

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

LONOWSKI: Please pray with me. Gracious and sovereign God, we come before you today with gratitude for the opportunity to serve. Not only serve our state, but to serve you. Thank you for the privilege of gathering in this Chamber, for the freedoms we enjoy and for the responsibility entrusted to these elected officials by the people of this great state. Grant wisdom to every member of this Legislature. In moments of debate, give clarity of mind. In moments of disagreement, give patience and understanding. Help them to listen carefully, speak thoughtfully, and act justly. May their decisions be guided not by pride nor partisanship, but by integrity, humility, and a sincere desire for the common good. Bless the leaders of this body, the Speaker, the President, committee Chairs, and all who labor behind the scenes. Strengthen them for the weight of leadership. Grant them courage to stand for what is right, even when it is difficult, and grace to work cooperatively across differences. We ask your blessing upon the state, the cities, and the rural communities, its families and business, its schools and first responders. May the laws enacted here promote justice, opportunity, safety and compassion for all, especially the most vulnerable. Please help us remember the gratitude we owe you during this holy week, the week where you gave up your son so that we may live and prosper in this land and be forgiven for our sins. In your holy name we pray. Amen.

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

CLEMENTS: 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 fifty-third 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.

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KELLY: Any messages, reports, or announcements?

CLERK: There are, Mr. President. Amendment to be printed from Senator Glen Meyer to LB986. Additionally, a rule suspension for-- from Speaker John Arch. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR410, LR416, LR424, LR437, LR438, and LR439. Mr. Clerk, please proceed to the agenda.

CLERK: Mr. President, Select File. First of all, Senator-- LB758. First of all, Senator, there are E&R amendments.

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

GUERECA: Mr. President, I move that the E&R amendments to LB758 be adopted.

KELLY: Senators, you heard the motion. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Kauth, I have FA387 with, with a note that you would withdraw.

KELLY: So ordered.

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

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

GUERECA: Mr. President, I move that LB758 advance to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. LB758 is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB1236, first of all, Senator, there are E&R amendments.

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

GUERECA: Mr. President, I move that the E&R amendments to LB1236 be adopted.

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KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. The amendments are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Kauth, I have FA896 with a note that you'd withdraw.

KELLY: So ordered.

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

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

GUERECA: Mr. President, I move that LB1236 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. LB1236 is advanced for E&R Engrossing.

CLERK: Mr. President, LB1236A. There are no E&R amendments. I have nothing on the bill, Senator.

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

GUERECA: Mr. President, I move that LB1236A be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Senator Cavanaugh. Leave it up to Senator Cavanaugh to pay attention here and have no problem yelling. So I appreciate that. Always looking out for us. Yeah, sorry, I, I didn't tell the Clerk and the presiding President that I was going to speak, so I probably should have told him beforehand, sorry. I just want to, colleagues, give us just a kind of really, really brief overview about maybe some of the savings that we have done as an Executive Board, some of the actions that we have taken-- I have taken as Executive Chair working along with the Clerk's Office. I just not just want to show you, but the people may be watching that, as we expect-- the, the people of Nebraska, as expect us as the Legislature to tighten our belts, look and see where we can make some savings, look and how we can be more efficient, these are just some of the measures that we have taken this year to be more efficient in how we govern and what we do here as the Legislature. And so this bill is just one example of

that about how we have done-- re-- kind of-- how we've looked at how we print material now, maybe go more towards a digital aspect and then printing on demand. And then those entities outside of the Legislature who would like to still have hard copies of things can ask for them if they wish, we will still print them, but then they will have to pay for them now instead. So we have made multiple efforts to look and see how we can be more efficient. Some of it have been the consolidating positions relating to coordination of legislative services, centralizing committee administrative functions, division restructuring modernization, transitioning to a print on demand, such as this, change to legal research services, legislative budget reallocation, digital external distribution of publications, future division restructuring modernization, and direct contracting of phone services. So one example of that is we were paying roughly about \$130,000 for phone services for the Capitol. And so we take a little closer look at that, OK, how can we save money? How can we be more efficient? We looked into it, did some more processing, and we found out that we could actually go with another company that only charges \$30,000. And so right there, \$100,000 in savings a year. And so those are some of the steps we have taken as, as an Executive Board, some of the steps I have taken to be more efficient with how we spend taxpayer money. I think overall per year we're saving roughly around \$2.7 million. And so I say this is just-- this for us, but also to, to let the people know that, look, we got to do our job here as well. We can't live off the high horse. We got to make sure that we can cut stuff as we, as we can and be more efficient. So those are just some of the steps that we have taken. I'm going to continue to look forward this whole rest of the year to see where we can make sure we're providing the essential services that we, that we need to. For us, for the Capitol, for the people, but also see, OK, where can we be more efficient? Where can we cut? So those are some of the steps we've taken. Just wanted to share that with people, and I appreciate Mr. President for giving me the time. Thank you.

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

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. I'm hoping that Senator Hansen will yield to a question about the fiscal note.

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

HANSEN: Yes.

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RAYBOULD: First of all, Senator Hansen, thank you and your committee for coming up with some savings. But it's puzzling for the fiscal note of \$25,000, and is it just shifting funds from one category to another or why is there a [INAUDIBLE]?

HANSEN: Yes, I, I can get a clearer answer for you, but, from my understanding, we're shifting the money. It's not, like, we're, we're spending more money, but now we're putting some of that direction more underneath, like, the Clerk's Office to then with those people who do ask as opposed to just printing it automatically. But I can verify with that and get you a better answer just to make sure.

RAYBOULD: OK. Thank you very much. Thank you, Mr. President.

KELLY: Thank you, Senators Raybould and Hansen. Senators, the question is the previous motion to advance. All those in favor say aye. Those opposed say nay. LB1236A is advanced for E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB787. There are no E&R amendments. Senator Kauth, I have FA416 with a note you'd withdraw.

KELLY: So ordered.

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

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

GUERECA: Mr. President, I move that LB787 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. LB787 is advanced for E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB839. There are no E&R amendments. Senator Kauth, I have FA479 with a note you'd withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Rountree would move to amend with AM2471.

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

ROUNTREE: Good morning, and thank you so much, Mr. President. Good morning, fellow senators, and good morning, Nebraskans, who are

watching online. Today, I rise to introduce LB839, which I'll give the amendment as well, which will add a requirement for cities to report the number of multifamily units constructed in accordance with the accessibility standards of the Fair Housing Act. We discussed this bill on General File and the work the state is doing to address the housing needs of the disability community. We have an obligation to meet the mandate of the Olmstead Supreme Court decision and to provide integrated housing options for those with disabilities, instead of relying on expensive institutionalization to ignore those with high needs. LB839 will have the 10 largest communities in our state report every 2 years how many accessible units have been built since 2021 in order to understand what housing options exist and what may be needed in the future. I've introduced AM2471 to help create a more comprehensive approach to accessible housing in our state. AM2471 does three things: First, it addresses some concerns that the city of Omaha had with reporting of accessible units. They were not sure they would be able to gather the specific information we were requesting in LB839, so I worked with them and the members of the disability community to create language that would allow them to report similar data that accomplishes what we are aiming to do. Second, the amendment includes my LB1041 as amended by the Urban Affairs Committee amendment on the bill. LB1041 originally mandated that cities would allow the building of accessory dwelling units, smaller self-contained housing units built in addition to a pre-existing home. In the committee hearing, there was great pushback to a mandate for our diverse communities in the state. We heard this criticism, and with the help of the League of Municipalities, drafted the amended version that is included in this amendment. What the bill does now is require cities to report where in their boundaries ADUs are allowable, and what barriers there are to the construction of an ADU. These units are seen as good candidates for those with disabilities or those who are looking to age in place in their homes. This compromise acknowledges the individual needs of communities and looks for a collaborative approach instead of a top-down mandate. And third, this amendment includes my LB840, which would require a percentage of multifamily housing units built with funds from the Nebraska Affordable Housing Trust Fund to be accessible for those with disabilities. We have heard constantly about the lack of affordable units in Nebraska, and I applaud the body's work to address this need in recent years. What LB840 does is amended by-- as amended by the Urban Affairs Committee, is requires that projects funded by the Affordable Housing Trust Fund have 10% of their units be accessible for those with physical disabilities, and 4% of those units be accessible for individuals with

