is soiled too now, as it should be. Nobody should get away with these things. I don't care what else they stood for. I don't care what else they did. That is the most despicable thing you can do. So there's no planet in the universe, there's no scenario ever where, you know, I would ever stand up on the mic and say something like, well, we can't litigate what happened on Epstein Island. That's none of our business. We don't know what happened there. It's not exactly our business, but I'm gonna judge your character and I'm gonna be critical of your lack of judgment when you stand by a man who, who watched that kind of abuse happen. When you hear evidence with your own ears and you see it with your eyes and you go, I'm not an attorney. That's not in my business. You know, that is a flaw of character. That's a failure of courage. The Trump administration is sending these pregnant migrant girls to one facility in Texas. Reportedly, according to these staffers at ORR, because that's a place where they can't get abortions. Now, OK, to say nothing of the fact that as long as women have been getting pregnant, there have been women who didn't want to be pregnant and they have found ways to end that pregnancy. So I don't-- we know that going to Texas is not necessarily going to prevent abortion, because it doesn't. It just makes it less safe. And it puts these girls at more risk, especially given that, according to this article from NPR, over half of them are pregnant by rape. There's kids, there's girls, underage, that are becoming pregnant in ICE facilities. Who's doing that? Use your brain. It is not safer for these children to be in ICE facilities than with their parents, in school, with their families, not separated from their parents, many of them migrants, who've been targeted for removal from this country when they're just trying to earn a living, have a job. I think that one reason that Republican women talk so much about trafficking and sexual assault and abuse and why they really feel that that's a banner that they can carry with pride is because they're not feminists. But this is kind of a feminism-adjacent thing where we're standing up for women in one way so we can feel good about ourselves. But when it really

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comes time to pick up the mantle of women's rights and freedom and equity for girls and gender equity, they're not there. Because we've got kids, we've underage girls getting raped and pregnant and getting substandard medical care in government facilities, and you voted for that. And then we got people on the mic scolding me for saying so. I didn't do it. But I'm not going to stand up here and say it didn't happen. Thank you, Mr. President.

STROMMEN: Senator Holdcroft, you are recognized to speak, and this is your last time on the amendment.

HOLDCROFT: Well, thank you, Mr. President. And I just, I won't take my whole time. I just wanted to finish up my comparison between the new, the new court fees and the comparison to our-- the states around us. So for traffic, the new fee is \$95. In Colorado, it's \$300. In Iowa, it is \$55, so go, go speed in Iowa. In South Dakota, it's \$105, again, compared to our \$95. In Missouri, it is \$91. And in Kansas, it's \$100. So really, pretty much the same. And then finally, small claims. Our new fee for small claims cases is 55-- \$58. In Colorado, it was \$55. In Kansas, it's \$67. In Missouri, it's only \$21. In South Dakota, it's \$43. And in Iowa, it's \$95 compared to our \$58. And I would say that-- I would also mention that Senator DeBoer has an amendment coming up that will affect the small claims. It'll actually break it out depending on how much you're suing for equates over to how much you pay in, in court fees. And that's a friendly amendment. So I would look, look forward to that. So, you know, that's where we are. That's how we came up with these numbers. Again, we worked really hard with the members of the Judiciary Committee to try to come through some numbers that they could vote for, and hopefully that's reflected in the body. And with that, thank you very much, Mr. President.

STROMMEN: Senator Juarez, you are recognized to speak.

JUAREZ: Good afternoon, and thank you very much, Mr. President. And hello to everyone online. Senator Holdcroft, I wondered if you would yield to some questions.

STROMMEN: Senator Holdcroft, would you yield to a question?

HOLDCROFT: Yes.

JUAREZ: Thank you. And I don't know if you'll know the answer, maybe Senator Bosn might have to help us out. But I was looking at these

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fees, and I'm wondering, what does this one stand for that says LEIF, \$2? What does that stand for?

HOLDCROFT: Is that in the bill? I'm sorry.

JUAREZ: It's in a handout that I have about-- I'm sorry, about the explanation of the fees. If you don't know the answer to that one, that's OK.

HOLDCROFT: Well, L-E-I-F, I'm not sure what that stands for, I don't have that.

JUAREZ: OK, I have a different question. So there is this uniform data analysis fee. Are you familiar with that one?

HOLDCROFT: I'm not-- I don't have the form or the handout that you're referring to, so no, I don't know what that stands for.

JUAREZ: OK. How about this question? Do you-- are you familiar with an automation fee?

HOLDCROFT: No, I'm not familiar with an automation fee.

JUAREZ: OK. Senator Bosn, I'm sorry, could you yield to a question?

STROMMEN: Senator Bosn, would you yield to a question?

BOSN: Yes, but I apologize. I wasn't listening to the full extent of the question. So you'll have to repeat it.

JUAREZ: Yes, you're OK. So I, I was trying to look at these fees that we're discussing, and is there a uniform data analysis fee?

BOSN: Can you tell me where you're looking?

JUAREZ: I just have my own reference that I have from my office helped me prepare. Do you have a list of the fees that you guys are discussing for the statute?

BOSN: I, I guess without some sort of ability to draw that to the legislation here, I, I'm not able to answer those questions because I don't know what you're looking at.

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JUAREZ: OK.

BOSN: Sorry.

JUAREZ: That's OK. I yield the rest of my time. Thank you.

STROMMEN: Senator Bosn, you are recognized to close on AM2927.

BOSN: Thank you, Mr. President. And I apologize for my-- I wasn't paying close enough attention. This is my LB935. I apologize because we've been skipping around talking about court fees, and so now we're back to LB935. Colleagues, this bill came out of committee 8-0, had no opposition testimony. We had a couple of testifiers, significant letters of support as proponent comments. I think we should make this meaningful step forward. It's a good effort to try to provide some protections while still enabling meritorious claims to go forward. I ask for your green vote on AM2927, and I would ask for a call of the house.

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

CLERK: 17 ayes, 10-- excuse me, 17 ayes, 0 nays to place the house under call.

STROMMEN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Hallstrom, Senator DeKay, Senator Andersen, Senator Sorrentino, Senator Lonowski, Senator Murman, Senator Ballard, the house is under call. Please return to the Chamber. Senator Andersen, Senator Lonowski, Senator Hardin, the house is under call. Please return to the Chamber. Senator Bosn, we're lacking Senator Andersen and Senator Hardin, would you-- the question before the body is the adoption of AM2927. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 1 nay on adoption of the amendment, Mr. President.

STROMMEN: The amendment is adopted. I raise the call. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Items for the record. Your Committee on Enrollment and Review reports LB768, LB838, LB901, LB1067 as correctly engrossed and placed on Final Reading. Your Committee on Enrollment and Review also reports LB1126, LB937, LB1135, LB889, LB878, LB1261, LB820A, LB847A, LB901A, LB1101A, LB1181A, LB1235A, LB912A, LB933 to Select File, some having E&R amendments. Your Committee on Judiciary, chaired by Senator Bosn, reports LB965 to General File with committee amendments. Your Committee on Transportation and Telecommunications, chaired by Senator Moser, reports LB1092 to General File. Amendments to be printed from Senator McKinney to LB1135. New LR, LR484, from Senator McKinney. That will be laid over. New A bill, LB972A, introduced by Senator Fredrickson. It's a bill for an act relating to new appropriations; to appropriate funds to aid in the carrying out of the provisions of LB972. Additional A bill, LB525A, introduced by Senator Jacobson. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out the provisions of the LB525. As it concerns LB935, Mr. President, Senator Bosn would move to amend with the third division, AM2931, consisting of what was originally LB876.

STROMMEN: Senator Bosn, you are recognized to open on AM2931.

BOSN: Thank you, Mr. President. This bill is, is LB876, which was introduced by Senator Hallstrom. So I'm giving him a heads up that I'm going to yield him the remainder of my time. Colleagues, as originally filed, this bill would have allowed law enforcement to issue protection orders for individuals immediately following a, a domestic assault or a sexual assault. What we ultimately amended and changed this to was a enormous feat, and Senator Hallstrom worked with all of the stakeholders, the proponents, the opponents, those who came in a neutral capacity, to try to come up with something that still provided appropriate protections to victims, provided the ability to waive those protections if they should so choose to waive them, but also to really make sure that victims are informed, prospective defendants are informed, and that there's a clean, smooth court process. This bill creates a statewide no-contact period that applies when a person is arrested. During that period, they must avoid the alleged victim. That includes going to their place of residence. That includes having other individuals contact the victim. The purpose here, colleagues, is to provide immediate uniform protection in those immediate days after an arrest. Oftentimes, think, think of a domestic assault that occurs on a Friday. Obviously, if the victim wished to seek a protection order,

the courts are closed on Saturdays, the courts are closed Sundays. The courts are open again on Monday. We've now waited three critical days. So this allows for protections for that individual with enforcement action. This bill also came out of committee 7-0-1. And with that, Mr. President, I would yield the remainder of my time to Senator Hallstrom.

STROMMEN: Senator Hallstrom, you are recognized to speak. 8 minutes, 7 seconds.

HALLSTROM: This seems like a lifetime. Thank you. It's kind of like a rumba dance. It's about the third time I've been up to talk about LB876. Senator Bosn did a nice job of setting the stage. I'll go into, perhaps, a little more detail. One of the things that I haven't talked about is that last year when we passed LB80, which was another bill to provide protection to victims of sexual assault, domestic abuse, and so forth, was that we needed a cleanup to the protection order statutory changes in that bill. And what we had discovered was from recent protection hearing orders in Douglas County, the court had been-- had given rise to the need for these revisions. And specifically on pages 11 and 12 of AM2743, those are found in section 9, we have changes that make it clear that if the respondent is present in court when the judge issues the final order, protection order, that in and of itself satisfies the notice requirements and no further service is needed. This is a, kind of a technical issue, but it closes an unintended gap in the statute that was unwittingly created last session where the required present in-court language only applies when the respondent was present for an ex parte hearing. With regard to the rest of the, the bill, as I previously indicated, and I'll just reiterate, there was a great deal of work that went on not only within the committee, but with regard to interested parties, including the Supreme Court administrator, criminal defense attorney's representation, the Fraternal Order of Police, and the County Attorney's Association. But simply put, when we started out, we had a process that is similar to one that's in existence in California, would have allowed law enforcement officers to issue direct immediate protection orders subject to subsequent judicial review. We found out that that was going to have some logistical problems and concerns from the judiciary, from the Bar Association, and others, so we retooled, we regrouped, we spent a number of hours. Some meetings I attended, most of them were attended by other folks who put their thinking caps on, brought recommendations back to me, and we continued to work on

them diligently, as well as with the committee. And we came up with what is contained within AM2743. That particular provision in and of itself in the form of LB876 as amended by the committee was advanced on a 7-0 vote. And it now consists of sections 8, 9, 19, 26-32, 34, and 39 of AM2743. And it's now before you in the amendment that's on the board. But in essence, the sea change that we made is now acceptable to all of those parties who worked on it. And it adopts or, or creates a no-contact order for a period of 72 hours for victims of felony sexual assault and domestic assault. This is the time when you have the most vulnerable for the victims of sexual assault or domestic assault. It's kind of interesting, I, I always think about watching a movie and you see in here that they say you only have one call now that you've been incarcerated. And you'd typically think that you'd call a family member to bail you out or you might call your attorney. But in these particular instances, to the contrary, the victim is called. And the victim is called typically for one reason and one reason only, and that's to intimidate them, to try and convince them that they should drop the charges or not testify, things of that nature. So that 72-hour period where we're now allowing the law enforcement officer to issue the no-contact order for that 72-hour period is very, very significant. I've indicated there are a number of procedural or due process provisions that are in the bill, specifically domestic assault under section 28-323, and felony sexual assaults are those that are now covered. So we've limited the field of assaults which are subject to the new no-contact order that's proposed under this legislation. We allow the victim to waive the no-contact order by signing a written waiver. We require law enforcement officers to provide the arrested person with a printed advisement. Those are set forth in the bill specifically. Arrested persons must also be advised of the no-contact period upon release from custody orally and in writing if the release is prior to the termination of the no-contact period. Violations of the no-contact period can be punishable by a Class I misdemeanor, and second or subsequent offense can be punishable with a Class IV felony. And finally, the no-contact period does not apply if the victim provides a written waiver or the arrested person is discharged after the court finds there is no probable cause. So I would certainly encourage you, with all due haste, to approve this amendment and move on to the next division of the question. Thank you.

STROMMEN: Senator Spivey, you are recognized to speak.

SPIVEY: Thank you, Mr. President. And thank you, Senator Hallstrom, for the explanation. Following all of the divisions can be a little bit difficult since there is an amendment, and to see what changed from the original introduced bill. And so I didn't get a chance to ask before off the mic, but was hoping that Senator Hallstrom would yield to a few questions.

STROMMEN: Senator Hallstrom, will you yield to a question?

HALLSTROM: To the best of my ability.

SPIVEY: Thank you, Senator Hallstrom, and sorry, I cannot-- it feels weird with you being directly behind me trying to ask, so I'm just gonna face forward--

HALLSTROM: I'm still back here.

SPIVEY: --so it's not awkward. So I appreciate the explanation and the changes in the amendment and you working with the different interest groups around the actual implementation of this. And so I just was wondering from the amendment side, and as you have thought about that, usually the officer when they are called to a disturbance or a domestic violence call, they make the decision of who is the person that-- like someone usually goes to jail, right? Like Douglas County, like someone who is causing that disturbance or that harm, someone is being taken to jail. And so that is usually the discretion of the officer. And because they now have that extended to put in that temporary order of restraint to separate the parties, what happens if the officer feels like they are both engaging and cannot assess an aggressor?

HALLSTROM: Well, I would assume that the officer, as would be the case today, is going to use their discretion in terms of what decision they make, whether anybody goes to jail, whether they feel that there's been a violation for which incarceration is required. I think, I think the key that we have here is that what we're looking at is the officer can issue the no-contact order. The effects of that no-contact order are obviously significant, they're enhanced. And probably just as significantly is that subject to all the due process protections that I said are, are inherent. That the victim knows that they're protected, the alleged perpetrator knows upon discharge that this no-contact order is in effect, and that there are significant

repercussions for violation of that. So I think that's where the enhancement of the law and the protection of the, of the potential victim is involved.

SPIVEY: Thank you. And then my last question, you mentioned about the amendment that there is still-- the judge has the ultimate decision to decide if charges will be filed, if they'll be dismissed, and so forth. So because the no-contact order comes more immediately, do you know if that court date or that judgment is expedited or does it follow the traditional kind of time frame that you usually see in these types of cases?