audio or visual impairments. After opposition in the committee hearing to the original percentages proposed, I worked with the Housing Developers Association to lower the amount required to the 10% and 4% I mentioned earlier. This change got the Developers Association to neutral on the bill. While I understand the hesitancy to add any requirement to housing, this small change will have a large impact for those in need. Many states have similar requirements to ensure an adequate number of units are built that meet the various needs of those in our community. I would like to thank the amazing advocates I've worked with over the interim and this session to raise this issue to the forefront. The state is looking at cutting services for those with disabilities, institutionalizing those with high needs, and criminalizing homelessness. It is vital we acknowledge the realities in front of us. The economic situation grows more strained every day, and housing gets more and more expensive. For those on a fixed income and with a disability, finding a way to get a roof over your head can feel nearly impossible. LB839 and the amendment are a small step in the right direction to ensure that we build the future of Nebraska. We build it for all Nebraskans. I appreciate your attention to this matter and ask for your green vote on AM2471 and LB839. Thank you, Mr. President.

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

CLERK: Mr. President, Senator Dover would move to amend with FA1133.

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

DOVER: Thank you, Mr. President. I appreciate Senator Rountree's work, but I need to flag concerns that these construction requirements have the potential to, to bring. Senator Rountree had just stated that he wants to bring affordable housing-- increase the, increase the supply of affordable housing and I do agree wholeheartedly that that needs to be done and I do agree also that, that is in the heart of Senator Rountree. I think, like so many things, we try to do things we don't realize what it might cost. I know there was a discussion that assessing the need in community first, and I have not heard how these discussions went. The need in Lincoln and Omaha will be considerably different than Norfolk and Madison, yet builders will be held to the same standards. If these accessible units sit unused, they will-- are they able to be rented out to individuals without accessibility needs? I understand that concessions have to be made to reduce the requirements in the 20% to 10% and 10% to 4%. These were-- Senator

Rountree had met with the League and I think other stakeholders and worked with them to get something that was acceptable. I'm still concerned about the mandate that this creates on home builders and do not want it to cause detriment to already existing issues with housing production and availability. I'm not opposed to accessible housing, but I think there is a better way to get these units built through incentives. I would rather have it be incentivized through the Affordable Housing Trust Fund application process, similar to what I believe is done through NIFA. Applicants for funding would get more points on their application if they were including accessibility in their projects. And what my floor amendment simply does, it strikes two short paragraphs, at least 10% of the dwelling units included in the project will be accessible for persons with mobility impairments. And the second paragraph, at least 4% of the dwelling units included in the project will be accessible for persons with hearing or vision impairments. I spoke with Senator Rountree, he was aware of the floor amendment. I've given my word that I will work with him to, to see if we can find a solution and work with DED and NIFA to come up with a solution that will do what Senator Rountree wants to do, which is making sure there are, there are accessible units on the market for renters. Thank you. I urge you, I urge you to support FA1133. Thank you.

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

KAUTH: Thank you, Mr. President. So this is, this is a lot to pack into one bill. And it's, it's stuff that I think we all would like to put as many of our own bills onto a bill that's on the floor as possible. But this is starting to look a little bit more like a Christmas tree. So I would like to ask to divide the question so that we can look at each of these individually. I'm sure they may have good merit, but I, I still think we need to have individual votes on these.

KELLY: Senator Kauth and Senator Rountree, would you please approach? It is divisible. Mr. Clerk, please explain the divisions.

CLERK: Thank you, Mr. President. Within AM2471 the amendment has been divided, lines 1 through 19 on page 1 comprising primarily the contents of LB840, lines 20 through 24 on page 1 comprising primarily the contents of LB1041, and lines 25 through 27 on page 1 and 1 through 20 on page 2, comprising much of the contents of LB839. Senator Rountree has elected to open on the division consisting of LB840, which again is in AM2471, lines 1 through 19.

KELLY: Senator Rountree, you're recognized to open on the first division.

ROUNTREE: Thank you so much, Mr. President. So our first division is LB840. LB840 requires multifamily housing projects funded by the Affordable Housing Trust Fund to have 10% of units be accessible for individuals with physical disabilities and 4% of individuals with audio or visual impairments. That's what our amended version was going to bring in here. LB840 fills in the gaps of those that are missing. LB840 will require multifamily housing projects seeking to access funds where the Affordable Housing Trust Fund Act originally was 20%, but now is 10% and 4%. And that currently Section 504 of the Federal Rehabilitation Act of 1973 requires a minimum percentage of units to be accessible. This means that for federally assisted housing, 5% of units with a minimum of one must be accessible to people with mobility impairments and 2% of units with a minimum of one must be accessible to people with hearing or vision impairments. Those are federal requirements. Also, the programs must provide reasonable accommodations, the policies and services must be nondiscriminatory, and common areas must be accessible. This require-- the requirements apply to new construction and substantial rehabilitation. Section 504 applies to virtually all HUD-funded programs-- housing programs, including public housing. While this seems like a very large jump in percentages, I want to stress that the acute need we find ourselves in. According to data gathered in 2023, roughly 12.7% of Nebraskans experience some form of disability, 12.7%. According to the HUD published report: Accessibility in Housing, findings from the 2019 American Housing Survey, 19% of the 124.1 million households in the United States include at least one person who has a mobility related disability, uses a mobility assistance device, or has difficulty entering their home or accessing or using bath-- bedrooms, bathrooms, or kitchens. That's across the nation, 23.1 [SIC] million households. About four in ten U.S. households that include a person with accessibility needs do not currently have accessibility features such as ramps, lifts, or a bedroom and full bathroom on the entry level. As the state looks to address rising housing costs and a lack of units, it is important we don't forget Nebraskans with disabilities. Nebraska has adopted an updated Olmstead plan to address community integration with individuals with disabilities, we have a legal requirement to ensure that there are homes for those with disabilities that allow them to be active members of their communities. I understand that building developers may have concerns about additional requirements on affordable housing projects. I believe we can find that balance, and

the balance that we came out to was 10 and 4% on those, as we keep the needs of disabled Nebraskans in the forefront. So with that, Mr. President, I will yield to any questions.

KELLY: Thank you, Senator Rountree. Senator Dover, you're recognized for a 1-minute refresh on your FA1133.

DOVER: What do I need to do?

KELLY: Recognized for a 1-minute refresh on your floor amendment you previously owned-- opened on.

DOVER: Thank you, Mr. President. Basically, all my floor amendment does in the amendment is to strike the 10% of dwelling unit requirement and the 4% of dwelling unit requirement for Affordable Housing Trust Fund use. So what I'm trying to do is if you use Affordable Housing Trust Fund, what Senator Rountree would like to see is 10%, if you take the money, 10% has to be persons with mobility impairments and 4% has to be with hearing or vision impairments. So I'm striking that language. Thank you, Mr. President.

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

CLOUSE: Thank you, Mr. President. Colleagues, we worked pretty extensively on this bill in Urban Affairs. Each of these had a lot of discussion. And as I was reading through those bills and part of the committee, I was under the impression that it was all worked out. And based on the amendment, each of these bills had different things that were worked out before it was brought as part of the committee bill. And just to highlight a couple things, LB840, the percentages were lowered, but in talking with Senator Rountree and Senator Dover, if they're OK taking that out, I would support FA1133. With regards to LB1041, with the reporting requirements, various planning departments, and if you talk about the 10 largest cities, we changed the dates. It was at, like, a 25-year lookback and we've changed that to most recent 10 years. Most of their systems should be able to handle that and not put a lot of extra work and cost to these communities and that's what we talked about previously on General File with this particular bill, these were included in here. So I would support LB, or excuse me, FA1133 and the bills as presented. And if the body decides that they want to divide those and address them differently, I would still support each of these bills in their, in their present form. Thank you.

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

McKINNEY: Thank you, Mr. President. I rise in opposition to FA11, I don't know, 36, 33, whatever it says, because I can't see. But it's kind of surprising and annoying in a sense. You know, Senator Rountree amended his bill, made some adjustments, and the bill was voted out of committee on a 6-1 vote. He's been more than gracious with trying to answer questions of anyone that might be in opposition. And I'm just curious and wondering, I think the last, I'm trying to remember the last day this bill was heard on the floor until today, and I'm wondering if those people who stood up, Senator Dover, how often have you engaged with Senator Rountree from the last time this was on General File until today about your perceived opposition to this bill? He adjusted the bill to address concerns and I feel like it was a, you know, a good compromise. It wasn't what he initially introduced, but it's something that, you know, I think was a good adjustment to address some of the concerns. You're saying a lot of these can be incentives in Affordable Housing Trust Fund. Where's that bill at Senator Dover? Where's that bill at? Did you introduce that bill for incentives in the Affordable Housing Trust Fund or are you just going to rely on the departments to maybe incentivize this? Did you introduce a bill to make this incentive before making that claim? So instead of that, you want Nebraskans to wait a whole nother year, more bills to get introduced, go through a whole process, wait till June for the bill to pass, then next September for it actually to be implemented. So did you introduce an interim study, Senator Dover? Did you introduce a bill? I would love to know that next time you get on the mic. Because you, you throw out these suggestions, but where's your action? Outside of words, it's performative, at best. Senator Rountree acted in good faith and adjusted his bill. The bill was voted out on a 6-1 vote. The last time it was heard on the floor was-- let me find it-- I think about 2 weeks ago, something like that. So my-- what I'm curious about is, how many times have you communicated with Senator Rountree from the last time to now about this bill? And if it isn't until yesterday or the day before, I'm really, really skeptical of your opposition and your good faith efforts to try to amend his bill, and I don't think it's good faith. I think it's an actual hostile amendment to this bill. Because if you really had issues, I think you would have been more proactive. So next time you get on the mic, I want to know, did you introduce a bill to incentivize this in Affordable Housing Trust Fund? If not, I want to know did you introduce an interim study to study this to incentivize this in the

Affordable Housing Trust Fund? And, also, I would like to know how many times have you talked to Senator Rountree from the time it was on General File until today? I'm still a little annoyed about last night, but neither here or there, I think a lot of people need to answer to the things they do in this place. It's a lot of hypocrisy, and it's a lot of performative gestures to stand on the mic, like you stand with people and you're fighting for them and you want affordable housing, this, this, this and that. But it's not genuine. It's lot of disingenuous things that occur in this body. And I feel like this FA is disingenuous. It's a hostile amendment. You should not vote for it. Senator Rountree amended his bill to address the concerns of the opposition. As far as I know, the opposition was OK with this. It moved forward on General, and if you didn't talk-- and if you had a problem with it on General until now and you waited until today to bring this up, I find issue with that. And maybe you'll say, Senator McKinney, sometimes you might throw things on the floor, but maybe I do, but at least I express how I feel and I don't remember an in-depth conversation about this on General. So I'm curious to hear what Senator Dover has to say. Thank you.

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

RAYBOULD: Thank you, Mr. President. I do speak in opposition to FA1133. It really isn't needed. For anyone who has done affordable housing development, there are certain requirements if you want to receive funding from the Affordable Housing Trust Fund. Typically, they have a threshold of 10% of those units if it's multifamily or if it is in a larger single-family development, have to be required for those with either disabilities or those at 165% of the poverty level. It's a requirement if you want to get some trust funds. It's the same thing for low-income housing tax credits on the federal level. It's also true of the Nebraska Investment Finance Agency, they're looking to provide you a low-cost loan. So they do have specific requirements. I think what Senator Rountree has done is really work diligently on this to find the right appropriate percentages that will allow them to qualify, not any developer who does affordable housing to, to qualify for these funds. And the other important bucket that anyone who does these type of developments is tax increment financing, and I can speak from that from my experiences on the Lincoln City Council, we have an affordable housing unit goal of 5,000 units to increase in our city of Lincoln. As we know, this type of housing, workforce housing, is desperately needed. Our goal is to accomplish that by 2030. We are more than halfway to that, past that goal. So when it-- when Senator

Rountree has those accessibility for individuals and physical disabilities, that also involves our senior, senior population and I can tell you that if you're looking for low-income housing tax credits you get additional qualifying points if you have so many units designated for seniors and if they're accessible from that first floor level and you also get additional points if you build senior living units, affordable senior living units near a pharmacy or a clinic or a grocery store. So all these elements combined allow a project to achieve that financial success. And that is so fundamentally important, not just in our urban communities, but also the rural communities. I can talk specifically to a project that we're working on in Columbus, Nebraska. And these elements are critical to be able to fulfill the tremendous need and demand. There will be no loss of individuals who would be more than happy to, to locate to any one of these type of dwelling units that have these accommodations. I can tell you, working with the city of Columbus, they have waiting lists for the low-income elderly units that become available in the city of Columbus. That is no different throughout our entire state of Nebraska. So being able to, to work with those who produce this type of housing and to be able to qualify for the different funding sources. Again, low-income housing tax credits, Affordable Housing Trust Fund, Nebraska Investment Finance Agency on loans, tax increment financing from the municipality to allow these to be successful. And designating that small percentage is often an actual requirement, minimum requirement from each one of these entities that I mentioned to be able to qualify for the funds that allow a project to succeed. And I can assure you, there is no wait-- I mean, there's waiting lists for people that would love to be able to have access to this type of housing in our state of Nebraska. And I applaud Senator Rountree for working with everyone to try to get their input and feedback and particularly on the Urban Affairs Committee. This is a great bill, this is a diligent bill, and I ask for your no vote on the floor amendment from Senator Dover and to support the rest of the bill. Thank you, Mr. President.

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

VON GILLERN: Thank you, Mr. President. Senator Raybould, I agree with 99% of everything you just said about the, the, the requirements, and the funding and, and everything. But I, but I think in my understanding, and, and I'll dig back in it, I believe Senator Dover's FA1133 actually accomplishes the things that you, that you mentioned. And I want to make sure that we are both looking at that properly. And

what I-- what you said that I absolutely agree with is the fact that the existing codes and regulations around the financing, around the, the building codes, the ADA codes, all address this already. It's-- if you-- if you're using NIFA funding, if there is HUD funding, if there's LIHTC funding, Low-Income Housing Tax Credits, if there's TIF funding, the Olmstead decision, all of these things, these are already existing regulations, existing policies that provide for regulations such as Senator Rountree is seeking to add in the LB840 and LB1041 language. And it's things as simple as the mounting height of thermostats in a, in a unit or the, the thresholds on the doors. And, and I think it's, it's, it's interesting that the-- and there's a-- there's always a huge philosophical discussion in this body about what do we need to regulate versus what do allow the marketplace to determine? And the marketplace is addressing this need to a great extent. My wife and I actually own a, a two-bedroom condominium unit that a family member was living in for a number of years, and it's designed exactly for the type of customer or end user that Senator Rountree is addressing. And the marketplace-- and that's a marketplace unit, and so marketplace, low-income housing, they're, they're already addressing these needs. The, the comment about 12% of Nebraskans have some form of disability does not necessarily equate to the need for, for example, roll-in showers or lower countertops, those kinds of things. And, and those are things that, unfortunately, take a unit out of the marketplace for other users. And if there's not necessarily a handicapped user that could use that, it takes it out of the, the rental pool. Again, the new style of housing is already addressing this from the marketplace. The code and finance restrictions are already doing these things. This bill, and, and Senator McKinney is right, LB839 came out of committee 6-1. And that's great. The other bills also got a 6-1 vote, but they didn't-- but, but they're, they're being attached to this bill. And I don't know the conversation, you know, how, how much Senator Rountree had conversations with others on this bill in the last week or so. I know that the amendment was posted a week or so ago, which gives all of us ample opportunity to look at it. My issue is not whether this is a Christmas tree bill, whether it needs to be divided. That's-- I don't have an issue with that. I don't think that's-- that's not at least the hill that I'm looking to die on. The issue for me is that additional restrictions mean additional cost, and that translates to fewer overall units. And I think if we have fewer overall units, we've actually gone backwards in the marketplace. So I stand in support of FA1133. Thank you, Mr. President.