HALLSTROM: Yeah, what, what you're going to look at is that the court within that 72-hour period, unless based on when the incident occurred, that you've got a legal holiday or a long weekend, something of that nature, that within that 72-hour period, as soon as the court is in session to where they could take the matter up, and there are-- some of the larger counties I understand, and Senator Bosn may know more about this than I do, but some of larger counties actually have someone on call during the weekend, that they may have a regular review of anything that came up on Friday night, for example, that is taken up on Saturday to ensure, to the best extent possible, they can try to address their, their situations. And if someone is in that needs to be bailed out or someone is in and the judge determines that there should be no charges, they should be released, they try to get through those things as as quickly as possible.

SPIVEY: Thank you, Senator Hallstrom. I appreciate you answering my questions, and apologize I was not able to give you a heads up. So I appreciate the extra dialogue and just trying to make sure I understand the implications of the bills. I-- and this is why I appreciate the division of the question, because the initial underlying bill, LB935, was so hefty, there's a lot of moving parts and components. And I want to make sure that I'm understanding what my vote means, the implications of policies that we pass, because they are-- have really big ramifications. And so I appreciate the extra dialogue and clarity provided. Thank you, Mr. President.

STROMMEN: Senator Bosn, you are recognized to speak.

BOSN: Thank you, Mr. President. Just in listening to some of the questions from Senator Spivey to Senator Hallstrom. I appreciate those

questions. I just wanted to provide a little more clarity in, in hopes to help everyone, including those, to understand sort of the significance of-- if I understood the questions correctly, it's how does the law enforcement decide who is the primary aggressor and what decisions are made as a result of that? And if you look at Chapter 29-439, specifically, domestic assault arrest conditions report required. So under Chapter 29-439, it really spells those out. It says, if a peace officer receives complaints under Chapter 28-323, which is the domestic assault statute, from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the predominant aggressor. If the officer determines that one person was the predominant aggressor, the officer need not arrest the other person believed to have committed an offense. In determining whether a person is the predominant aggressor, the officer shall consider, among other things: A, prior complaints under the domestic violence statute, 28-323; B, a relative severity of the injuries inflicted on each person. I can tell you from a case I had years ago. The female individual had significant injuries. She had been strangled. She had petechiae. She had significant bruising, cuts to her arms and legs, and torn clothing. The male individual, who was actually the reporting party and claimed to be the victim, had a scratch on his finger. So you compare the severity of those injuries. C, is the likelihood of future injury to each person; and D, whether one of the persons acted with a justified use of force under sections-- so essentially defense of self or defense of others. So in addition to any other report required, a police officer who arrests two or more persons with respect to such a complaint shall submit a detailed written report setting forth the grounds for arresting multiple parties. So the statute isn't to say you can never arrest two individuals for mutual incident-- incidents, but it really does require the officer to determine who is the predominant aggressor, and it sets the sta-- the standards as to what should be taken into consideration for that purpose. And I hope that provided a little bit more clarity, but I'm happy to answer questions if anyone has any. Thank you, Mr. President.

STROMMEN: Senator Hallstrom, you are recognized to speak.

HALLSTROM: Yes, I want to thank Senator Bosn for that clarification. That was exactly what I intended to say, and I do appreciate her clarifying. And for the record, I'll, I'll note that she also

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clarified that for me. So thank you. And I would again encourage your support of this amendment and the underlying bill.

STROMMEN: Senator Bosn, you are recognized to close on AM2931.

BOSN: Thank you, Mr. President. Again, AM2931 is Senator Hallstrom's no-contact period bill. It was initially filed as LB876. This is designed to provide some protections for that immediate period of time following a domestic assault or a sexual assault. This bill also came out of committee 7-0-1, and so I ask for your green vote on AM2931. We'll see if we need a-- we can try it without a call of the house. We'll see. Thank you, Mr. President.

STROMMEN: The question before the body is the adoption of AM2931. All those in favor, vote aye. All those opposed, vote nay. Mr. Clerk.

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

STROMMEN: The amendment is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, General File, LB935, the fourth division, AM2934, consisting of what was originally LB1139.

STROMMEN: Senator Bosn, you are recognized to open on 2934-- AM2934.

BOSN: Thank you, Mr. President. LB1139, sorry, I apologize, we're moving quicker than I thought. So Senator Hallstrom, this is also yours. This is LB1139, was introduced by Senator Hallstrom. This, colleagues, relates to liens arising from child support and spousal support orders. I will admit, this not an area of law that I have any experience. It was an interesting hearing. Essentially, in child custody cases, if the two parties are separated and one wishes to sell their home, the person they can't be married to, because they can get along, has to sign off on it. Which I find wild. I mean, if you can't get along to the point where you're getting a divorce, it's highly unlikely you're gonna go ahead and sign off on selling of the home. And so this would allow for an alternative solution to that so that when two parties are divorced and one has a child support obligation, even if they're current, the other party still has to sign off on it. So this legislation was drafted so that those home sales can go quicker and so that there's not such a difficult contentious relationship carrying on even when the divorce is well finalized. This bill, I believe-- yes, it had an 8-0 vote out of committee. This-- I

will also note that there was-- this was one of the bills we had to have a second supplemental hearing for because we also amended a leg-- a bill that we brought and passed last year regarding fathers who wish to be recognized as the paternal father when there is a genetic test that shows them to be the biological father. And so that bill also got amended into this before it was voted out of committee, also on an 8-0 vote. With that, Mr. President, I would yield the remainder of my time to Senator Hallstrom.

STROMMEN: Senator Hallstrom, 7 minutes and 56 seconds.

HALLSTROM: Thank you, Mr. President. As, as Senator Bosn noted, before you is LB1139, along with the continuing saga of the paternity issues that we started last year with my introduction of LB412, which was ultimately amended into LB150. I've gone over the provisions of LB1139 in some detail earlier. But simply since we're on it specifically at this point, I'll reiterate and maybe try to streamline the, the comments that I made earlier. We do have a situation where there's a child support judgment lien. A couple has been divorced, there's child custody, child visitation, child support issues. When that support order is entered, that support order becomes an automatically attached lien to any real or personal property that the individual who is obligated to pay child support may have incurred pursuant to that order. And while that's not uncommon in terms of providing that level of protection for child support orders, in Nebraska, as far as I can tell, we are completely unique from other states in that we have what, what I would refer to as a "continuing lien," so that even if I'm-- let's say that divorce occurred when a child was 10 years old, the child's now 15 years old, I'm paying child support, I want to sell my house. I've made every child support payment for that five-year period. I'm current, I've never been in arrears. But I don't get along real well with my ex-spouse, and I want to sell my a house. Well, you'd think, logically, I'm paid up. I'm going to closing. They've checked the record. There's no unpaid child support. That ought to be the end of the story. I'm current. It doesn't work that way in Nebraska, because if that child's only 15, I may-- I still have a child support obligation that continues, all other things being equal, until that child reaches the age of 19. And those extra child support payments that accrue each month for that next four-year period are considered to be liens even though they technically aren't in existence yet. In other words, I'm not in arrears because they're not due, but it's a continuing lien and a springing lien, if you will. And so if the

ex-spouse doesn't comply by entering a release or signing an acknowledgement or release, then I incur additional expenses to hire an attorney to go into court and get the court to enter an order, which quite frankly are summarily done, but only after we've incurred additional delay and expense. Sometimes those delays may result in the house sale transaction not occurring. So we have addressed that. We have some protections set in. One of the issues that was raised by the Bar Association and others was, well, what happens if you have someone that is habitually in arrears, finds the need to sell their house, magically comes up with the money to bring them current? They get their house sold and then they return to their old ways. We've got a provision in there that says you have to have been in-- you have to have been current and kept current for a period of at least 12 months. The only exception to that is if you've only been divorced for 6 months and the order has only been in existence for 6 months, then you have to have stayed current for that entire time period. So we're taking care of that issue under the one part of LB1139 and AM2743. The other issue, which is the continuing saga of the LB150 amendments from last year, as I noted earlier, those provisions of the bill are designed to address the Nebraska Supreme Court decision in the case of Chatterjee v. Chatterjee. And in that particular case, the Supreme Court acknowledged that we, we at that time only allowed children to be recognized that were- if they were born during the term of the marriage, irrespective of who the biological or paternal father was. That there was a presumption that, the the, the husband of the marriage was the father. And that the, the finding was of the Supreme Court, as unfair as it may have seemed, that there was no standing for the actual biological parent armed with the DNA genetic testing results to even go into court to challenge that. Now Chief Justice Funke in his opinion indicated that was patently unfair. He didn't really agree that that was the law. He suggested it shouldn't have been the law. And he encouraged the, the Legislature to go make a change. So we did that in the form of LB150. And lo and behold, like whack-a-mole, we found out there's another statute that basically says that if you have someone that signs an acknowledgement of paternity, which must be signed-- if it's signed by the alleged father, if 60 days pass, the only way that you can challenge it after that time is based on fraud, material mistake of fact and so forth. Doesn't say anything about the actual father armed with testing results being able to come in. So simply put, and, and we had an individual who's caught in this conundrum that came in and gave very compelling testimony at

the special hearing that we had, that we've now provided that you do have an additional basis upon on which to, to challenge an acknowledgment of paternity. And that is if you are armed with the properly certified and acknowledged test for DNA testing. That that can be the basis to go in and challenge. We've also put in a protective measure. One of the witnesses at that hearing indicated that he was concerned that you might have a, a mother that says, I just want to get this putative father who signed the acknowledgment out of the equation. I know who the real father is, I'm gonna have him come in and sign, prove up under the genetic testing. But I've got this side agreement that says, I don't really want you in my life or my child's life either. So we put in some protective measures, which I think is a really good idea to say that, for petitions filed after the effective date of the act, they must also include a request to establish paternity. So the biological father is not only proving his parentage, but he's also stepping up wanting the court to enter an order so they can take care of things like support and visitation and the like for the best interest of the child. So with that, I would encourage again the adoption of AM2934 to LB935. Thank you.

STROMMEN: Senator Clements you are recognized to speak.

CLEMENTS: Thank you, Mr. President. Standing in, in support of AM2934. I've had the child support lien problem in my experience. And mine was there was an aunt who passed away, gave an 80 acres to three nieces and nephews. And they wanted to sell the, sell the farm, but one of the nephews had a child support lien. And so the farm wasn't able to be sold for a long time. And who was going to farm the land was in question. They had a buyer who they couldn't close on the sale. And it is very encouraging to me to hear that we have a solution in this case. Because in my case, the-- one of the heirs was current on his child support, hadn't missed any child support, but this real estate wasn't able to be sold for several months working out the disagreement with that deal. So I'm, I'm pleased to hear that there is a solution involved, and that AM2934 is a good measure. Thank you, Mr. President.

STROMMEN: Senator Bosn, you are recognized to close on AM2934.

BOSN: Thank you, Mr. President. Colleagues, I ask for your green vote on AM2934. This is the package-- or the portion of the package that

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dealt with civil liens on properties, as well as establishing paternity for parents. Thank you, Mr. President.

STROMMEN: The question before the body is the adoption of AM2934. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

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

STROMMEN: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, the next division, fifth division of the committee amendment, AM2932, consisting of what was originally LB789.

STROMMEN: Senator Bosn, you are recognized to open on AM2932.

BOSN: Thank you, Mr. President. AM2932 is the original LB789, which is my bill. LB789-- sorry, I was looking for my notes here-- as amended, adds an exception, a hearsay exception, for a statement offered against a party that wrongfully caused or intentionally aided another in wrongfully causing the declarant's unavailability as a witness and did so intending that result. Colleagues, I would tell you that in the original bill that was filed, we had at least one opponent. There may have been more, but I recall one opponent. And I appreciate his willingness to work with me. He, I think, strengthened the bill and doing so, and we improved the language to the point where I think his opposition-- he may not support the bill, but I think is opposition has at least been addressed. This bill also came out of committee on an 8-0 vote. This is the bill again that basically says if you cause the witness's unavailability through your own actions, their hearsay statements can come into the court. So I ask for your green vote on LB789. Thank you, Mr. President.

STROMMEN: Seeing no one else in the queue, Senator Bosn, you are recognized to close on AM2932. Waives closing. The question before the body is the adoption of AM2932. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 0 nays on adoption of AM2932.

STROMMEN: The amendment is adopted. Mr. Clerk.

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CLERK: Mr. President, the next piece of the division, the sixth piece, consisting of AM2933, which was originally LB1020.

STROMMEN: Senator Bosn, you are recognized to open on AM2933.

BOSN: Thank you, Mr. President. AM2933, as originally filed, was LB1020, and introduced by Senator Bostar. As amended, this bill prohibits the operation of an unmanned aircraft system in restricted areas and makes adjustment to the provisions related to unlawful intrusion through the use of unmanned air craft systems. It also prohibits stalking through the use of mobile tracking devices and makes adjustments to the penalties for stalking. This bill creates the offense of swatting and establishes penalties. Colleagues, there were some amendments that were made to this bill to try and work through it. But additionally, this bill included my personal priority bill, which was the electronic stalking bill. That bill had originally been filed, I think it was 2024, by former state Senator Jen Day. I supported the bill when she brought it at that time, and I wanted to carry that torch because I do think it's an important piece of legislation modernizing what constitutes stalking. So I think specifically, I just want to maybe say a little bit about that. The modern, you know, ways of stalking someone have become much more electronically motivated than what individuals did prior to cell phones and things like that. And so now you have situations involving intimate partners who have separated and you can put something as small as an Apple AirTag-- so think, you know, the size of a quarter-- in someone's diaper bag when you're exchanging child custody or in their purse or attach it to the back of their vehicle. And so prior to this legislation, that was not a crime. And Even though obviously when the victim finds that, one, you don't know how long it's been there. That's terrifying. And two, you instantly start thinking, where have I all gone? What does this person know? Do they know where my new daycare is? Do they know where I go to do my grocery shopping and where I have coffee with my friends, where I work out, all of those things? It's, it's terrifying. And so this really modernizes that issue, specifically as it relates to electronic stalking, and provides appropriate penalties for that. Colleagues, I ask for your green vote on AM2933. Thank you, Mr. President.

STROMMEN: Senator DeBoer, you are recognized to speak.