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

KAUTH: Thank you, Mr. President. And, you know, the reason I asked for a division of this bill is these are three different bills. They did come out of committee, it sounds like 6-1, which is great. Again, we have a committee having discussions, that just means that committee knows what's going on. It doesn't mean everybody else knows what's going on. So when we have someone adding multiple bills in a package onto one of their personal priority bills, we need to take a little bit longer time to look at that and examine each one of those bills. So Senator Rountree and I had spoken about the LB1041, which is the ADU portion, a while back, and it, it looks like it's changed significantly because I think a lot of this is over-regulation, and a lot of this is government getting involved in market conditions, and I don't think that's helpful. Again, you don't make anything better by telling people that the government is going to force you to build something a certain way. Then everything becomes more expensive, or you don't have as much of it. The portion of the, the bill that discusses 10% and 4%. If we say that any building with five or more units, 10% of that has to be for accessible with mobility impairments and 4% of that has to be accessible for either vision or hearing loss. We've now restricted the amount of units in that building that people who don't have disabilities can use, and we've limited, OK, so this is an apartment that is for vision and hearing loss. Well, what if you have a disability, but it's not vision or hearing, can you still get into that apartment or, or not? Every time we, we say, here's what you have to build, now you've cut somebody out of being able to live in that place if they don't meet those requirements, and you've raised the cost, and we're going to continue to constrain supply and increase the cost on that. So I think putting these requirements on the availability and the accessibility is, is not going to do good things. I think if the market can see that there are, are accessibility needs, they will build to the accessibility needs. And I think there are a lot of different things you can do to apartments to refit them to make them accessible. And I think that would be something that would be a little bit more palatable to builders. So I, I do have-- again, I'm listening to quite a bit of the conversation. I have talked with a couple of the members of the committee who, who said, yes, there's been a lot of work done on these bills and I appreciate that. I think that they need to be examined individually and so that we can assess them. And I would support FA1133 from Senator Dover. I think anytime

we try to prescribe specific numbers, we are getting ourselves into trouble. Thank you, Mr. President.

KELLY: Thank you, Senator Kauth. Senator Machaela Cavanaugh would like to recognize a guest under the north balcony, Madison Hurst of Omaha. Please stand and be recognized by the Nebraska Legislature. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President, and good morning, colleagues. I rise in support of my friend Senator Rountree's efforts to try and update and strengthen our approach to affordable housing and accessible housing in Nebraska. I know that he and the committee have worked tirelessly responding to reports from the federal government, holding interim study endeavors, working carefully with the impacted communities and bringing forward legislation to accomplish important goals. Number one, there's the human rights component that goes into the fact that people who have disabilities have a need for affordable, accessible housing and we know that the current stock in Nebraska is inadequate. Additionally, we know that there is a benefit when we provide more opportunities with accommodation and assistive technology for people to live independently versus in an institutional setting, which is the whole point of Olmstead, etcetera. Not only is it the right thing to do, it actually saves taxpayers money in many regards by lessening the burden on things like Medicaid, and otherwise, that pay for that kind of most expensive housing option for people with disabilities that may not be the best fit for them based on their individual needs. Additionally, when it comes to the utilization or expenditure of public funds, when you get public funds in the mix through the Affordable Housing Trust Fund or other governmental programs, it's pretty standard for government here, and we see it in our sister states as well, to set minimum standards. For example, with our corporate welfare programs, our tax incentive programs, we don't just say you can do whatever and get a corporate tax giveaway. We say you have to have wage standards. The same logic applies when public funds are utilized. We can put minimum standards in place. If developers don't want to meet these standards, they don't have to utilize public funds. Period. Other states have taken this smart approach and many localities as well. I know North Carolina and others have dedicated 10% of their units to people with disabilities utilizing their low-income housing tax credit programs and otherwise. Many other states mandate developers set aside a certain percentage of units, maybe 5 to 10% for people with disabilities as a competitive factor in securing funding. The other thing that I think is important to note, for example, when you look at the component of the

legislation that provides certain minimum standards for people who are deaf or hard of hearing, we're not talking about necessarily significant modifications, friends. These can be met through a variety of different ways. Something as simple as ensuring a policy that allows service animals even in no-pet buildings. Something as simple as a strobe smoke alarm or doorbell. Something as simple as that, which is not cost prohibitive, can help to meet the needs of the deaf and hard of hearing Nebraskans in need of accessible, affordable, and safe housing. And then, of course, it's important to remember that other reasonable accommodations for Nebraskans with disabilities might be a ramp, it might be lowered sinks, it might be as simple as grab bars or accessible appliances, it ensures space in the parking lot and common spaces for people who utilize a wheelchair or need to be able to have those kinds of access if they need assistance walking or can't walk as far, need set-aside spaces. So not everything is a very cost prohibitive modification in terms of ensuring access to affordable housing for people who are differently abled. It's smart policy when the utilization of public funds are in the mix.

KELLY: That's your time, Senator.

CONRAD: Thank you, Mr. President.

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

CLERK: Mr. President, announcement, the Health and Human Services Committee will have an exec session at 10:00 in Room 2022. HHS, 2022, 10:00 exec session. That's all I have at this time.

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

DOVER: Thank you, Mr. President. I was wondering if Senator McKinney would answer a question?

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

McKINNEY: Sure.

DOVER: I'm just wondering what other senator besides myself and excluding the senators on Urban Affairs has brought more legislation currently to the Legislature than me?

McKINNEY: What?

DOVER: What senator here today, excluding the Urban Affairs because they deal with this kind of thing, has brought more legislation to help affordable housing in the state of Nebraska than myself?

McKINNEY: What other senator? I don't know. I don't think about that.

DOVER: You should know, you're on Urban Affairs. One of your main things is affordable housing. I have worked with you--

McKINNEY: [INAUDIBLE]

DOVER: --on numerous-- excuse me, I'm talking. I have worked with numerous affordable housing things and I'm very surprised that you don't know who has worked with over these years to help affordable housing, and just tell me what senator, you'd be aware of it, you're on Urban Affairs?

McKINNEY: First of all, don't cut me off, I'm a grown man. Two, you have not worked with me on more things than other people. You've brought bills to the committee, but that don't mean we worked on everything together. Yes, you brought legislation to address affordable housing, but that don't mean we've specifically worked on everything. So don't try to address me that way ever again.

DOVER: OK. OK. Fine.

McKINNEY: Yeah.

DOVER: What senator has brought more affordable housing legislation since you're on Urban Affairs than myself?

McKINNEY: I will have to think about that.

DOVER: OK, when you come up with that name, please let me know because I wouldn't mind working with them. OK, thank-- no, that's it. Thank you.

McKINNEY: I'll think about that.

DOVER: I'm moving on. Thank you. I'm up. I spoke to-- and also for clarification, I spoke with Senator Rountree immediately once finding out about the, the concerns with this. I, I met with them first thing, I explained what was going on. I apologize-- actually, I'm going to apologize to Senator McKinney for being upset. It hurt my feelings to, to think that I don't care about affordable housing. So I want to

apologize publicly to Senator McKinney. Moving on then, I spoke with Senator Rountree because I-- because nonprofits have reached out. Nonprofits have reached because this is going to raise the cost of affordable housing. When asked if they would be willing to sign a letter, they declined. But when nonprofits are reaching out saying, please, this is not a good part of the bill, I think we should listen to them. I also would like to say that currently, as was said, if you take any federal money, any federal money, you have to build to 5% and 2%, and that directly correlates to the bill of Senator Rountree's. So, basically, what he's doing, he's doubling the federal requirements for, for federal money to 10 and 4 instead of 5 and 2. I don't think doubling the requirement helps. I also spoke with Senator Rountree, he said will you guarantee me that I will work with you for a solution? And I told Senator Rountree, I will-- I give you my word I will with you to, to increase the amount of accessibility. I built my first house in 1988. I build duplexes. I have built hundreds of duplexes. I have never taken any federal money for any duplexes, and every duplex I, I build is ADA-- everyone is accessible. So I understand this, I think, better than most. Hundreds of duplexes I have built, not required, are accessible to handicapped people. Back-- with, with either-- if they don't have the grab bars, the backing is in every one of my units. I would say we need to allow NIFA and DED to design the programs. They're the experts. We don't need to mandate. I told Senator Rountree that I would be more than willing to work with him because I believe this, I believe that DED or NIFA could actually add additional points that would increase the accessibility, the number of units built for accessibility. So there are ways to do this as an incentive, but government mandates raise the cost of housing and limit creativity. Thank you, Mr. President.

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

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

KELLY: Senator Rountree, would you yield?

ROUNTREE: Thank you, Mr. President.

ANDERSEN: Senator Rountree, can you tell me how many ADA units are needed in the state?

ROUNTREE: That was the purpose of the first report that we were bringing on LB839 to find out how many units are available.

ANDERSEN: No, that's, that's not what I asked. I asked how many are needed, basically how many people that, that require ADA compliant housing.

ROUNTREE: I understood your question, Senator Andersen, and I want to answer your question. The question-- to answer that is, once we determine how many units are available, then we'll know how many are needed when we stated that there is approximately 13%, 13% disability in the state. So how many units are available? Determine that and then we'll see how many are the delta, that's 13 minus 10, it would be 3%. We were asking for 10, so maybe 3% still that might not have housing.

ANDERSEN: OK, so just because you have somebody that has a disability, 13%, that doesn't mean that they live by themselves or they have to have their own accommodations, right? They could be living with a spouse, they could be living with a family member, they could-- any number of different things, right?

ROUNTREE: There could be so many variables, too many to count.

ANDERSEN: Absolutely. Right. So I think the key is, and, you know, Senator McKinney mentioned about the fact that we're not talking to you about things, and that's absolutely not true. This is the third time you and I've had this conversation, right? And I asked you-- it's the third time I've asked you how many do we need, and you still can't give me an answer. You just come back and say, 13% of the population needs ADA housing. I say, OK, what's that number so we can figure out, do we have enough, do we not have enough? If we don't know how many we need, what does it matter if we know how many we have? It kind of goes hand in hand. You have to have both sides of that equation to figure out whether we have the appropriate housing for the people. Right?

ROUNTREE: That is true, you need to have both sides of the equation, so you need to know how many we have available to tell what the delta, what the deficit is.

ANDERSEN: OK. But you still have to have both sides of that answer to know whether you have enough or not. And there's been no effort to actually find out what we need. OK, on the ADA mandate, you have the 10%, 4%, so 14%. So where did that number come from?

ROUNTREE: That number was a negotiated number. We originally came in and asked for 20% and that's with our Olmstead Committee, the Olmstead Committee.

ANDERSEN: OK. So negotiate with who? With other committee members or lobbyists?

ROUNTREE: No, with the Olmstead Committee. We also talked with the League of Municipalities to try to get to a number that would be one that's amicable. And so as we talked-- the last time I was on the mic about the 10 and the 4%, that was a number through the Olmstead Committee they asked for 20 and 10. That was going to be too much so we talked with our League of Municipalities and negotiated with the League and with our Olmstead Committee and said we would ask for 10 and 4, knowing that there's a 13% population of disability.

ANDERSEN: OK. So the, so the number is basically negotiated with NACO and the municipalities and, and everything else. It's not actually grounded in solid numbers saying, no kidding, this is exactly how many we need. We don't have that number. Is that right? This is just a negotiated ballpark, dirt on the wall kind of thing. Is that, is that what I'm getting?

ROUNTREE: Well, we talked with the Housing Developers Association as well, and they came in neutral on this particular amendment, but we also talked with the Housing Developers Association. And that's how we arrived at the 10% and the 4%.

ANDERSEN: OK.

ROUNTREE: These are builders that are building homes.

ANDERSEN: And I asked you this before and I never got an answer or a follow-up, but if they build 10% or 14% of the affordable housing is going to be ADA compliant and people that don't have ADA needs, they're not going to rent them. Typically they don't. That's just the way they defer, right? Who's going to then reimburse a landlord for the vacancy? Because you're mandating that he make 14% ADA compliant, when they're not rented, who's going to reimburse them? Who's going to make them whole? Who's going to be right with the landlord who took the risk?

ROUNTREE: Members that aren't disabled can also live in disabled units.

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ANDERSEN: OK, they can, sure.

ROUNTREE: They can and many do. Sometimes that's an issue with members who do have a disability, when they come to get a disabled, disabled unit, they're not able to get it because it's occupied not by someone that has a disability.

ANDERSEN: OK. So then of all the ADA units that, that we have, how many of those are rented or bought by people that don't have ADA needs based on what you're saying now?

ROUNTREE: I don't have that number, Senator Andersen.

ANDERSEN: I see my time is up, I'll get back in the queue.

KELLY: That's time, Senators. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. It's very, very hostile in here today. I love it, though, because we got all day to have fun on the mic and hold people accountable. So I'm, I'm loving it. So, number one, I again oppose Senator Dover's amendment. I don't care how many bills he's introduced about affordable housing. That don't mean I have to agree with this. Two, I am the Chair of Urban Affairs. Three, this bill came out of committee on a 6-1 vote. All these bills did. The only one in opposition was Senator Andersen, for whatever reason he opposes them. If there was clear opposition or if Senator Rountree did not amend the bills to address the concerns, the bills wouldn't of came out of committee on a 6-1 vote. This whole, oh, this is very controversial, this is crazy, this is-- like, come on, like, get out of here. It, it is really interesting, the things we choose to, to try to hold some type of level of line-- a, a line for. But neither here or there, Senator Rountree's LB840 addresses a need to require multifamily housing projects funded by the Affordable Housing Trust Fund to have 10% units be accessible to individuals with physical disabilities and 4% for individuals with audio or visual impairments. My thing is-- you all keep talking about the private market, this, this and that, and we need to let developers do what they do. But if they need to come to the state to pull off these projects, why shouldn't they have requirements from the state to meet a bare minimum of something? You all keep saying the private market, let the market do what it do. Well, why don't-- well, why don't they just stay on the market and not come to this state and ask for dollars? Answer that question. If they, if they didn't need the state and they could just

do this without the state, why are they coming to the state? So if they need the state, we should be telling them there should be some requirements. Stop bringing up this private market stuff when they're not staying on the private market to fund these projects. They have to come to the state because the projects wouldn't be viable without the state. And if they need the state then we should make sure they meet these requirements. That's the incentive, Senator Dover. If they need \$20 million from the state, it shouldn't be that hard to make 10% of units accessible for individuals with disabilities. If they don't need the state, don't ask for the money. It's, it's ridiculous. Then-- and if these other corporations don't need the state, they don't need incentive packages. And there shouldn't be requirements placed on those incentive packages, but we pass those freely every day. But to say to somebody who's coming to the state for funding, make sure you have 10% of this and 4% of this, it's just like the end of the world. It makes no sense. But you all care about taxpayer dollars. Disabled people pay taxes. People with audio and visual impairments pay taxes whether you like to acknowledge it or not. It's, it's ridiculous, your arguments are funny, and not funny in a good way. It's just ridiculous, honestly. So all this tough talk and hostile talk, and we're going to stand up and ask Senator Rountree all these questions today. Believe me, we got a whole day, and I think we're probably here to 10:00 or later. So we're going to have fun, so if you got a bill up and you're, and you're pressing and-- you better be ready to answer questions too, because we're going to answer the questions today and the days after. We still got into next week to figure things out so I hope when you have a bill up you are ready to answer questions after question after question after question. So you better read your bills because you will be asked. Thank you.