DeBOER: Thank you, Mr. President. You're doing a nice job. So this is the bill that I was talking about with Senator Bostar earlier today. That seems like quite a long time ago. This is the bill where the drones-- does this have the drone? This does, yes. So this the piece that has the drones. I had concerns originally that a small child with one of these small drones would suddenly be subject to a misdemeanor for failing to properly register their drone and flying it, et cetera. But I, I want to say thank you to Senator Bostar, Senator Bosn, for finding a solution to that to make absolutely clear that you are still allowed to fly your little drone, that all of these drones have, like, I don't know, it was a serial number or a registration number of some sort that's either on the drone, on the app that you have on your phone that runs the drone, or on the little, I don't know, what, the remote that runs drone. So what this bill now says with respect to that piece about the drones is that if you have a drone and a police officer comes up to you and says, I would like to see your registration for your drone, you have to say, yes, officer, and you give them the registration, which is either on your app, on the back of your drone, or on your remote control for the drone, and then everything is fine. The idea was that if there are multiple drones in the area, apparently there is now technology that can understand which one is doing something nefarious and then you can sort of be ruled out. So if Senator Sorrentino has a drone out and Senator McKinney and Senator Juarez have drones up in the air, and the officer says, OK-- sorry, you're in front of me-- Senator Sorrentino's drone is doing something nefarious, the other two drones are not. He goes up, Senator Juarez, show me your drone registration. She shows me. OK, it's not yours. Proceed. Senator McKinney, show your drone registration. Nope, it's not you. Senator Sorrentino, show me your drone registration. Well, Senator Torrentino [SIC] is doing something nefarious. He says, no, officer, I will not. Now that's a misdemeanor. So that's what the bill does in the end now. But because of some language we added in the committee amendment, there's no concern that somebody who just forgot to do some registration step would get a misdemeanor within this. So I want to say thank you to Senator Bosn and Senator Bostar for helping us to take that part of the, the-- of this part of the bill and fixing that part. So that makes it much less problematic for me to have that piece in there. I do still have some real heartache about the way in which we heard two bills in Judiciary, one from Senator Bosn, one from Senator Bostar dealing with this mobile stalking or electronic stalking, or whatever we're calling it. I can't remember. And Senator

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Bosn's had some penalties that started out as misdemeanors and then went to felonies. And Senator Bostar's went directly to felonies. And we have elected to do the immediate felony path. So I have some heartache there, but I agree strongly and am glad that the mobile stalking situation is being addressed. And so on balance, I like that part of the bill, not so much the penalties, but the idea that there is somebody doing something about that so that if your ex-spouse or something puts something on your, your car and is constantly texting you or whatever, I know you were at so-and-so's house-- it's pretty awful. And there was testimony talking about how awful that is where someone who is your abuser knows exactly where you are all the time, and you don't know why. Well, they've put this kind of a device onto your, often it's your car. So I appreciate trying to do something in this area. Wish we would have gone with Senator Bosn's bill, but I do appreciate that they worked with me on the portion of the drone that deals with this misdemeanor for drone identification. Thank you, Mr. President.

STROMMEN: Mr. Clerk, for an amendment.

CLERK: Mr. President, Senator Rountree would move to amend with AM2889.

STROMMEN: Senator Rountree, you are recognized to open on AM2889.

ROUNTREE: Good afternoon and thank you, Mr. President. And good afternoon, colleagues. And thank you for all the discussion we've had on the bills as we've had them broken apart and we're working. I spoke with Senator Bostar earlier on that, so I wanted to offer this amendment to this bill, on LB1020. AM2889 would strike the portion of his bill that would eliminate presumptive probation for Class IV felonies. This concept was adopted by the Legislature in 2015 with LB605 and was an important part of the restructuring of our felony crimes. Class IV felonies are mostly just simple possession and theft offenses, which the conference of state government recommended be considered for presumptive probation, as these offenders are typically those with substance abuse problems and could benefit from a rehabilitative sentence. Admittedly, the appellate courts in our state have diluted the original intent of presumptive probation, but some courts continue to defer to this legislative directive. There is no justification or argument for implementing this provision. No testifier spoke in favor of that portion of the bill at the committee

hearing, even though we did discuss it. Since the Legislature restructured its felony classification in 2015, it has arbitrarily added more offenses to the Class IV designation that might be the justification. Say if we're going to endlessly make every new crime a felony, we should still provide for courts to consider probation sentence for conviction. Courts will likely interpret legislative action eliminating presumptive probation as an indication that courts should not as rarely consider probation. And with that, Mr. Speaker, I would ask Senator Bostar if he would yield for a question.

STROMMEN: Senator Bostar, would you yield to a question?

ROUNTREE: OK, he is not available. So with that, then, Mr. President, I yield my time.

STROMMEN: Senator McKinney, you are recognized to speak.

McKINNEY: Thank you, Mr. President. And I rise in support. I think that says AM2889 or AM2869. I feel like I'm going blind, but my doctor told me I wasn't, so I'm kind of confused. But I, I support taking this, you know, elimination of presumptive probation for Class IV felonies out, you know. The Legislature adopted in 2015 LB605, and what was important for restructuring, you know, felony crimes in the state, you now? And it came from another study that the Legislature failed to fully adopt. Although we invited people in to study our, our state and what was going on and things we could do to fix our problems. Whether you want people in jail or prison or not, there are issues. And the results that many think we get by just filling our prisons with people who are convicted of felonies are not creating the results. Because I will say, like this tough-on-crime approach has existed sort of like my whole lifetime, honestly my whole life time. Where three-strike laws in places, enhancements and all these type of things, saying we are making our communities safe. And what is frustrating about this and, and the whole concept around it is most of the crime in the state of Nebraska in, in my 35 years of life-- not most, but a lot of it, and a lot of our prisons are filled with people from my district. And I would tell you, if I'm being honest, your increase in felonies enhancements have not created a-- I'm not-- because I'm-- and I'm going to be careful with my words here, because I don't want to say something that, that's stupid and not accurate. But what I would say is enhancements and penalties have not improved the conditions of my community. And what I mean by that is it is from

since '90, the year I was born, to this day, still the most impoverished legislative district in the state. Yes, we have made investments and those type of things, and I hope those investments improve it. But the reason that I'm pointing that out is because the Legislature finally just committed to making real investments when I got into office. There was 30-plus years of, well, 30-- yeah, 30-plus years of a lack of investment prior to even me being born and created by my mom and dad. And that is why people may feel like they have no alternative. And I don't think increasing all these felonies creates a safer community. Because where's the data that shows that, too, if all these enhancements and these penalties create safe, safer communities for us, why are we building a prison? Honestly speaking, there isn't a crime on the books prior to me getting office that these same people couldn't be held accountable and not have these enhancements. But we want to build prisons. We talk about this budget deficit and we robbing Peter to pay Paul and doing all these type of things, but we're throwing 300-- actually \$400-plus million into the dark hole called the Prison Industrial Complex because, instead of making smart decisions, we continue to have people introduce felonies. And that's on both sides of the aisle, Democrats and Republicans introducing felonies. And I hate it. And I think it's stupid. It makes no sense. It doesn't make us safer. And I'm not ever going to support it, because it even logically and statistically, it makes no sense. You talk about you want property tax relief, but you dump it into a dark hole of the Prison Industrial Complex. And the Department of "Punitive" Services is not improving people, so they keep going back. And that is the problem that you don't want to address. And, and I could go all day about this, and I will, because I just think it's so stupid to keep introducing felonies. And, and if you're being tough on crime, don't you think you've been tough 30-plus years, it should have worked? And if it's not, that means probably your tough on crime approach is dumb, it's stupid. You need to find a new approach.

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

SPIVEY: Thank you, Mr. President. And good evening, colleagues. I will probably be the maybe last speaker before we're at ease before dinner. And I want to just make sure I lift up a couple of thoughts and ideas. I know Senator Bostar is not here. Oh, now he is here. So Senator Bostar, I may yield for you a question, or Senator Bosn, now that

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you're in. And I'm trying to wrap my mind around this bill. So maybe, Senator Bostar, would you yield?

ARCH: Senator Bostar, will you yield?

BOSTAR: Yes.

SPIVEY: Thank you, Senator. So I know that this portion of the division is yours. And I wanted to start with the mobile tracking and the kind of stalking components, which I agree in this age of technology, it is much easier to stalk and put things in place. And I wanted to see if you thought through or had an idea around like the cosigning of the car. So if my partner and I, maybe we're not married, we're together, I cosign, and then I put a, put a device on there for the car that I partly own, how would that work in application to what is in the current bill?

BOSTAR: So, I mean, so you're talking about if you were to be tracking your own property?

SPIVEY: Yes, but it's cosigned, so it's both of our property, but now there's some sort of disagreement, some sort of an issue that now maybe we're splitting. Or that there maybe seems to be some-- DV is too extreme for this case that I'm talking about, but like we're separating, right, but I still have this device on the car. So then what if a person alleges that now I am stalking them, even though I'm a cosigner, because we have split like. What does that look like because of the penalties associated with it, is why I'm asking.

BOSTAR: Sure. I mean, you would-- there's a couple of answers to this, but, but in short, you'd be able to track your own property. A lot of cars these days, too, I mean, it's not even-- modern cars don't even need a tracking device or an air tag, right? You got an app on your phone and you log in and you can see where your car is 24 hours a day. And so you would, as the-- as an owner of that vehicle, you would be entitled to that information. I mean, that, that just is what it is.

SPIVEY: OK, thank you for that clarity. And then the next part of your bill when I was looking at-- and again I'm trying to follow the amendment, which amended some of it--

BOSTAR: Yeah.

SPIVEY: --but because we did the division, the establishment of swatting and penalties, is that still included in amendment that we are talking about in this division?

BOSTAR: The swatting bill?

SPIVEY: Mm-hmm, the swatting portion.

BOSTAR: Swatting is in here.

SPIVEY: So then for the definitions for swatting and penalties, is that similar to Senator Bosn's LB1059 or is that separate?

BOSTAR: So the, the provisions that are similar to Senator Bosn's bill are related to the electronic stalking provisions.

SPIVEY: OK.

BOSTAR: So the swatting is wholly unique to my portion of the bill.

SPIVEY: OK, so would you maybe be able to speak to-- I think we have enough time for this-- how are you defining it and then the new penalties that you are establishing based on that definition?

BOSTAR: Yeah, I mean, I can, you know, if you give me a second, I can find the actual definition in the bill, but the penalty is a IIIA for the swatting. Is that what you were asking for?

SPIVEY: Yes, and could you describe what that means, because not everyone that is watching or here are attorneys.

BOSTAR: So we did, so-- and I'll take sort of a broader approach to this too, because IIIA is also what we did for the electronic stalking. And so all of these were to match the provisions of terroristic threats that are currently in statute. So, so terroristic threats currently sits at that IIIA position for penalty. And the idea is that whether you're talking about, you know, this kind of stalking behavior or swatting behavior, that that is, from a policy perspective, in line with terroristic threats, right? It's at that level. So that's where that was put. And, and I'll be honest, that's the one difference in the electronic monitoring that is different between my bill and Senator Bosn's that have those similar provisions,

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is that mine has that as IIIA, and I-- I don't remember where Senator Bosn's is, but it wasn't that.

SPIVEY: Thank you, Senator. I know our light is on. I appreciate you answering. I'll get back in the queue.

ARCH: Time, Senator.

SPIVEY: Thank you, Mr. President.

ARCH: Members, the Legislature will now stand at ease until 6:00. When we return, Senators John Cavanaugh, Conrad, and McKinney will be first up in the queue.

_____: [EASE]

KELLY: The Legislature will resume. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. 6:00 p.m. Folks are coming back from from their supper or dinner, depending on how you characterize it. So I rise in support of AM2889. I appreciate Senator Rountree filing this so, so we know where we're at. We're on division of the question, section [SIC] 2933, which is a bill brought by Senator Bostar that has a number of aspects. What AM2889 does is strikes the section that would be Section 24 of that, and Section 24, it's-- it would be a strike of a strike. So Section 24 is just striking out some language that's already in statute. And the language in statute is about presumption of probation for someone convicted of a Class IV felony. And what that means is-- well, so to back up, Senator Rountree did a nice job of explaining the history of LB605. Which was a bill passed in, I think he said it was 2015, but I think it might've been before that. But it was a big project, I think that was started by Senator Brad Ashford and maybe Senator Laura Ebke as well, in the Judiciary Committee. After really analyzing a lot of data, it found that community-based supervision was a much more productive way to rehabilitate folks. And what we were having is sentencing was happening where people were getting sentenced to their top number and their bottom number were essentially so close to each other that they had no parole eligibility. So somebody would get out of prison and basically about the same time they were eligible for parole or about the time they we're going to jam, is what we call it. And so you're having a lot of folks who'd spend a lot of time in the

penitentiary get out and not have any community-based supervision. So LB605 was designed to solve that problem by creating a-- well, it lowered some sentencing on the carceral portion, but then added post-release supervision. So Class IV felony is two years imprisonment, maximum two years imprisonment, and 12 months post-release supervision. And so as we all know, two years imprisonment with good time is one year because of the good time rules. And then 12 months post-release supervision is a true 12 months post-release supervision. So folks would then be incarcerated for one year and on community-based corrections or supervision for one year. And that was how the new sentencing structure was designed, is to ensure that people were getting more community-based supervision. And the reason for the presumption of probation is that a lot of-- well, at the time, there were fewer Class IV felonies and fewer felonies overall, but we're talking about Class IV felonies are like a possession of a controlled substance for personal possession, which includes things like possessing one pill of OxyContin or whatever that is not prescribed to you. So that would be a felony offense for possession of a controlled substance. There's obviously a higher level of felony possession offenses like intent to distribute or quantity amounts. Those are different offenses. A third offense, shoplifting, is also a Class IV felony, and then a theft offense up to a certain value that has been adjusted up for inflation and, and costs and things. We've added a bunch of other stuff in there. But the idea was most of these are offenses that people are probably-- if it's the only offense, so if the only offense is a Class IV felony, then it's more than likely they were engaged in some, having some mental health issues, they're having some drug or alcohol issues, they were in some sort of crisis. And so that we should err on the side of putting folks on probation. So this is, so there's a presumption of probation that if the only offense is a Class IV felony, then they shall-- I'm gonna run out of time, but I'll, I'll punch in and talk some more on this. The only offense is Class IV felony, they should be put on probation unless other criteria are met. And so then this goes through the criteria. So this bill strikes that criteria. I disagree with that. I have had a conversation with Senator Bostar about some of the motivations for this, and to have told him I'm gonna try and think of a constructive solution that maybe solves or helps get to where he wants to get without eliminating this. And so I'll push my light and

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talk a little bit about that in, in my next time on the mic. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good afternoon-- or good evening, colleagues. I rise in support of my friend Senator Rountree's amendment to strike the component in this legislation that removes presumptive probation from the, the criminal justice kind of code or aspects of, of this legislation. And I think what Senator Rountree has done here is rather elegant. I think in recognition of the fact that Senator Bostar has brought forward a, a host of new penalties or enhancements, recognizing that the body is inclined to move forward with those as they do when various senators bring those forward for different reasons, and I do think the committee's done really good work with Senator Bostar to try and make those ideas and provisions perhaps a bit more workable. But what Senator Rountree's amendment would do is would leave those components in place as to the creation of new crimes or enhancement of penalties components, but it would just remove the component that was a key aspect of justice reinvestment initiatives that were hard-fought and carefully, carefully researched and put forward with very, very strong bipartisan support after lengthy work wherein the Nebraska Legislature invited experts from the Council of State Government's Justice Center to Nebraska to help take a look at our criminal justice code, at our prison overcrowding crisis, and then suggested ways that we could update and modernize our criminal justice code to ensure that we were actually advancing all of our shared goals in terms of reducing prison overcrowding, saving taxpayer dollars, and advancing public safety to ensure that the criminal sentences were right-sized, that they were modernized, and that they didn't in any way exacerbate recidivism which makes our communities less safe. So as a key part of LB605, which was adopted in 2015, and then there have been subsequent legislative efforts of course on criminal justice through that time, and I think perhaps even LB50 that Senator Wayne championed touched upon some of these efforts. But it was really about expanding probation, streamlining parole, increased support at reentry, and making sure that we reserved our limited space in the county jails and in the state prisons for true public safety threats, for, for violent acts, for sentences and offenders that needed significant access to a period of removal away from society and other sort of programming and

services to address the aspects of criminality which led to those sentences so that when they return, as well over 90% of Nebraskans who incarcerated do return to our communities, that when they come back they're less likely to reoffend, and that advances our shared public safety goals. So CSG looked at what was happening in Nebraska. They have taken this approach to a host of other states across the country, including red states. And they said, here's a playbook of how you can update and modernize your criminal code to make it advance our shared public safety goals, reduce overcrowding, and ensure good value for taxpayers. So presumptive probation was a key piece of that, of course, not the only piece of that, but it just helped to provide a decision-making framework in certain instances where we said, you know what, it's, it's a better approach to address this aspect of criminality with probation, which comes with it a probation officer, requirements as to employment, requirements as to the abstention of alcohol or illegal drugs, drug testing. Of course, you can't get in trouble again. You have to check in. There's a constant supervision, but it for some people in the certain crimes, it could be a better value and a better way to advance our shared public safety goals.