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

RAYBOULD: Thank you, Mr. President. I just want to remind the body, this is what LB840 does, requires multifamily housing projects funded by the Affordable Housing Trust Fund to have 10% of units be accessible for individuals with physical disabilities and 4% for individuals with audio or visual impairments. Amended version brings the Nebraska Housing Developers Association to neutral on the bill. And so, again, I want to commend Senator Rountree for getting this group to say we can accept that. Folks, if you want funding from the Affordable Housing Trust Fund, they have requirements. They're pretty minimal as far as I can see if you want to qualify for funding. You can build market rate housing, but if you want to get funds from the

Affordable Housing Trust Fund, if you want to get funds from low-income housing tax credit from the federal government, if you want to qualify for tax increment financing for any one of the municipalities, you have to fulfill their requirements. And I know that Senator Andersen had a good question. What is the need in our state of Nebraska? And, of course, I default to AI. It says Nebraska is facing a critical shortage of accessible housing with a general need for over 120,000 new housing units to meet demand, including significant gaps in ADA-compliant options. While specific, total ADA unit counts needed are not explicitly listed in public data. Experts indicate a severe shortage of affordable, accessible housing for residents with disabilities. And I just want to also remind folks that if you are a senior and you have a disability issue you qualify as, as this type of housing. And, again, it has nothing to do with market rate. I can just give you another example that the city of Lincoln, this developer, primarily market rate apartments, multifamily units, Nebraska Affordable Housing Trust Fund said, OK, you have to have, like, 10 of those units for affordable housing and the developer kind of balked at that. They didn't want to do it. We said, OK, if you want to qualify for tax increment financing from the city of Lincoln, this is what you're going to have to do. And, finally, the developer came back and said, OK, well, these units can sunset after a period of time. So I can assure you that if you are a private sector developer and you want funding, that's if you want funding, these are criteria and qualifications you must meet. And they're not onerous or restrictive. There are waiting lists, waiting lists for seniors to be in senior affordable housing in every city in the state of Nebraska. There are waiting lists to have access to affordable, accessible housing. Seniors have a priority and those with disabilities are in the second tier. There will be-- there is waiting lists, that's all I can say. There is waiting lists for this type of housing. There's nothing that prohibits a, a private sector developer from doing market, market rate units. But each city has a goal. We know that's a need. How do we know this is a severe need? Just read Blueprint Nebraska. Blueprint Nebraska tells you very clearly what are the issues facing our state of Nebraska. We talked at length yesterday about affordable childcare and I'm grateful for the body moving that bill forward, that addresses one critical need. The next need is affordable housing. Affordable housing is real. Just ask any of your city council members or mayors in your community, they can tell you that there is not enough inventory of affordable housing. We want to attract workers to our state. We want to retain families to our state. And that's another issue, workforce, workforce. The building of

housing cannot happen without additional funds from all those agencies I've listed multiple times. And I'm really grateful to Senator von Gillern for agreeing with me on about 99% of my comments. So I think that's, that's a big win. So I assure you that I think Senator Dover's floor amendment is clearly not needed at all. The bill is very clear, if you want funding in one of those buckets, you must comply with these requirements. That helps get these projects going. And there are waiting lists. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. I'd like to kind of get back to the basics for a minute and figure out exactly where we are with all of this. I wonder if Senator Rountree would yield to a couple of questions?

KELLY: Senator Rountree, would you yield?

ROUNTREE: Yes, sir, Mr. President.

DeBOER: So, Senator Rountree, I think we're talking about three of your bills here in this entire package, is that right?

ROUNTREE: Yes, ma'am, Senator DeBoer.

DeBOER: OK, so three of your bills, let's put the two to the side that we're not talking about right now, but then there's this one that we are talking about right now. Can you give me a brief explainer of what this bill does?

ROUNTREE: Well, the bill that we're talking about now was, the first one was on LB840, and that was to require multifamily housing projects funded by the Affordable Housing Trust Fund to have 10% of the units be accessible for individuals with physical disabilities and 4% of those units be accessible for members with audio or visual impairments.

DeBOER: So if you apply to get federal or state funding-- is it state or federal?

ROUNTREE: State funding.

DeBOER: To get the state funding you have to have 10% for physical impairment and 4% for visual impairment. Is that what you--

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ROUNTREE: Yes, ma'am, that was our negotiated agreement in working with our Housing Developers Association and with the Olmstead Plan Committee, the ones that run Olmstead Plan for our state of Nebraska.

DeBOER: So you worked with a group of people--

ROUNTREE: Yes.

DeBOER: --that have-- are experts in this area to determine the correct number. Did you start with a different number?

ROUNTREE: Yes, ma'am, we did. After we had our hearing during the summer, we-- Olmstead had asked for 20% and 10%, but that number was too high. Our Housing Developers Association weren't able to work with that number, so we talked with them. We also talked with NACO and the League of Municipalities, trying to work these issues out. And so the 10% was negotiated, 10% with our physical disabilities and 4%. So we went from 20 and 10 to 10 and 4.

DeBOER: So this is the negotiated amount that you negotiated with the Housing Developers?

ROUNTREE: Yes, that seemed to be reasonable that they could accommodate.

DeBOER: And they felt that this was a reasonable number?

ROUNTREE: A reasonable number.

DeBOER: Did anyone approach you with a different number until today?

ROUNTREE: Not for that number. We originally went with 20 and 10 down to 10 and 4.

DeBOER: So-- OK, so you have brought a bill that you negotiated through with the folks who came to the hearing. Was there anyone that was at the hearing that had an issue with the bill that you haven't had a chance to talk to?

ROUNTREE: At the hearing, we introduced 20 and 10, and there was some opposition, neutral testimony in the hearing. But as with every hearing that I always ask for anyone that has opposition, please reach out to our office and let us begin to work and negotiate because we're always collaborative. I believe we do our best work when we collaborate.

DeBOER: I agree, Senator Rountree. So thank you for reaching out to those folks who went to the hearing and negotiating with them. So now we have these numbers here in front of us and how do these numbers relate to the population? Do we know how much housing of these types we have and how many folks that need them we have?

ROUNTREE: We don't know the full number that is out there, which is why we asked for the current bill and my priority bill LB839. And LB839 was designed so we add an additional definition for accessible units so we could better allow cities to report that applicable data. So on LB39 [SIC], we had-- originally, had a requirement to look back to, I think, maybe 1991, 1999 at the Olmstead Act, but that was too long. Many of our cities came in and said they were not able to get that data. So based upon that, we negotiated and worked again and said, OK, they felt they could get a 5-year lookback. So before bringing the bill to the floor, we worked in collaboration and amended that bill to state--

KELLY: That's time, Senators. Thank you.

ROUNTREE: --5 years.