KELLY: That's your time, Senator.

CONRAD: Thank you. Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. Again, I support Senator Rountree's motion. You know, again, the concept was from LB605, from, I think it was, CSG that came in to give recommendations, evaluate our state, and try to make our state a better place as it pertains to improving our criminal justice system. And now we want to try to get rid of presumptive parole. And I think there's an idea that someone is just getting probation and when a district court judge wants them to give it. And it's just not true. If, if they want to give them time and custody, the judge just says a lesser sentence, when would depreciate the seriousness of the crime and promote disrespect of the law. So if you're saying it's resulting in people being released on probation when they otherwise would be in jail or prison, it's just not true in a practical sense, in action. And I think that needs to be clear and said. Also, again, I am to my wit's end when it comes to all of these felonies being pushed and pass. It really tests your, your

mental a lot in here. Because on one hand, we need property tax relief. We need more resources to fund programs, to make sure Nebraskans are taken care of. But we keep passing felony after felony. And I've yet to see, and I've asked this multiple times, any data that points to us continuing to increase these felonies and, and penalties and it having a net positive on the state. You know, people talk about, I am a fiscal conservative, I really look at the books, and I really make-- I really try to make sure Nebraskan dollars are not utilized in a bad manner. But when it comes to the criminal justice system, it's just a blank check. Here you go, Director Jeffries, do as you please. And I don't-- so when people say they're fiscal conservatives and don't try to check the checkbook of the Department of "Punitive" Services and what's going on and how outcomes are not what they should be, we're spending \$400-plus million on a new prison, and we're not even talking about operations. So, it could be a half a billion dollars on a new prison that is still, even if the numbers, because of LB50 and LB631 have decreased the population, these past two years we've increased felonies. So if the theory is we need more felonies so more people can be held accountable because law enforcement isn't doing it, then in theory, if you're right, that means there will be increase in people being in our prison system. Which means it will still be overcrowded the day it opens. So tell me what did you solve? Because they won't be able to get programming or anything that you think because they will be overcrowded and understaffed like it currently is operating today. So what is the solution? I'm not saying just open up the doors and let everybody out. I'm not making that argument. What I'm saying is, you could start with not passing all these extra felonies that are already crimes. We should not be getting rid of presumptive probation. And, and I could just continue to go on. It's just, can somebody give me some logic here? You're fiscally conservative, but you don't care about the criminal justice system when it comes to dollars. But taxpayers need property tax relief. The two don't make sense to me. It, it-- please just help me understand and comprehend. I'm asking of it. Because it, it makes no sense. Because you can't give me any data point that shows that increase in felonies actually solves the problem. So I'll be waiting for somebody to give some data and to let me know that. Until then, I'll be back. Thank you.

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

SPIVEY: Thank you, Mr. President. And good evening again, colleagues and folks that are still joining us. I do appreciate this dialogue, and again, the structuring of the debate with the division of the question. And I want to thank Senator Rountree for bringing this AM, which I support, AM2889, which addresses some of the concerns that we were talking about. So during our at-ease, we actually-- I ate outside with some of my colleagues because it's too nice of a day to not get some sun. And as we were kind of wrapping, we talked about maybe providing some clarity and questions that I had on the mic. And so I was wondering if Senator Bosn would yield to a question.

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

BOSN: Yes.

SPIVEY: Thank you, Senator Bosn. So we were kind of talking outside, and I asked a question earlier to Senator Bostar around, if I cosign or have rights to a property like a vehicle, we separate, and there is a tracker on there, what are the implications based on this new legislation, the definition in electronic stalking? And I think you had some clarity that might be helpful for me to better understand and folks that are engaging.

BOSN: Yes, and I appreciate the opportunity and the question. So if you look at the amendment on page 15, it's in Section 13 of the overall amendment-- not the divided question amendment-- but in the overall amendment. Specifically it says under (b), cause a mobile tracking device to track the position or movement of another person or another person's property without the other person's consent. So in the example that you were using of individuals who are in a relationship maybe take out a lease on a-- this is the example we talked about-- take out at least on a vehicle and both of their names are on it, and then they separate and have, you know, are, are no longer together. One is driving the vehicle and the other really doesn't have anything other than the lease interest in it. Could they put a mobile tracking device or use their phone to have a mobile tracking device? And the way that I, I read this bill is that you should not knowingly cause the mobile tracking device to track the position or movement of that person. So there's no reason for you to, if you're tracking the vehicle for whatever reason, that's separate. But what you can't do with your app on your phone or your vehicle because you're concerned about your, I mean, how concerned can one

really be about the location of their vehicle and how often? The example that when we were break-- when we broke, I went and spoke with someone outside the glass to sort of make sure that I was understanding this correctly. And the way it was explained to me was realistically in practice, the only way if, if you and I are the two parties here, right, the only I'm really gonna know that you're tracking me through the vehicle is when you say something. Why were you at the bar last night? Or why were you out to dinner at this fancy restaurant? And then I can prove the intent, right? Because then you're no longer concerned about why was my fancy car outside the bar. You're concerned about why I was at the bar. And so it's really circumstantial evidence that you're presenting at that point of that person's actions are no longer tracking their vehicle, they're tracking the person. So I hope that answers your question.

SPIVEY: Yes. And then to kind of continue on that, Senator Bostar was saying that then that aligns to the-- that with the stalking, electronic stalking is a IIIA penalty. Now and that-- and I just wanted to see if you had insight, and I can punch back in too, if you want a chance to look. I was asking him just about how the new penalties with swatting related to the, the stalking components, and what he said is that they all are now IIIA, which match terroristic threats. So if you have insight to that, and can maybe speak to it at your time on the mic, I just wanted to get a better understanding of how it correlated. Because there was some feedback from Senator John Cavanaugh that your specific legislation, LB1059, had the penalties proportionate, and that there was concern that now the penalties are not proportionate. So that's kind of my next question, and I had in my notes to, to talk through, if you want to take some time to look it up. And I'll be happy to ask you again or your time on the mic.

BOSN: Thank you.

SPIVEY: Thank you, Senator Bosn. Yeah, I see I have a minute left. The five minutes goes really fast. So I appreciate you answering those questions and taking time to make sure that I have clarity. Again, based on some of the conversation, I appreciate the amendment from Senator Rountree and ask folks to vote, vote green on AM2889. And again, I appreciate the structuring of debate in this way because these are hefty pieces of policy that should be taken up intentionally and thoughtfully. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. So we have been doing some work away from the microphone, and I've had a good, productive conversation with Senator Rountree and Senator Bostar and others. And I think we've got something that we can do that will address the concerns that are brought up by Senator Rountree's amendment, but also still try to get to what Senator Bostar is trying to accomplish here. So I just thought-- if Senator Bostar would yield to a question.

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

BOSTAR: Of course.

J. CAVANAUGH: Thank you, Senator Bostar. So we've been talking a little bit about this, and we generally have the thought of your concern is, has to do with folks essentially taking a plea to get into the presumed probation spot. And so we're in a spot where we're maybe proposing some language for an additional exception to the presumption, meaning that the judge could still sentence someone to a term of incarceration if this additional criteria is met. Does that sound right?

BOSTAR: Yeah, exactly. The, the initial concern was incentivizing someone to accept a felony when they could have accepted, say, a misdemeanor I. And so, yes, I think the framework, and I'll give you the credit, you, you, you came up with the, the sort of thought behind this of, of having the initial charge in consideration for the, for the presumption be included in that kind of list that's exist, existing in statute could solve this problem so that we're not then therefore removing the probation on the Class IVs itself as initially charged.

J. CAVANAUGH: Well, and so we're still working on the language, so you're committed to work with me and Senator Rountree either between now and later tonight, if we got to that point, or now and Select to get that drafted and done?

BOSTAR: Absolutely. You have my word.

J. CAVANAUGH: I appreciate that. Well, thank you, Mr. President. Thank you, Senator Bostar. I think that we're, at this point, rather than hold up everything, we can pull down Senator Rountree's amendment, and if I-- I could yield my time to Senator Rountree, if you wanted to do that.

KELLY: Senator Rountree, 2 minutes, 30 seconds.

ROUNTREE: Thank you so much, Mr. President. And thank you so much to all that have contributed to the conversation, to Senator Cavanaugh and Senator Bostar. This sounds like a very agreeable solution to me. So with that, Mr. President, I would like to withdraw amendment to AM2889.

KELLY: So ordered. Mr. Clerk.

CLERK: I have nothing further at this time, Mr. President.

KELLY: Returning to the queue, Senator Bosn, you're recognized to speak.

BOSN: Thank you, Mr. President. I guess I want to provide a little bit of clarity in some of the factors that the court considers when considering sentencing. Specifically, that's in Chapter 29-2260. It talks about the things that the court has to consider when determining a sentence. And the structure of that statute is, is incredibly relevant here. When a court considers sentence for an offender convicted of either a misdemeanor or a felony for which a mandatory or mandatory minimum imprisonment is not specifically required, comma, the next thing that the statute says is the court may withhold sentence of imprisonment unless. So you already have a presumption of probation. The court must consider every single defendant who does not have a mandatory minimum or a mandatory sentence for probation. This is duplicative and unnecessary. The court may withhold a sentence of imprisonment unless. It's already something the court takes into consideration. The sentence goes on. Having regard to the nature and circumstances of the crime and the history, character, and condition of the offender, the court finds that imprisonment of the offender is necessary for protection of the public because-- and then it goes through a laundry list of factors that the court has to take into consideration. But colleagues, that's something the court can only take into consideration once they have made a determination that this

defendant is not a candidate for probation. Full stop. If your crime did not include a mandatory or a mandatory minimum imprisonment, the court has to consider you for probation, the end. The factors that the court takes into consideration when determining a sentence and a duration of the sentence are following that the order of (2), Chapter 29-2260, please take a look at that. I, I would just point out that there is absolutely no need to have an additional presumption of probation on any felony because it is already implied. Senator, Senator Spivey asked me to talk a little bit and I'm not sure I totally understood. So if I didn't, she's welcome to clarify and, and ask me some more questions, that the penalties in this amendment parallel the penalties for terroristic threats. So terroristic threats is now a Class IIIA felony, which carries a possible penalty of up to three years of incarceration, as well as restitution, and a term of post-release supervision. Terroristic threats is the intentional act of terrorizing or causing someone to be terrorized. It is akin to what is done in swatting cases, and it is akin to what has done in stalking cases. Arguably, it should be a higher penalty than terroristic threats. Terroristic threats can happen in an instant. It's a one-time occurrence. If you're stalking someone, part of the elements of that crime are that it's a pattern of behavior. You have to show this was not just a one time incidental, I happened to be at the same grocery store as my ex. No, this is, I have been stalking this person. I have done it more than once. There's a pattern of behavior. Which arguably is more terrorizing to someone than terroristic threats. Similarly, for swatting, it is more terrorizing than just-- the, the arguments in committee hearing were that this could just be done under false reporting. It's like, no. What we're talking about here with swatting is when law enforcement comes in screaming with full force in effect into a school or a hospital or responding to an emergency that doesn't exist, and that should be treated the same as a terroristic threats because those are classes of crimes that are all akin to one another. So I hope that answers the question about why they were labeled IIIA felonies, but I'm happy to answer any questions if it does not. Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. And you are next in the queue, and waive. Seeing no one else in the queue. Senator Bosn, you're recognized to close on AM2933.

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BOSN: Thank you, Mr. President. AM2933 is LB1020 from Senator Bostar. I ask for your green vote on AM2933. Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. Senators, the question is the adoption of AM2933. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

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

KELLY: AM2933 is adopted. Mr. Clerk.

CLERK: Mr. President, the next piece of the division, the seventh piece, AM2928, consisting of what was originally the LB1199.

KELLY: Thank you, Mr. Clerk. Senator Bosn, you're recognized to open on the amendment.

BOSN: Thank you, Mr. President. AM2928 is LB1199, which was introduced by Senator Ibach. As amended, this bill expands the population threshold to qualify for funds under the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Act. Wow, that's a mouthful. And appropriates funds to the program. The additional funds that are being appropriated are \$10,000 to make it a total amount of 16-- excuse me, \$160,000. This bill was amended into the package and voted out on a 7-0-0-1 vote from the committee. This bill essentially is really important for especially western Nebraska areas that are really struggling to fill county attorney and public defender positions within their offices. Colleagues, I'll tell you some of the testimony we heard was that these positions stay open for over a year just seeking an applicant. And so the goal here is to incentivize individuals to fill those positions and to do the public service work that is so important to the community. With that, Mr. President, I would yield the remainder of my time to Senator Ibach.

KELLY: Senator Ibach, 8 minutes, 47 seconds.

IBACH: Thank you very much. And thank you, Chairwoman Bosn, again. As she stated, Nebraska's rural counties really do face a crisis with respect to legal services and we, we see counties across western Nebraska especially losing practicing attorneys. This Legal Education for Public Service and Rural Practice Loan Repayment Assistance Program it is a mouthful but it does serve to attract and keep attorneys in rural parts of our state. And as Senator Bosn mentioned,

does increase an additional \$10,000. I would like to thank Senator Quick. He identified a piece of the language, which I think he will address, that, that states that cities that are of a metropolitan statistical area, it eliminates those. So we will for sure-- I think he will bring an amendment, but we will for sure address that because we don't want to eliminate any of the metropolitan communities that are, are 70,000-- 75,000 population or less from being able to participate in that. That's actually the reason that I brought this bill. And so with that, I don't think I have anything else to add. I think Senator Bosn did a great job. I did visit real briefly with Senator Conrad. We had a discussion about prioritizing some of those dollars. I think she will speak to that during her time on the mic, and I think had some very thoughtful ideas. And we will work on that before Select as well. So anyway, appreciate everyone's support of this portion, LB1199, that we're amending into AM2928. Thank you very much, Mr. President.

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

CLERK: Mr. President, Senator Conrad, I have FA1105 with a note that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Quick would move to amend with FA1114.

KELLY: Senator Quick, you're recognized to open on the floor amendment.

QUICK: Yes, thank you, Mr. President. And good evening, colleagues. I want to-- first, I want to thank Senator Ibach for bringing this. You know, for Hall County, we are short county attorneys right now. There are six, six attorneys down in their office, and their workload is, is, it's pretty large. And so I think anything we can do to kind of help maybe entice attorneys to, to come to Hall County would be, would be really good. And so, and I also want to thank Senator Bosn and Senator Ibach for working with me on this amendment. After I started looking at the bill and I recognized that it wouldn't include counties that were in a MSA, or metropolitan statistical area, I knew that Grand Island was part of that when they reached 50,000. This would have been back in 2012, they became an MSA. And it also included Hall

County, Hamilton County, Merrick County and Howard County So I would guess that along with Hall County, those other three counties wouldn't be able to receive any type of, of that loan forgiveness because of that MSA status. So really what my amendment does is it just removes that portion. There's just like, just like one sentence that it takes out that MSA status part and, and will allow that-- those counties and communities to apply for those funds. So with that, I'll yield the rest of my time.

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

CONRAD: Thank you, Mr. President. Good evening, colleagues. This issue and this program is near and dear to my heart. I actually established this program during my prior term in the Legislature working to advance rural practice opportunities and strengthen access to justice all across Nebraska. I am happy to report that this program has worked very well in providing loan repayment assistance to lawyers who practice in our most underserved counties throughout Nebraska, recognizing that there were many other rural counties in need of recruiting and retaining top talent in government practice and other areas of the law in order to meet access to justice and our citizenry's legal needs. Senator Ibach has tried to be responsive to that by bringing forward this expansion legislation. The one thing that I do want to note though, and I think that we'll be able to put our heads together for Select File, is that typically the-- there's a pretty modest amount of assistance available. And that's really targeted to attorneys that are working in rural counties with populations under 15,000. Under Senator Ibach's legislation, this will essentially expand eligibility to all counties pretty much except for Lancaster, Douglas, and Sarpy. There is a small amount of additional funds that will be available, but it is a very significant expansion. So what we need to make sure that we do I think is either have some sort of hold-harmless provision for those who are receiving the current awards and have made career choices in the most rural counties based upon that assistance and support, or create a tiered system as we expand eligibility to many, many more counties. Because I think what we not want to happen is we would not want the repayment assistance provided to not be meaningful to help really drive that behavior. So if we have just a little bit more money in the pot but a huge expansion of the program, what I'm worried about is that without additional parameters that the program itself might be so diluted that

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many eligible and worthy attorneys will receive very, very small loan repayment assistance amounts. And I, I just think that we need to be really, really careful with how we move forward so that the program continues to provide meaningful assistance to those rural counties that are, are hit the hardest. And or another solution would be to find real money to help ensure that there's meaningful loan repayment for counties serving in the public interest and in rural communities more broadly. Now, of course, we're in a money-short year, but I do think that we shouldn't move too quickly. In our effort to do something, we shouldn't rush forward with doing something that may unintentionally do harm. So I'm gonna continue to percolate on it, work with Senator Ibach and the other stakeholders, but I'm confident that, that we can make sure to figure out how to protect the program while recognizing expanded assistance is needed. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, Senator Quick, you're recognized to close on FA1114.

QUICK: Thank you, Mr. President. And I, I wanted to thank Senator Conrad. I had a great conversation with her about this, and she's got a lot of great historical knowledge in how this all came about, and all that background really helped me understand too how this-- how all this funds came about to really help entice attorneys to some of these other communities that really need help. So and now with that, I would ask for your green vote on FA1114. Thank you, Mr. President.

KELLY: Thank you, Senator Quick. Members, the question is the adoption of FA1114. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

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

KELLY: FA1114 is adopted. Mr. Clerk.

CLERK: I have nothing further at this time, Mr. President.

KELLY: Senator Bosn, you're recognized to close on the committee amendment.

BOSN: Thank you, Mr. President. Again, colleagues, I ask for your green vote on AM2928, which is Senator Ibach's funding for rural attorneys to try to incentivize attorneys and public defenders--

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prosecutors and public defenders, excuse me, to go out into communities that are really struggling to fill vacancies in their offices. So I ask your green on AM2928. Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. Senators, the question is the adoption of AM2928. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

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

KELLY: AM2928 is adopted. Mr. Clerk.

CLERK: Mr. President, the eighth portion of the divided committee amendment, AM2935, consisting of what was originally LB1228.

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

BOSN: Thank you, Mr. President. Good evening, colleagues. This is the last division, just so everyone's clear. This is LB1228, originally introduced by Senator Holdcroft. There has been significant negotiations on this, and I'm happy to walk anyone through what those all entailed. But as amended, this bill creates a new state docket fee to be assessed as court costs in each civil case-- excuse me, civil cause of action and each traffic misdemeanor or infraction filed in the district courts and county courts. This bill also creates a case management systems software fee of \$10 that shall be taxed as costs in each civil cause of action and each traffic misdemeanor or infraction filed in the district and county courts. Colleagues, this-- because of the amendments that were worked out in the committee, this bill did come out 8-0 from the committee. And I would tell you specifically as it relates to the \$10 fee for what-- what we use as JUSTICE, this is a long-overdue need to revamp that program. It is extremely outdated. It's clunky. It's difficult to manage. It's really hard for the courts to try to keep track of everything, especially if a defendant has multiple cases or there are multiple individuals with the same name. It's really difficult for individuals who are seeking court filing records to find what they're looking for. And so it is long overdue to update that and the funding of it is going to be another issue. This isn't probably the only way we're going to look into funding it. There's going to be a united effort to do that from both the courts as well as other opportunities that we can, because it's going to be

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expensive admittedly. But it is an incredibly important tool for Nebraska courts. So I do ask for your green vote on AM2935. I would yield the remainder of my time to Senator Holdcroft.

KELLY: Senator Holdcroft, 8 minutes.

HOLDCROFT: 8 minutes. Well, we can talk about the U.S.S Gerald R. Ford fire, but I do have a few comments on this bill. When I originally introduced LB1228 at the request of Governor Pillen and in close coordination with our state's Supreme Court, the goal was simple, to create a sustainable user-funded model for our judicial branch that reduces the burden on the state's General Fund while ensuring our courts have the techno-- technological tools they need to operate in the 21st century. AM2743 refines that approach in three critical ways. First, Section 37, 38 of this amendment established the Case Management System Software Cash Fund. As our court system increasingly moves toward digital filing and remote access, the cost of maintaining and securing these platforms grows. By implementing a modest \$10 per case, case management fee, we will reduce the impact to the General Fund when modernizing the judicial user system to increase court effectiveness. Codename JUSTICE, case management IT system. So I've, I've spoken quite a bit on how we started off with our increase in the, the docket fees and thanks largely to Senator Bosn and Denny Vaggalis' efforts, we were able to bring these docket fee, I think, to a reasonable increase. And I, I thank Senator Bosn for all the work she's done on this. And with that, I'll yield the rest of my time. Thank you, Mr. President.

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

CLERK: Mr. President, Senator Conrad, I have FA1104 with a note you'd withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Conrad would offer AM2943.

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

CONRAD: Thank you, Mr. President. I'd ask for that to be withdrawn.

KELLY: So ordered.

CONRAD: Thank you.

KELLY: Returning to the queue, Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I rise kind of, I guess, not in support of AM2935. I appreciate that Senator Holdcroft brought this and in an effort to help with the budget process. This is part of a broader pattern, however, of how we've been doing things over the last few years of shifting things from General Fund appropriations to cash funds. And the necessity of increasing court fees is because we are cutting the court's general fund appropriation, and now funding the courts on fees. And fees are not actually a-- court fees specifically are not a predictable or sustainable funding source because oftentimes the people who are having to pay these fees do not have the resources. And so they end up having those fees waived. And so this, this shift to fees for managing government work is, is not a great practice to begin with. It's not sustainable and it's not reliable. So I will not be voting for AM2935. And I do appreciate Senator Holdcroft's work on this, and I understand the reasoning and motivation behind it. But I do believe that we need to stop the road that we're on and really take a hard look at how government is being funded. This is a function of government. The courts are a function of government and should be funded by government general funds. So thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. I appreciate the remarks of Senator Machaela Cavanaugh, who stole most of my thunder, because we serve on Appropriations together and talk about these things all the time. However, I wanted to kind of underscore and uplift some of these really important points and hope folks are listening. And this is where the importance of the Appropriations Committee comes in because sometimes it feels like our work is siloed. We're sitting in this very dark room consistently working through numbers. But we see every agency. And so while you other folks are on different committees, right, and you're able to interact a little bit differently, our purview is thinking about each branch of government and every single agency and the impacts. And so I have talked about on the mic, last session and this session, the importance of our courts and the Supreme Court. And the purview that they have, and what their budget looks

like. And so the conversation about how we are cutting their budget and their general fund appropriations started at the top of the biennium last year. We as a body voted on significant cuts. And what we've talked about is those significant cuts impact upstream evidence-based programming like diversion and problem-solving court-- problem-solving court just for veterans, these, these very important initiatives that we know if you invest in and really get to why that person is showing up in and touching the criminal justice system, that you save taxpayer dollars because we're not incarcerating them. Which I think was Senator McKinney's point earlier as we've been debating LB935. And so the conversation around the Supreme Court and their budget really started, at least for me, coming into the body, and at the top of our budgeting process, at the top of the biennium last year. The Supreme Court came back in this year as folks are doing deficit requests, agency requests on a number of items. And what the proposal from the executive branch or the, the Governor was that we can move Supreme Court to being cash funded, and that is through fees. And so when the Supreme Court came to their hearing, I specifically asked the question, do you want that? Their response was what Senator Cavanaugh uplifted, is that it's unpredictable. It's dependent on how many traffic tickets are written in this case. How many folks are, are navigating our local courts. And so it is very unpredictable in terms of cash flow and what does it mean for their operations. The other piece that they talked about is historically and generally and in other states, it is the best practice to fund this agency and this type of agency with general funds. It is an actual role of our government. And that's where taxpayer dollars should be going. Now we can talk about how we use those taxpayer dollars more efficiently. Again, going upstream to problem-solving court, doing smart justice reform, which Senator Conrad talked about. All of those are a piece of fiduciary effectiveness and strong fiscal management. And this is a function, a, a clear and direct function of government, and it should be funded through general funds, which would be their preference. Yet here we are. And so I think from the conversation of us trusting our agency leads and directors and what makes the most sense. This doesn't, to start to try to move this type of agency to be cash-funded in this way, because of the fees that they charge. And then we really have to talk about the impacts of those fees and who are going to be the people that are most impacted. And so when you look at what these fees, who they are assessed to-- I'll probably get back on the mic to talk a little bit about the racial profiling committee that was saved

by Senator McKinney last year in traffic stops. And as we talk about traffic ticket increases, who is gonna be disproportionately impacted by these fees? Again, creates a lot of concern and more harm than what-- where we already are. And so these are the considerations that we have to make as we are talking about budgets, agencies, how they run and where we are trying to fund things through, that we cannot just say throw a fee on it and that's the appropriate measure to take to do and maintain a mandatory responsibility of government, which should be through our general fund and not fees and cash funds in the same way. So I'll get back in the queue to talk a little bit more about that, but wanted to add to the remarks of Senator Machaela Cavanaugh and what we see on the Appropriations side, and why this specific bill is so important to some of the discussion and the division of the question that is in front of us. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, so I rise in opposition to-- oh man, my eyes are-- AM2935, I think that's where we're at. It's been a long day. So I, I would echo a lot of the comments from Senator Spivey and Senator Machaela Cavanaugh, which is that we shouldn't be increasing user-based fees to cover the essential functions of government. And that the fees are-- should cover the cost of the thing that actually happens, right? So it's like a fee for service. But there's a distinction when it is punitive. So we have in the Constitution, and you all have heard me talk about this many times, which is I think it's Article 7, Section 5 has the requirement that any penalty goes to the common school fund. And so there is a question, the Supreme Court has taken this up before, about court costs are not necessarily punitive. But the court has also taken up when increases in costs and fees are essentially part of the penalty and the punishment and not about the actual cost of the processing and the court service. So there's two cases, I'm sure a lot of folks are familiar with DeCamp v. the City of Lincoln. This is one I remember always hearing about, which is, I think it was Senator John DeCamp sued about having to pay tickets, parking tickets and things, and those becoming, becoming a punitive, and that he shouldn't have to pay the fees that the city of Lincoln was charging for the administration of that. The court basically found that the fair amount of money for administration was, was non-punitive. But that court that case did

quote or did cite to School District of McCook v. the City of McCook, which is a case from 1957, February 22nd, 1957, and again about parking. And what you will note there, of course, is the school district of McCook suing the city because the city was getting in on their action of taking the punitive dollars and using them for the city, and they were not letting them go to the common school fund. And what the, the case-- the court said in a few places-- but I'll just kind of pick a few of them. Here's one on page 822. If it is in fact a revenue enactment as distinguished from a purely regulatory measure, it is clearly unconstitutional. So this is talking about something to raise funds. And then this is on page 824, where it says, the payment of money after the violation within a fixed time to avoid prosecution under the ordinance is penal in character. The differences, differences are basic and controlling. The payment of the money here involved is in no sense remedial or compensatory to the city. So what it's essentially saying is the money that was being charged is the increase when people paid-- came and paid their fee a day later or something like that was not related to the cost of the city, to the city had to administer that, but it was an extra revenue raising. And that's the concern here is that we are adding a bunch of fees on here. There are a whole bunch of court fees already, and can probably pull some up and read them through for you. And there is already one that's like a technology fee that pays for things like the, you know, docket system and things, JUSTICE. I'm a person who uses JUSTICE, and I can tell you, we do need a new JUSTICE system. It is antiquated and bad, and so I very much am supportive of accomplishing that. But that doesn't mean that we can just increase fees and create a technology fund prospectively. So the contention that the constitutional provision applies only to exaction resulting from a criminal proceeding is not tenable-- I'm gonna run out of time, but I'll keep going-- but also to fines and penalties that are addressed under the rules, bylaws, and ordinances of the city. So it's saying traffic infractions, civil infractions. But really the crux is this money sounds like it's going into a fund that will then pay for a computer system in the future. I don't think you can argue that that has to do with the current cost of maintenance. And so there is, I think, a reasonable fee associated with the current cost of maintaining a system. But if we're going to increase the fee to stockpile money to save for a future computer system, I do think that that runs afoul of this requirement that the-- that anything that is non-punitive be related to the cost of administering the, the punishment or the

proceeding. And so I think there's a lot of other reasons why we shouldn't do this, but I do think specifically increasing these docket fees for that purpose is not appropriate. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. So in the committee hearing, I objected to this bill. And I will go over some of the reasons for that. I don't know that it makes sense in general to run a system like our judicial system on a fee system. It doesn't make sense to me to say that we should charge for a basic branch of government because we do not charge people \$5 a pop to come in and testify in our hearing rooms. Imagine if we did that. Yeah, they just get \$5 every time somebody testifies. We won't be here that late. That's just not how this should work. The fees that we are charging here are to get it at a basic function of government. And you say, well, it's because if you're using the court, then, then you should pay for it. But here's the thing. Everybody who buys a house, who has a contract, who has the contract for employment uses the court system. They just don't realize it because if there was no court system, there would be no one to enforce the contract. And therefore there would be no contracts. Our judicial system underlies the very way in which we conduct business in this state every single day and in every single one of our lives. It's not just that if we didn't have the judicial system, there would be the whole problem with the criminal justice system. It's that if we did not have the judiciary system, how would we even in any way, any aspect of our life together in commercial life here in Nebraska? We all use the judicial system even if we never step inside of the courts, and so it should be funded through our general fund which comes together from all of us. And what's happening here is we are taking spending out of the general fund and putting it onto fees. They're saying, we're not going to give the courts as much general funding and we're going to instead charge fees. So that is my objection to what we're doing. It is a tax on some, but not all people who are using the judicial system. So you may say, why did I vote for it out of committee? And the truth is, because I worked with the rest of the committee, and they brought it down from the original introduction. Which was must-- much higher. They also had ways that it would automatically step up over time. And so this was the compromise I made to vote it out of committee. And I don't know if it was a smart compromise or a bad compromise, but what we're doing is we're charging