DeBOER: Thank--

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

DUNGAN: One, two, three, there we go. Thank you, Mr. President. Colleagues, I do rise opposed to FA1133 and in favor of LB839 in its current iteration, as well as with the additional amendments. I wanted to kind of just level set here a little bit and talk maybe a little more anecdotally about what we're talking about with regards to accessibility. Senator Rountree has been a spectacular advocate for our friends in the special needs community, and I want to be very clear that this bill does not just address special needs folks. As has been highlighted by Senator Raybould and others, it addresses people who could be older with different physical abilities. But Senator Rountree has been a spectacular advocate for our friends in the DD, the developmental disabilities community. When we're talking about accessibility, I think it's really important for a lot of us to try to put ourselves in the situation of folks who are differently abled. And that sounds, you know, easy to say and maybe a little bit trite, but I think a lot of folks in this room, when I look around the room and when I talk to people, find themselves in a very neurotypical situation, in a physically able situation. And they don't always

understand or see the hurdles that maybe our friends who are in wheelchairs experience or people who have other physical disabilities. I had an opportunity to chaperone a trip, along with my wife and some other folks, to Universal Studios a couple years ago. And I chaperoned this trip with an organization that does work here in Nebraska called Gotta Be Me, who is spectacular. They champion essentially radical inclusivity of folks who are differently abled in the special needs community to have social programming. And they do these summer trips that are really fun and phenomenal. So the summer trip is planned to go down to Universal Studios. And so I chaperoned this trip. I think we had maybe about 40 participants, adults of all ages with all sorts of different abilities go. And for those who have been to a theme park, you know that they are already incredibly difficult to traverse or get around in, that it's difficult to go from your hotel to the bus to the amusement park to get food. It's just-- it's a long day, there's a lot of walking, it's exhausting. I had no idea how inaccessible our places and our spaces were until I went on that trip. And that's on me. That's on me for not being more aware. And for understanding what the impact of the way these things are constructed is. But when I chaperoned that trip, I'll never forget one of the days we woke up at the hotel. We got on the bus, and we had to have a special bus that had the lift for our friends in chairs. And we went to the park, and when you get to the park, there's this incredibly long walkway that does have a moving sidewalk, but it's hard to get onto. And it was about a 20- or 30-minute trip. And we got there, and one of the participants had forgotten their card that you can use to scan to go on rides. And the trip back took about an additional 30 to 45 minutes to go pick up that card, get into the hotel, use the lift, take the elevator, get the card, go all the way back to the park. And it was about an hour and a half, 2 hours, just because somebody patted their pockets and said, oh, I don't have my card, I got to go get that. Experiencing that and seeing what it is to be differently abled is eye-opening. And I think in this room, we try really hard to take into account all Nebraskans. We try really to understand where people come from. We try to understand people's different backgrounds. And you hear a lot of conversations about folks from different socioeconomic classes or, you know, we talk about women. We talk about people of color. Oftentimes, I think we don't do a good job of incorporating the concerns of people who are in our special needs community or are differently abled. Can you imagine trying to get an apartment that literally you can't get into because the door is too small or you can't take a shower in because it's not constructed properly? That's all we're talking about here. So I was working on

another bill here this morning and I kind of tuned into the debate as people were talking and I'm legitimately confused as to what the issue is. I think 13% of the Nebraska population is special needs. We're asking for 10% of affordable housing to be accessible. That's not a big ask. And when we're talking about that accessibility, we're talking about rooms that can be used by anybody. But in the event that they had to have additional things added into them for somebody who has different physical abilities, they can do that, or wider doors or wider showers. It's not a big ask. And so, colleagues, I'm asking you to advance LB839 in its current iteration with the understanding that all we're trying to do is make sure that Nebraska is accessible for everyone. I'll never forget, outside of my office, there's a bathroom in the Capitol that now has a handicap button to open the door. And somebody in a wheelchair asked me to take a picture of them in front of that--

KELLY: That's your time, Senator.

DUNGAN: --because it had not been there before.

KELLY: Thank you, Senator Dungan.

DUNGAN: Thank you, Mr. President.

KELLY: Mr. Clerk.

CLERK: Mr. President, consistent with the Speaker's agenda, next item, General File, LB958, introduced by Senator Machaela Cavanaugh. It's a bill for an act relating to the Medical Assistance Act; provides a requirement for the Department of Health and Human Services relating to 1915(c) waivers; to define a term; harmonize provisions; and repeals the original section. The bill was read for the first time on January 12 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments. There are additional members, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. LB958 is my priority bill. I'm going to speak to the committee amendment, since that is actually the white copy to the actual legislation. I'd like to start with today is March 31, the last day of March, which is also the last day of Disability Awareness Month. So it is a fitting tribute to our friends in the disability community that

we are bringing forth this piece of legislation today. LB958 started as a bill to protect services for Nebraskans with disabilities when assessments or waiver changes could reduce or cap care that remains the goal-- and that remains the goal of AM2766. As introduced, the bill required legislative approval for changes to waivers and a revised definition of skilled nursing level of care. Those provisions are not included in the amendment. And I want to take a moment to acknowledge why. Families, providers, and advocates spoke up, and they were heard. The Governor revised the waiver, removing the proposed cap on hours. That matters. That advocacy made a real difference, and it's important to recognize that. At the same time, the concerns didn't stop there. When we were hear-- what we are hearing now very clearly is that the new assessment process, the NRI, is not working the way it needs for families. This tool determines eligibility, service levels, and ultimately whether someone can safely remain at home. To address those concerns, AM2766 includes specific safeguards, such as training assessors in clinical interviewing to improve accuracy and fairness. This demonstrates our commitment to refining the process based on stakeholder feedback. In response, I spent time with families and providers, worked closely with the department and the Governor's Office. The result is AM2766, language that reflects those conversations and focuses on practical safeguards within the system we are moving to. The amendment requires that those conducting assessments be trained in clinical interviewing. These are not check the boxes exercises. They rely on human interaction, judgment, and the ability to understand someone's functional reality. Families have shared that severe disabilities are not always fully captured. And this is one step towards improving that. It also requires clearer explanations of eligibility and service to your decisions. Families deserve to understand not just the outcome, but how the outcome was reached. That kind of transparency builds trust and strengthens accountability. The amendment adds a safeguard additional review layer that helps ensure consistency and gives families confidence in the process, reinforcing trust in our efforts. The amendment also reinforces the use of individualized assessments and care planning consistent with federal guidelines. The goal is to ensure services are sufficient to meet a person's needs and to prevent unnecessary institutionalization. That's the standard we should be operating under. The amendment also reinforces the use of individualized assessments and care planning consistent with federal guidelines. The goal is to ensure services are sufficient to meet a person's needs and to prevent unnecessary institutionalization. To ensure these standards are maintained, the amendment requires reporting to the Legislature,

the Ombudsman, and the Oversight Committee over the next 2 years. The ongoing oversight will help us identify and address emerging issues promptly. This amendment does not stop the department from using the NRI system, and it does not prevent modernization. It simply ensures that as we move forward, we are doing so in a way that is transparent, accountable, and centered on the people who rely on these services, which should resonate with our commitment to integrity. AM2766 also incorporates LB777. It requires Nebraska Medicaid to maintain the maximum amount of retroactive coverage allowed under federal law. This approach balances the need to protect families and providers while aligning with federal standards. By doing so, we avoid the negative consequences of eliminating retroactive cover entirely, which could place undue financial burdens on families and providers under strain. That would be-- that would have real consequences. Retroactive coverage fills critical gaps for families experiencing emergencies, for pregnancy and newborn care, including NICU, which is the newborn ICU, and for individuals entering long-term care. Without it, costs don't disappear, they fall on families who cannot afford them and on providers who are already stretched. This amendment takes a balanced approach by maintaining the maximum coverage allowed under federal law. It also adds reporting requirements to Nebraska Medicaid's annual report so we can better understand how major policy changes are playing out, including work requirements, enrollment issues, and cost sharing. If we are making significant changes, we should be tracking their impact. There should be no fiscal impact, and, importantly, this language reflects agreement between my office, the Governor's Office, and the department. It's a good example of what it looks like to listen, to respond, and to move forward together in a way that works better for, for everyone. I'd appreciate your support for LB958 and the committee amendment AM2766. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Hardin, you're recognized open on the committee amendment.