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more fee money to people for a basic function of government so that we can use the money that was going from the General Fund to support that basic function of government somewhere else. And I just fundamentally don't like that. It is true that our JUSTICE system needs to be fixed, and while that sounds a little broader than that, I mean the computer system. We do need to do that. There needs to be some funding for that. It's going to take a lot of money. And it's pretty important. There are several things that I know of where they just haven't, they haven't done the computer programming, or they can't do the computer programing under the certain-- the current system for bills, for example, that I have passed in here. It's broken, and it needs to be fixed, and they need the money to do that. Senator John Cavanaugh just made a compelling argument I hadn't thought of that I have to think through now.

KELLY: That's your time, Senator.

DeBOER: Thank you-- thank you, Mr. President.

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

ANDERSEN: Thank you, Mr. President. I've asked several of the introducers this session, whenever there's a fee increase, I've typically asked them and said, OK, how long has it been? What's the context? What percentage are you increasing over what period of time? And the whole point is to try and figure out, is it reasonable to increase the, the fees or the taxes? And we can debate what reasonable is. For the context of this analysis I did, I looked at 3-5%. So I basically took all the fees from traffic, the civil districts, divorce and the small claims, and then put them on a spreadsheet and basically tracked them from-- the three of them from 1976 onto 2026. And then for the small claims from 1982 up to current. And the spreadsheet that was handed out, if you look at the, the bottom line that says LB1228, that tells you what the current fees are going to be based on what the bill is. If you look at the three lines above that, it tells you what a 3% increase, a 4% increase and 5% increase year over year would have been starting when the tax was originated. So if you look on the proposed fees for LB1228, you'll see for traffic, it's \$85. And if you'll look up above, you'll that that's between 4 and 5%. If you look at the civil district, it's \$152, which is really less than 3%. If you at the, the divorce and dissolution, it's at \$225, which is between

the 3-4% range. Lastly, if you look a small claims, you'll see it's \$56, which is a little bit above 5%. So this is my effort on this bill to put the, the, the fee increase in context. Seems reasonable to me that most of them are between 3 and 5%. Happy to answer any questions everybody has, but thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. So on this bill about fee increases for the courts, you know, I understand the need to improve JUSTICE because I've introduced bills that would have required JUSTICE to be updated. And what you think is a simple change turned into thousands, if not millions, of dollars of changes that need to happen, which was crazy. Even learning that JUSTICE was, you know, something that is very outdated was initially when I got in the Legislature was head-scratching. But, you know, I further understand why. But even so, on the topic of fees for, you know, funding some of these things, you know, it's really tough because we are living through a affordability crisis in the United States of America. And I don't see an end. I don't see things stabilizing anytime soon with wars going on in the Middle East and kidnapping people presidents, talking about taking over Cuba. All these type of things only lead me to believe things will continue to not be affordable, whether that's gas prices, groceries, anything. And with this, our courts, which, you know, are needed to assist our society for many different issues, whether you want to get married, you might have got a ticket, you have a small claim or something in district court. So I think that's why many people, even I, struggle with this is why can't we find the dollars to do many things and not find dollars to not tell people we need to increase fees? I understand a lot of these fees have not, I guess, increased in some time. Whether that's good or bad, I'm just neither here or there, I think. It's the amount that is increased at one time that I think a lot of people are struggling with. Then it was a conversation about attaching the CPI to this, and there was an agreement to not do that because that probably would have made it worse, honestly. And there was a compromise on what is in this bill or this amendment. It-- I don't know. On one hand, I understand JUSTICE needs to be improved. One thing I thought about was improve JUSTICE then take the fees back to where they are today, or something, find some way, or find some cash fund to fund the improvements for JUSTICE. And then people talked about ongoing costs or operational costs to

keep it maintained once it is approved, which I think is far less than what is needed to actually overhaul JUSTICE for JUSTICE 2.0. I don't like charging fees. I don't like increasing fees. And one thing I was told, and I think it's true, fees were not being increased when my predecessor was on the other side of the aisle over there by Senator Hunt. But soon as he left, there was this parade of bills to try to begin to increase fees because he would stop it or, you know, make sure some didn't, didn't get increased at all or slightly maybe. I know he, you know, he was a one-man wrecking machine. But that sticks out to me that these increases have come after he is not in the body anymore. And that, that's always something that sticks with me. And it also means to me as the person that came after him, that's something I need to pay attention to and I need to, you know, hold the line and ask questions and make sure these agencies are accountable. And, and making sure that we're not pricing our people out of things because we can't properly budget in the Legislature. And our budget keeps falling because of a lot of disagreements, and we're in a deficit because a lot of things that were rather good or bad to some people--

KELLY: That's your time.

McKINNEY: Thank you.

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

STORER: Thank you, President, and good evening. I wanted to get up and just make a few comments. I sit on the Judiciary Committee, and many of you know that I kind of have an eagle's eye and a commitment to fiscal conservatism. And so I was part of the negotiations in getting the, the fees down. And honestly just I appreciate that, I think, most of our committee members have got up and said a few words about this process. What, what you have here before you is the result of, I think, some very-- the way I think it should be actually here in the body-- some good negotiations. Everybody on the committee, including first and foremost Chair Bosn, worked hard to make sure that concerns were heard and we came back two or three times to get to a point that we thought we could all live with in terms of the fee structure. And just, just for perspective, I averaged out, but these-- the fees that are being proposed here are only about 40% of what the original proposal was. And so we really made significant progress and getting them, getting those negotiated down to where they are. I appreciate

the work that Senator Andersen did with his Excel spreadsheet, which I've never figured out how to use Excel very effectively. So again, thank you, Senator Andersen. But he got it down to the very accurate numbers to illustrate that this negotiation gets us to within a range that reflects what, what CPI would have been over those years. And it was interesting listening to Senator McKinney talk about his predecessor who did successfully prevent a lot of those things that, that could be, while I appreciate the work that he did there, that could also be a little bit of an explanation by-- why a lot our, our fee structures are lagging. Now, if we're going to have the fees, I think we do all have to realize that there has to be a recognition that the cost of doing the work for whatever the, the fees are associated with gets more expensive every year. And so that fee structure needs to keep up in some realistic manner. And so I think we were behind. Where we landed here can be very much, is very much, reflective of where over the course of the last, gosh, 40 years-- longer than 40 years. These, from the origination of, of many of these fees where they would be in a range of inflation. I, I had a lot of discussions with my colleagues and, and agree on a lot of the concerns and the points that Senator DeBoer has brought up that our court system is one of those fundamental functions of government, that, that government should be funding. Those are things that your general tax dollars indeed should, people need to have access to the court system. But these, the fundamental structure here has been in place for a while. I think the increases that are being proposed can be justified with the cost, basic inflationary cost. And it's been acknowledged, the one thing that I've heard broad agreement on is that the software system referred to as JUSTICE does indeed need to be upgraded. And so a portion of these are dedicated to do that. It's going to take us a while to get the money saved up, even at this fee structure, to do the meaningful changes necessary. But we, we've got to start towards that goal. So, with that, I will give you back the rest of my time. Thanks.

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

SPIVEY: Thank you, Mr. President. Wanted to get my notes together, and appreciate the dialogue on this. And so one of the things that I did just want to uplift after talking to our fiscal analysts, those are the folks that work really closely with the Appropriations Committee. Every kind of fiscal analyst has an assigned agency or department or a branch of government. And so the fiscal analysts that, that's been

working on this and helps us understand the budgets that are in front of us, I asked the question around, is this existing and increasing? This is actually a new fee. So I do just want to make sure that that's on the record, that this is a new fee. It did not exist before. And I also wanted to provide one clarification as we talk about the Supreme Court. That is a separate branch of government. Some of my other remarks were just around how agencies budget, but just to be clear, Supreme Court is a separate branch of government. And we have three. So just wanted to make sure that is clear. So going back to some of my other comments and kind of circling back to some of the impacts of the legislation that we make here. Earlier, maybe today, these long nights, I get confused on when we had debate on what bill and what the conversation was, but we were talking about the comprehensive nature of what we are doing with the YRTC's. The youth rehabili-- rehabilitation treatment centers. And we were talking about, OK, if we pass this specific legislation which changed a couple words and gave some permission, here is the implication of that. Where we were before and how we have this larger conversation about how we support youth that we are responsible for that are in out-of-home placements in our care that are needing specific support. And so I want to take that same approach and framework that we all had as a body on this floor together around the traffic stops and the disproportionate nature of traffic stops and how these fees will specifically impact a certain population. So the racial profiling commission was saved by Senator McKinney last year, as there was a cleanup bill around boards and commissions and what was defunct what wasn't being used anymore, and think about government effectiveness. And he really talked and worked with Speaker Arch around the importance of that commission and what does it look like, and so it was saved. And there is a report around traffic stops from this racial profile commission from 2024. And I'm going to speak to Douglas County because I'm an Omaha senator. But it has data from across the state. And you can find this on our nebraska.gov website. So it has a summary of some of our larger dis-- larger counties just due to density of population, and it's talking about traffic stops. So for this particular piece of Douglas County, it says, compared to the county population, the racial groups overrepresented by Douglas County traffic stops data are black drivers and American Indian. On average, across all races, searches were conducted in 8.3% of traffic stops from Douglas County agencies. With respect to race, search percentages were observed to be higher than average for black drivers at 16%, Native American and Alaska Native

drivers at 11%, and Hispanic drivers by 11%. So what this means is that these specific demographic groups make up smaller percentages of the population, yet we are overrepresented in, one, traffic stops; and then, two, searches. So when you talk about a new fee that is being added to the Supreme Court, and then who is going to be impacted on a day-to-day basis, people that are navigating their lives, that these specific three groups are gonna be overrepresented means which they are going to pay more, which we already know that there is bias and prejudice within this system. And so I just wanted to make sure-- I see my light is on and I may punch back in just to underscore this, but I think again the decisions that we make here are really important and impact people's day to day. And if we are capable of having a broader understanding and a comprehensive approach to other parts of our policymaking, we need to have it here, because it is so important. And so this is a new fee. We-- I don't believe the Supreme Court should be funded by fees, that should come from our General Fund. And that we have to ensure that when we're looking at fees in general and how we are assessing them, the impacts that will have on communities that are already marginalized and overpaying.

KELLY: That's your time, Senator.

SPIVEY: Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Trying to go quick. I've got a lot of thoughts on this, but I'm gonna stick on this topic I was talking about. So from the School District of McCook v. the City of McCook case, basically talking about the idea that court costs are acceptable, but to cover the costs of actually the administrative function. So I did pull up a couple of cases that have-- so we've got a divorce case, traffic case, and a county civil filing. And they all have a number of filing, there's filing fees, education fee, dispute resolution fee, there is indigent defense fee, but they all have automation fee: \$8. So the automation fee you can find is in statute 33-107.03. Court automation fee. In addition to all other court costs assessed according to law, a court automation fee of \$8 shall be taxed as cost for each case filed in each county court, separate juvenile court, district court, including appeals to such courts for each appeal and original action filed with the Court of Appeals and the

Supreme Court. The fees shall be remitted to the State Treasurer on forms prescribed. And then the State Treasurer shall credit the fees to the Supreme Court Automation Cash Fund. So went to the green book here, which if you all have is the LFO directory and Agency 5, Supreme Court, program 50-- 570, court automation. The Judicial User System to Improve Court Efficiency, JUSTICE system, connects all the trial courts in Nebraska. JUSTICE provides software applications for case management, financial record keeping, the trial courts. JUSTICE produces a variety of court documents, including warrants, summons, commitments, garnishments, executions. It allows for e-filing, e-payment, court case calendar search. JUSTICE records-- records are transmitted electronically to the Department of Motor Vehicles, Crime Commission. JUSTICE also interfaces with health and human services, charts the, the probation IT system, is the Nebraska Probation Application Community Safety, NPACS, and it's case management system used by probation administration. And so there's a 300-- or \$3,300,000, give or take-- actually goes up to \$4,600,000 cash fund that is used for this. Why am I talking about all this? There is already a fee being assessed for the cost and administration of the technology in the court system. So when you go and you look at AM23-- AM2935, again, my eyes are getting bad as the day goes on-- it has, among other things, in addition to all other court costs, the state docket fee shall be taxed in each civil cause, blah, blah, blah, and goes through the dollar amounts. And then it has addition, in addition to all other court costs-- so this is Section 36-- according to the law, a case management system software fee of \$10 shall be taxed as costs in each civil cause of action, traffic misdemeanor, or infraction in the district court. These fees shall be remitted to the State Treasurer in the form prescribed. Within 10 days, the State Treasurer shall credit this to the Case Management Systems Software Cash Fund. So essentially what this is creating is a fund, which I think my understanding is, to update the online portal for the court system. Which again, is a good cause. I agree with this. I think we should be doing that. But I don't think that we can charge a court cost to raise revenue to pay for a new computer system because by the virtue of the fact that somebody is currently in the court system and the new system does not exist, they are not paying-- that is not an ongoing cost for the prosecution, litigation of the case that is before the court. And so I don't think it fits into the standard of an exception to the punitive moneys requirement of Article VII, Section 5. I think it does, by virtue of that, becomes a punitive charge that

is then being used to raise revenue and should be going to the common school fund at that point, which I do think would, though maybe good, would defeat the purpose or the intention of this. Which is to raise revenue to buy a new computer system, and raise revenue for other ongoing functions. And so I'm opposed to this in general. I'll probably push my light so I can finish this thought, but I do really think specifically that Section 36 runs afoul of that because it is a-- it is specifically to create a slush fund for something in the future which is not permissible under the Supreme Court's interpretations of what is an acceptable court fee. So I, I'm going to be out of time, so I'll push my light and finish that thought. Thank you.

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

CONRAD: Thank you, Mr. President. Good afternoon-- or good evening, colleagues. I rise in opposition to the court fee components in this legislation, and I'm disappointed with how the judicial branch has interfaced with this body in regards to this issue. And I am extremely disappointed as a member of the Bar Association that that professional organization, which has a proud history fighting for access to justice, decided to come in in support of this measure. Let me contextualize this a little bit, friends. Over the years, it has been highly contentious and controversial when we increase court fees a little bit. There's been hard-fought battles over a dollar, or a two dollar increase, or three dollar increase, and for good reason. It goes to separation of powers, it goes to core function of government, it goes to regressivity. And here, this is perhaps one of the largest, if not the largest, massive regressive fee hikes that we've seen in regard to court fees that I'm familiar with. The measure that's emanated from the Judiciary Committee is better than what was originally introduced, as is on par with our process. But let me also be clear, there is a copious body of research, including from places like NCSL, that demonstrate the harm and the regressivity of exorbitant fees and fines in the justice system, both criminal and civil. And it has real-world impacts for families, and it real-world impact for business. And when you think about where the volume comes from in county court, it's landlord-tenant. It's debt-related. It's collections. So you're making a conscious choice today to increase fees on landlords and on consumer collections, which really is driving the bulk of those filings. Of course there's business litigation,

there's some APA, there's family law and district court, and then there's, you know, a fairly limited amount of appeals that go to the, the Court of Appeals and the Supreme Court. OK? So just keep that in mind. I also want to note it is misleading to say, well, some of these fees and court fees haven't been addressed or updated in 20 years. That's actually not the case. Go look at the primer on court fees. Listen to the testimony from the hearing. Talk to the people who are on the front lines of the justice system. There was just a significant court fee increase that was phased in. Through 2025. Not 20 years ago, guys. Last year. So we need to be clear about that. The other thing that I wanna point out with my friend, Senator Andersen's chart here, it's not quite accurate. If you look at the very next section of the measure, there's actually another hidden \$10 fee on each case that's not taken into account. He is right in lifting the chart that was included in the measure but if you look at the very next section of the bill there's a new hidden \$10 fee on cases therein as well, which actually makes significant adjustments to that analysis for inflation. The other thing that we need to keep in mind, friends, is that the court itself recently, starting January 1st, 2026, doubled fees for lawyers and users of the justice system on its own accord. \$1 to \$2 per record search. Bulk-- bulk court record searches, monthly cost increases doubled, \$500 to \$1,000. New case index jumped up \$200 from \$1,000 to \$1,200. Statewide case index jumped up \$500, \$1,500 to \$2,000. So they're also not telling you that part. And the other thing to keep in mind--

KELLY: That's your time, Senator.

CONRAD: Thank you, Mr. President.

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

McKINNEY: Mr. President, would Senator Conrad yield to a question?

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

CONRAD: Yes, yes, of course.

McKINNEY: You were on a roll. What else should they keep in mind?

CONRAD: That's subjective, but thank you. Thank you. The other thing that I, I wanted people to keep in mind, that there are other

solutions to look at this issue. There is no immediate rush to do this today. When we looked at making adjustments to court fees to take into account needs of the judge's retirement and otherwise, it happened through an actuarial study. It happened through a slow inter-- interim process. There was no interim study on this. There was no buy-in from stakeholders who utilized the courts or attorneys writ large. It was sprung on us at the beginning of session to fill a budgetary hole. And apparently there was some discussion or collusion between two branch of governments that struck a deal but forgot to key in the appropriators. And I think that's disrespectful and wrong.

McKINNEY: Thank you.

CONRAD: I'll add one more point, if you don't mind, Senator--

McKINNEY: Sure.

CONRAD: --and then I'm done. The other point is this. Look at a typical filing right now. There are filing fees, there are education fees, there are dispute resolution fees, there's indigent defense fees, there are uniform data analysis fees, there are civil legal services fund fees, there are automation fees, there are multiple fees already in existence today that relate to court automation and technology. And we've seen dramatic changes and evolutions in court automation and technology over the years. Everything used to be hard copy. You needed more people in the courts to process paper. We're now all electronic. There's less people needed, there's less paper needed, but you still have the same fees out there, languishing and languishing, and languaging, and there's no clarity from the court how they're utilized or how they will be applied to the new system. Thank you, Senator.

McKINNEY: Thank you, Senator Conrad. That sparked the question in my head, especially with the improvements of technology and how that impacts the overall job of somebody working within the courts, and how that should or should not impact the fees that we assess because of improvements in technology and whether those improvements in technology make the job a little more efficient, makes it easier for people to file things, whether you could go online and upload and push a button and it's there instead of having to drive downtown, go to the courthouse, sit in a line, talk to a clerk, get something filed, get a stamp, pay a fee. It's something really to think about. I, like, I do

think JUSTICE needs to be updated, because it's hard to pass some very simple bills because JUSTICE is outdated. So I think we, we do have to find a way, some type of way, to make sure we can update JUSTICE 2-- update to JUSTICE 2.0 make our system a lot better in the lives of the people that work in the courts, the lawyers, the judges, the clerks, anybody, regular citizen, to be able to go inside and utilize it. I think we should find a way. The question is, what way, at what price, and how long do we keep that price after it is updated? That is my biggest question, is will these fees go back down after-- or the fee-- or yeah, maybe the fee, for the improvement of JUSTICE, decrease once JUSTICE is officially updated to 2.0. I think that's something to think about, we should consider and have real conversations about. I think most people in here think JUSTICE needs to be improved. But we need to do it in a way that it's not perpetual and the citizens aren't paying for something that we should as a body be paying for. Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. I am going to be speaking most specifically to the people that are sitting in the Senators' Lounge right now, additionally to Senators-- you can, Senators Strommen, Storm, Andersen, and Storer, because I've noticed that those four senators have gotten up and made some comments repeatedly about fees. And I appreciate it, because I'm with you. And here's the, here's the lowdown. Senator Spivey already brought this up. This is not a fee increase. It's not. It is a new fee, entirely. An entirely new state docket fee. There currently does not exist a state docket fee. This is a new fee. A new tax, essentially. But here's a fun thing about it, is that this is a fee that, yes, the courts can waive. And there are certain fees that if the courts waive them, then the counties still pay that fee to the state. Not this one. This fee, if the courts waive it, the county does not pay it. Therefore, the state does not recoup it. And that is why this is not a good way to budget. Putting general funds aside and then using court fees that could be waived and are unpredictable as the basis for funding these things is not a reasonable way to approach the budget. Not by a long shot. Additionally, in the Appropriations Committee, Senator Armendariz very thoughtfully has put together this concept of taking all of these technology updates and putting them together and having the Department of Administrative Services work to help us

negotiate down rates and coordinate and have longer planning within our technology updates across the board. The-- she worked with the courts, she worked our Clerk's Office, she worked the state agencies to bring this forward and we put it into a white copy amendment into a bill in Appropriations. So that is how we should really be thinking long-term planning. So taking into consideration Senator Armendariz's bill in Appropriations and the fact that this is in fact a new fee/tax and not a good way to balance the budget, perhaps we should move on from this amendment, not adopt it, and go home as soon as we can. Because it's getting late. So colleagues, thank you for your attention if you gave it to me. And I would just say don't vote for AM2935. Let's take up Senator Armendariz's technology bill so that we can do better strategic planning and move forward. Thank you.

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

JUAREZ: Good evening, colleagues. And good evening to anyone online who might still be sticking with us in our evening hours. I Just have a few comments that I wanted to make in regards to AM29-- I think it says AM2935. I, I need glass-- get my glasses updated, too. I am against this amendment, and I wanted to mention in regards to the fines that we have for speeding. And when I-- since I'm driving all the time to Lincoln now, which is the most that I've done in my lifetime since-- I don't know if you guys remember that my mom was from here. So when she was living, we used to come here to visit family, and I still have some cousins that live here and my mom was the last one in her family to pass. So I don't really have any aunts and uncles anymore to interact with, but I have-- I'm really trying to get used to doing this commute and obviously I wish that I had my passenger rail in place so I could be riding the train instead of driving. I know everyone knows I hate to miss the-- miss my plug, but really, you take life in your own hands when you're driving on this interstate. And I'm not going to mention any colleagues who I know fly down this interstate, getting home in record times. I had a colleague say, Margo, did you see me pass you? Because, fortunately for me, I have never had a lead foot. So when I'm driving, I usually go to the far right lane, stay out of everybody's way, so that way they can go on their business of flying right past me. And I do want to mention to everyone, just because I care about you so much, I remind you about these speeding offenses. So when you're going 1 to 5 miles over the speed limit, you can get a fine of \$10 to \$50. When you are 5 to 10

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miles over, the fine is \$25 to \$75. 10 to 15 miles over, it's \$75 to \$125. When you're 15 to 20 miles over, it's \$125 to \$200. When it's 20 to 35 miles over, \$200 to \$300. OK, now folks, if you're 35 miles over, which really, people are doing this, because I witness it quite often, the fine is \$300 to \$400. I mean, for me, I'm glad I reminded us about this fact because it's truly a good deterrent for me. I'm going to remember these figures and stay to the right side of the interstate system where I belong, so I'm not getting in everybody's way. And I also wanted to mention that I think we could take a look at, and of course remember, how maybe in the city where people also do go fast, obviously we know that by the accidents that happened, that we should all, no matter where we're traveling, try to be safe so that we don't have deaths that happen. Even the sign when we're driving to Lincoln, it shows how many deaths have already happened in our state, and imagine we're only in the month of March. I think it's already up to 35. But I just wanted to remind everyone about these fees, even though they're probably useful. I know they're useful for us, the funds I'm sure are used, and, and I just wanted to ask everyone to be safe. Thank you. Yield my time.

KELLY: Thank you, Senator Juarez. Seeing no one else in the queue, Senator Bosn, you're recognized to close on AM2935, and waive. Senators, the question is the adoption of AM2935. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 10 nays on adoption of the amendment, Mr. President.

KELLY: AM2935 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator DeBoer would move to amend with AM2914.

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

DeBOER: Thank you, Mr. President. AM2914 is an amendment that I worked out with Senator Bosn, Senator Clements, Senator Holdcroft, and others dealing with the matter of the civil cause of action court docket fee in county court. Specifically, these are where some of the smaller dollar amount court civil cases go. So we-- this new docket fee we have created in this bill, we've made, if it is \$1,500 or less at controversy there will be no additional docket fee. If it's \$1,500 to \$7,500, it will be \$10. \$7,500 and up will be \$20 for this additional dockets fee. Taking down on those very small cases the additional

docket fee, recognizing that, for example, if you are collecting on a debt and the amount of the debt is \$300, if you're getting charged \$50, \$60, \$70 in court fees, why are you even going to try and collect that debt? And that becomes a problem. Recognizing that in some situations, like if you are trying to do an eviction, if the amount is small in controversy, all of these kinds of things, then having sort of higher court fees is going to be problematic. So we worked this out together. I wonder if Senator Bosn might answer a question. Senator Bosn, you and I worked this out together with different stakeholders to try and come up with these numbers, is that right, Senator Bosn?

KELLY: Senator Bosn, would you yield a question?

BOSN: Yes, I would yield to a question. And yes, the answer to your question is we did work this out with a number of individuals, made sure to clear it with the introducer of the bill and also with the chair of the Appropriations Committee. So I appreciate your help with this, and yes, it was a well-orchestrated amendment.

DeBOER: Yes, and I do also want to thanks Senator Storer, Senator Storm, some others who worked on this with me, so-- Senator Lonowski. So this was a place where we were trying to come up with some answers to what might be some unintended consequences of making, first of all, fewer and fewer filings in this particular type of, of case and also-- which then is sort of contrary to the purpose, in addition to closing our courts off to some people. But also as a way of making sure we're recognizing that there's-- if you, if you have a mountain controversy of \$500 in the, in the court, that's very different than if you have one that's \$50,000. And so recognizing that, we wanted to make this sort of graduated fee just on this new docket fee which will pass in this bill. So I would appreciate your green vote. I thank all of those who helped me to get this together, my staff as well. Thank you, Mr. President.

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

STORER: Thank you, Mr. President. I won't take but a minute. I just want to stand up in support of AM2914 and thank Senator DeBoer for her work on this. Certainly this, I think, has improved, yet made a

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further improvement on the structure, makes a lot of sense. So again, I support AM2914. And thank you, Senator DeBoer.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I will probably vote for this amendment just because it is better than what is currently there. Though still opposed to the idea of raising revenues on court fees, and for all the reasons that have been talked about before. I did-- on the last section, didn't quite get finished all my thoughts, but there was one. So I'm just looking at this, and it strikes me in this amendment as well, and it's section-- or (2) of Section 35. The fee shall be remitted to the State Treasurer on the forms prescribed within 10 days after the ending month. State Treasurer shall credit the fees to the General Fund. And so I guess I'm trying to just look at this real quick and see are these fees going to this-- the state docket fee, does it-- I know the other portion in Section 36 specifically goes to the case management system. But are all of these fees going directly to the General Fund and raising revenue for the state, or are they going into a cash fund? So I, I'm sorry if somebody already answered that question. I don't know who would be appropriate to answer that question. So I'll just put it out into the ether that, and if that's the case, raising funds to the General Fund, I would again renew my objection to court fees for the purpose of raising just general money as opposed to the cost associated with the administration of either the dissolution of marriage, the traffic infraction, or the small claims court. That the court has said that you can use-- you can assess fees that are non-punitive for the nature of the cost of prosecution or of the case, but if once you get beyond the actual cost, then it becomes punitive in nature and would be something that needs to go to the common school fund. And so, if this is just raising funds to go into the General Fund, I do think that that fund we should have it go to the common school fund to be in compliance with the Constitution. So I support AM2914 because it is better than the current bill. Still opposed to the idea in the bill as it is. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator DeBoer, you're recognized to close on the amendment, and

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waive. Senators, the question is the adoption of AM2914. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays, Mr. President, on adoption of the amendment.

KELLY: AM2914 is adopted. Mr. Clerk.

CLERK: Senator Conrad, I have MO526 with a note that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, I have nothing further.

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

BOSN: Thank you, Mr. President, colleagues. I appreciate everyone's patience as we went through this, and the time that was taken to try to have a meaningful debate on the different sections of this bill, which I think were productive. And I, I am grateful for everyone's conversations as we moved through this. I would ask for your green vote. If there are questions, I'm happy to answer them. Otherwise, please vote green on LB935 as amended. Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. Senators, the question is the advancement of LB935 to E&R Initial. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 35 ayes, 4 nays on advancement of the bill, Mr. President.

KELLY: LB935 is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, LB1091, introduced by Senator Bostar. It's a bill for an act relating to public assistance; provides requirements for long-- long-term care clients with special needs under the Medical Assistance Program; and repeals the original section. The bill was read for the first time on January 15th of this year, and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments, Mr. President.

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

BOSTAR: Thank you, Mr. President. And good evening, colleagues. LB1091 is legislation that reflects the ongoing collaborative work between providers, policymakers, and the Nebraska Department of Health and Human Services to ensure that Nebraska's most medically complex long-term care clients receive consistent high-quality services. This bill is about refining our system so it meets the needs of the most vulnerable and most care-intensive Nebraskans. LB1091 makes a simple change to exclude skilled nursing facilities and nursing facility services for long-term care clients with special needs from enrollment in the Medicaid Managed Care Program. Instead, skilled nursing facility care and nursing facilities services provided to a long-term care client with special needs shall be administered and reimbursed through a fee-for-service or other non-risk-based delivery system authorized under the state or federal law and not through Medicaid managed care. Legislation works to preserve budget neutrality while providing clear statutory direction that ensures specialized long-term care services for individuals with complex needs are administered in a manner that prioritizes stability and continuity. Of the nearly 300,000 individuals currently enrolled in Heritage Health, the state's managed care system, this legislation impacts fewer than 150 Medicaid beneficiaries. LB1091 is not designed to upend the state's managed care system, but instead recognizes the specific challenges that caring for this high-needs population creates, and shifts this small group back under a fee-for-service payment system. This change creates consistency in our system for long-term care clients and their families, as the remainder of the state's long-term care supports and services are currently funded and managed through a fee-for-service model. Importantly, LB1091 recognizes that the Department of Health and Human Services has been a willing and engaged partner in conversations about how best to serve this population. Legislation offers a framework for continued collaboration, one that respects the department's operational expertise while giving providers and families confidence that services for their medically fragile loved ones will remain stable and appropriately structured. AM2381, the committee amendment, eliminates the fiscal note and provides corrections requested by the Department of Health and Human Services to facilitate their ability to continue deploying various utilization management policies that are outlined in the current regulations for special needs long-term care facilities. This is simple legislation meant to deliver the best and most tailored quality of care for the most vulnerable special needs, long-term care clients in our state. LB1091

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was supported by the community of long-term care special needs providers, and advanced from committee 7-0. And with that, I would urge your support for the bill and the upcoming committee amendment. Thank you, Mr. President.

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

HARDIN: Thank you, Mr. President. LB1091 is about protecting some of our most vulnerable Medicaid recipients, those with complex medical needs in nursing facilities who require a level of care that goes beyond what a typical nursing home provides. Right now, there is concern that moving these individuals into Medicaid managed care could disrupt their care, destabilize providers and subject them to the kind of utilization management that simply does not work well for people with intensive ongoing medical needs. This bill makes a straightforward declaration that complex medical needs populations should stay out of the managed care world permanently. Their services will continue to be paid through traditional fee-for-service Medicaid, and their providers cannot be forced to enroll with a managed care organization just to serve them. Managed care organizations can still play a supporting role, coordinating non-nursing benefits and providing wraparound services, but they cannot hold financial risk or make utilization decisions for these clients. The bill also requires DHHS to implement these protections without increasing General Fund costs above what managed care would have spent, and to update its contracts and regulations within six months. This is about ensuring that our most complex, most vulnerable, long-term care patients continue to receive stable specialized care from providers who know them without being caught up in a managed care system that was not designed for their needs. Thank you, Mr. President.

KELLY: Thank you, Senator Hardin. Moving to the queue, Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. I rise in support of AM2381, the amendment, and then the bill, LB1091. And I, I'm just standing up because I had told a story to Senator Bostar before, and he suggested that I share it. So QLI in Omaha is an amazing facility. And if anybody gets a chance to take a tour, I think sometimes they invite you off-session, I highly recommend you do. But there was a young-- well he's not a young man, he was probably about five years younger

than I, "Deucer" Smith, and he is from Seward, and he was just a couple years younger than me. He was in my brother's class. And Deucer, when he was 18, well-- I, I kind of hung out with Deucer and my husband, we were all working one summer at Hughes Brothers, like summer intern help. And Deucer had just graduated Seward High that May. And in late August, he was going to school at a college in Kansas and was out one night. And Deucer was just a normal kid, whatever. Well, got-- something happened at a bar. Kind of got sucker-punched, and he fell back and he hit his head on a curb. And it changed his life forever. And he-- the only movement he had was a little bit with his finger, and he could blink and look with his eyes. Otherwise, he was completely paralyzed, but his brain was 100%. He had 100% capacity in his head, but could not-- trapped in his body. And he was in the hospital in coma, induced coma for months, got out of there, kind of cycled through some nursing homes, but ultimately landed at QLI and was there 20-some years. We just attended Deucer's funeral about a month ago. And the QLI staff came to this funeral and Seward, and it was amazing. And, the effect Deucer had on this staff, and they, they'd worked out a way to communicate where he looked at cards and would-- he could communicate with them. And technology, he had an iPad that he could, he started texting through iPad. And once he was free to text, I mean, I can't imagine how long it would take to write out a message, but he could communicate. And it was just, it's an amazing facility, and it's folks like that that we have to protect. And that's what government does is to take care of those kind of people. One instant can change your life. And anyway, sorry, getting emotional. It's late. But QLI, a great place. I think this is a really good bill, so I am in support. Thank you.

KELLY: Thank you, Senator Hughes, Senator Prokop, you're recognized to speak.

PROKOP: Thank you, Mr. President. And I would echo everything Senator Hughes just said. If you've never visited QLI or Madonna, take, take, take some time to get there, because they do amazing, amazing work. So I rise, as well, in support of LB1091 and would ask for your green vote on AM2381 and LB1091. This bill is the bill I selected for my priority legislation this session, and I want to thank Senator Bostar for all of his hard work on this bill. The bill provides protections to a small but critically important segment of Nebraska's Medicaid population. The Legislature has long recognized the importance of carefully evaluating the health care needs of all Medicaid recipients.

In the late 1980s, that recognition led to the development of a regulatory framework for long-term care clients with special needs, individuals with traumatic brain injuries, spinal cord injuries, and other catastrophic neurological conditions who require highly specialized medical and rehabilitative care. These patients often need complex services, including ventilator support and advanced nursing care, and their needs simply do not fit neatly into a traditional healthcare system. In 2017, with the implementation of Heritage Health, providers serving this population were swept into the managed care system, and appropriately so. While managed care was designed to better manage Medicaid dollars, it did not account for the unique circumstances of these specialized long-term care patients. The population did not change, the regulations governing their care did not change, and their complex clinical needs certainly did not change. What did change was the care management and reimbursement structure, and unfortunately not for the better. In the years since, providers have experienced significant declines in their ability to serve these patients, in some cases by as much as 20-60%, largely due to denials of admissions and denials of continued medically necessary care by the MCOs. This decline is not due to a reduced need. In fact, hospital data shows that traumatic brain injuries and spinal cord injuries have continued to increase in the same time frame. Managed care organizations often operate similarly to commercial health insurance carriers, a model that may work for short-- short-term acute care but does not provide the stability required for individuals needing long-term, medically complex rehabilitation. When the right care is provided at the right time, outcomes improve and long-term costs decrease. We know this because specialized facilities in Nebraska consistently achieve exceptional results, just like Senator Hughes was talking about. For example, about 90% of patients at QLI, one of the facilities serving these patients, returns home after completing their program and regaining independence. LB1091 offers a targeted solution. It does dismantle managed care and affects, at most, about 150 individuals, roughly 0.005% of those enrolled in Heritage Health. The bill simply returns this narrow and highly specialized population to the fee-for-service structure that already exists within Medicaid and can most effectively be administered by DHHS. In doing so, it restores a system that better serves medically complex Nebraskans. The bill, again, was heard in the HHS committee and voted out unanimously, 7-0. And with the adoption of the committee amendment on the board, there

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is no fiscal impact to the state. So again, I would encourage your green vote on the amendment and on LB1091. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. Good evening, colleagues. I'm hoping that Senator Bostar might go over the fiscal note once again. And I know originally the fiscal note was, you know, almost \$2 million per year. And I didn't quite catch how they were able to decrease that. So if Senator Bostar would yield to the question.

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

BOSTAR: Yes, I would.

RAYBOULD: Thank you, Senator. So the question is, I asked you, how, how did the fiscal note go away? And how did some of the fees from DHHS disappear as well?

BOSTAR: Magic.

RAYBOULD: I was thinking that, too, so.

BOSTAR: No. And so thank you for that question. So the answer to that question lies in the committee amendment. Essentially in the green copy, the introduced copy of the bill, there wasn't sufficient clarity that the department could continue to use utilization management policies for this particular population. And so by offering that clarity that exists within the committee amendment, those concerns then became resolved, which fundamentally alleviated the necessity for the fiscal note.

RAYBOULD: So is it, so just so I understand it correctly, so those individuals that would be identified as long-term care clients with special needs, they would have automatically been invol-- enrolled in the Medicaid managed care organization, but, but because you were able to clarify that, they now were considered 100% Medicaid recipient, am I understanding that correctly?

BOSTAR: So what it does is it takes this very small population within Medicaid and it takes them from within the MCOs, and it removes them

and puts them into a fee-for-service model. That's, that's essentially everything the bill does.

RAYBOULD: And so then, therefore, some of the administrative oversight costs from DHHS also disappeared too. Is that correct or--

BOSTAR: Well, it's, you know, we are paying-- there's a cost for these individuals through Medicaid to the state.

RAYBOULD: Mm-hmm.

BOSTAR: And with the bill as structured with the amendment, what it's essentially saying is not that there aren't any costs for this population, but just that there isn't any more cost for this population by moving them to fee-for-service. So what this population cost us today is what it will cost us tomorrow after this bill becomes law.

RAYBOULD: OK. All right, well, thank you very much for clarifying that.

BOSTAR: Thank you.

RAYBOULD: I appreciate it. Thank you, Mr. President.

KELLY: Thank you, Senator Raybould and Bostar. Senator Riepe, you're recognized to speak.

RIEPE: Thank you, Mr. President. Being a hospital background kind of guy, I wanted to wade in on this briefly. I did vote positive for this out of committee, but it seems to me where we're moving in terms of a concern of mine is that we're moving probably moving to a, now, a product that's called Premium Medicaid. Not Medicaid, but Premium Medicaid. And I'm also a believer in general from my experiences that if you do one, you're going to get ten. And so we will have more people seeking this out either individually or legislatively. I also, and I'd like to say that I have been at both QLI in Omaha and Madonna. We have a Madonna in Omaha as well. And so I have been at the Lincoln Madonna, and so I have, have seen that. I have experienced that. Not as a patient, but as a person walking through, an individual. I also have an alarming concern, not on this particular bill, but going forward. And the question is, do we, not only maybe we in Nebraska, but we in the country, need to step back and reassess Medicaid and how

it functions or how it doesn't function? We are seeing a rapid growth in our Medicaid expenses here in the state of Nebraska. I think it was something like \$300 million. And we're also looking at a cutback of, I believe, it's close to \$1 trillion in the Big Beautiful Bill that's going to come our way in the future. So we have to look at this thing not only for this particular case, and it's kind of a case-by-case basis it appears, but we have to look at the bigger picture of this thing as a state because with our budget concerns, they're not going to-- Medicaid is not going to contribute and help us with our budget deficit going forward. And I sense that every year it will be worse. I know as a government our concern with Medicare is that it, sometime in the not- too-distant future, that our Medicare and our health care cost, in essence, will exceed our defense budget, and that is certainly, clearly, not sustainable. But with that, I will vote for this because, you know, I sense that it's justifiable. But I do give a blinking yellow light in terms of where we go with other programs, even within DHHS for Medicaid. But thank you, Mr. President, and thank you.

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

SPIVEY: Thank you, Mr. President. I just wanted to rise briefly to thank Senator Hughes for her story, as I know that was very impactful for her and then losing such a close friend. But QLI is actually in my district. Some say the best district, but District 13 nonetheless. And I've gone to visit, and they are super open. And you think you go and you have an idea doing this work, and then you come and it is-- you go and it's transformational. Just the people that you see, the intention behind every space, the folks that are there working, that are figuring it out. And so I just wanted to underscore the importance of organizations and agencies like QLI and thank them for their tireless work for the folks they are serving. Thank you, Mr. President.

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

ROUNTREE: Thank you so much, Mr. President. I'll be very brief. I appreciate all the comments that have been given already. I also had an opportunity over the last year and summer to go out to visit with QLI, as well as down at Madonna. And just so much tremendous work going on out there. I really appreciated my tours on both of these

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organizations, and recognized the great, great work that they're doing for people who have this great depth of need. So as they are advocating for this particular bill, I just rise and stand and say that I support on the passage of this bill for their needs. Thank you, Mr. President.

KELLY: Thank you, Senator Rountree. Seeing no one else in the queue, Senator Hardin, you're recognized, and waive closing on AM2381. Senators, the question is the adoption of AM2381. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 46 ayes, 0 nays on adoption of the committee amendment, Mr. President.

KELLY: AM2381 is adopted. Seeing no one else in the queue, Senator Bostar, you're recognized to close on the bill.

BOSTAR: Thank you, Mr. President. Thank you colleagues. I, I really appreciated what everyone said. And I want to thank Senator Prokop for prioritizing legislation and Senator Arch for putting on the agenda today, and everyone who's been extremely supportive of this important endeavor. With that, thank you and please vote green.

KELLY: Thank you, Senator Bostar. Senators, the question is the advancement of LB1091 to E&R Initial. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 46 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB1091 is advanced to E&R Initial. Mr. Clerk, items for the record.

CLERK: Mr. President, your Committee on Health and Human Services, chaired by Senator Hardin, reports LB959 to General File with committee amendments. Your Committee on Agriculture, chaired by Senator DeKay, reports LB1187 to General File with committee amendments. Amendments to be printed for Senator Ballard to LB912. Senator Moser, LB972. Senator DeBoer, LB965. Senator Clements, LB1071 and LB1072. Senator Conrad to LB935. Senator John Cavanaugh to LB935. A communication from the Governor concerning an appointment to the State Racing and Gaming Commission. And a new A bill, LB304A, introduced by Senator DeBoer. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out the

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provisions of LB304. Finally, Mr. President, a priority motion.
Senator Moser would move to adjourn the body until Thursday, March 26
at 9:00 a.m.

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