HARDIN: Thank you, Mr. President. Committee amendment AM2766 strikes the original provisions and inserts LB958 as amended, and LB777 as amended. The committee amendment amends LB958 by defining assessment tool, clinical interviewing, and waiver participant. Also DHHS is required to ensure that all employees and contractors who administer the assessment tools to receive training in clinical interviewing techniques. Training requirements are provided. In addition, services authorized under a waiver shall be based upon individualized assessments of medical necessity, functional need, and health and safety requirements. DHHS is required to ensure that services are

sufficiently in amount-- are sufficient in amount, duration, and scope to reasonably serve the needs of the participants and prevent unnecessary institutionalization, hospitalization, or risk of serious harm. Lastly, no later than August 1, 2026 and August 1, 2027, DHHS is required to submit a report to the Legislature regarding the implementation and use of assessment tools for waiver participants. The committee amendment also includes amended provisions of LB777. DHHS is required to provide the maximum amount of retroactive coverage for each Medicaid eligibility category as permitted by the federal One Big Beautiful Bill Act. In addition, the committee amendment adds requirements to DHHS's annual summary and analysis of the Medicaid program. An emergency clause is provided. The Health and Human Services Committee advanced AM2766 to LB958 to General File with a 7-0 vote. I'd appreciate your green vote for AM2766. Thank you.

KELLY: Thank you, Senator Hardin. Returning to the queue, Senator Fredrickson, you're recognized to speak.

FREDRICKSON: Thank you, Mr. President, and good morning, colleagues, and good morning, Nebraskans. I just want to rise quickly in support of both AM2766, as well as the underlying bill LB958. I want to thank the HHS Committee, as well Senator Cavanaugh, for bringing this bill. So as Senator Cavanaugh mentioned in her opening, the committee amendment does include LB777, which is the Medicaid retroactive coverage piece, which is an incredibly important thing for the sustainability, both of our health care systems throughout the state, but also for Nebraskans, in general, for, for getting coverage. But I, I wanted to just quickly remark on the LB958 piece, which is related specifically to the A&D waivers. And so many of us have received a lot of emails and outreach from Nebraskans across the state who are impacted by some of the changes or the proposed changes, I should say, related to these waivers. And I just wanted to say, you know, the, the, the hearing for LB958 was maybe one of the most powerful hearings I'd ever sat through in this Legislature. I still think about the testimony on a-- almost on a daily basis and really have a lot of admiration for the families and those who are impacted by, by this piece of legislation. So I'm just grateful that Senator Cavanaugh brought this piece of-- this, this bill. I will also say that since these proposed changes have gone into effect, I've also-- I've been hearing from constituents about this, but I've been hearing more and more about this on the doors when I'm speaking with neighbors who are sharing their stories about their experiences with their children, with their adult children, and how the A&D waiver in so many cases is, is, is quite literally a lifeline for them to ensuring that their,

their, their family members receive the support that they, that they certainly deserve. So I appreciate Senator Cavanaugh for bringing both these pieces of legislation and would, and would encourage a green vote on both the committee amendment as well as the underlying bill. Thank you, Mr. President.

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

HANSEN: Thank you, Mr. President. Just want to touch on both the committee amendment and the bill here for a second. Again, don't want to reiterate too much of what everybody has said. LB958 does incorporate portions of LB777. And LB777, if I remember right, had no opposition. LB958, the only opposition that they had in testimony was the department, which sounds like they got a lot of that worked out. There was some language that they didn't really like too much. Some language got struck out. But still incorporating kind of the, the purpose behind both the bills, which is to make sure that we are not leaving those people in the DD community behind. We're still trying to-- we're prioritizing them and the funding for them. I think there was almost in a way a compromise here with the assessment portion of how the department can now assess who and who cannot get benefits, which I think is an appropriate measure to make sure that those people who really do need this and, and proportionally how much they need can get what they need to, to stay home and help take care of their family members or the loved ones who have some kind of developmentally disabled family member. And so I think that's an appropriate measure moving forward, but also making sure that we're not cutting too much away and leaving these people behind. So I think we have found that kind of balance or Senator Cavanaugh has found that to balance here with this. So I know the committee worked with her. The department worked with her. And so it seems like that all kind of melded together on what we're dealing now with LB958. And so I think this is, this is a positive step moving forward. I, along with some other of my colleagues, did have a lot of concern about the changes in the waivers. And so I do appreciate not just the department but the Governor's Office taking a closer look at that, you know, kind of pivoting a little bit here and, and making sure that those who still need the funding to help take care of those members who cannot take care of themselves still are able to get that. So, colleagues, I, I am in favor of both the committee amendment and LB958 and I think this is a good positive step moving forward to help modernize some of this system but also make sure that those people are getting the help they need, so. Thank you, Mr. President.

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

BALLARD: Thank you, Mr. President. I, too, want to echo some of the, the statements that were made on the floor today and just want to thank Senator Cavanaugh for her work on this issue. As many of the members on the floor received the emails and concerns of constituents across Nebraska about the cut to A&D waivers, Senator Cavanaugh took the torch up and, and worked with the committee, worked with the department, worked with the Governor's Office to make sure that we had the right path moving forward, that we're taking care of individuals on the DD waiver. But also, also want to rise in support of the committee amendment, LB777, which is an important piece to many of our hospitals with a Medicaid retroactive look back. That's a, that's a, a very important piece to this debate, very important piece for our health care system that is going to, to help ease some of the burden on our hospital and our, our, our medical care system. I'm happy this came out 7-0 out of committee. I'd ask for your green, your green light on this, colleagues. Thank you, Mr. President.

KELLY: Thank you, Senator Ballard. Seeing no one else in the queue, Senator Hardin, you're recognized and waive closing. Senators, the question is the advancement of AM2766. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: AM2766 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to amend with AM1992.

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

M. CAVANAUGH: I will withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Machaela Cavanaugh would move to amend with AM2345.

M. CAVANAUGH: Withdraw.

KELLY: So ordered.

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

KELLY: Senator Machaela Cavanaugh, you're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. I apologize. Those two amendments, I had filed them previously so that they'd be public before my committee hearings. And the committee amendment that was just adopted is the LB958 and also LB777, the retroactive eligibility for Medicaid. Thank you all for adopting the amendment. Thank you to the committee for your support of this legislation and for voting it out unanimous. That really means a lot to me and to the families that are going to be impacted by this. This is my last priority bill and I am ending as I started investing all of my energy in our developmentally and intellectually disabled family, friends, community members. And I am grateful to have had 8 years to serve them, to advocate for them. And I am extraordinarily grateful and would be remiss if I didn't thank Speaker Arch and Senator Ben Hansen for your collaboration with me over the last 8 years in this very important area. So thank you both for uplifting this important community. And I hope you all will vote green. Thank you.

KELLY: Thank you, Senator Cavanaugh. Members, the question is the advancement of LB958 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB958 is advanced E&R Initial. Mr. Clerk.

CLERK: Mr. President, General File, LB958A, introduced by 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. The bill was read for the first time on March 25 of this year and placed directly on General File.

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

M. CAVANAUGH: This is a placeholder A bill. It probably will end up not existing once the committee amendment moves forward, which it did to Select so vote yes for now. Thank you.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, you're recognized to close and waive. Senators, the question is the

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advancement of LB958A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB958A is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, General File, LB762, introduced by Senator Dungan. It's a bill for an act relating to insurance: defines terms; requires coverage for treatment of certain pediatric autoimmune disorders; requires a report; and declares an emergency. The bill was read for the first time on January 7 of this year and referred to the Banking, Commerce and Insurance Committee. That committee placed the bill on General File with committee amendments.

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

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I'm proud today to introduce LB762, which requires insurance coverage for pediatric autoimmune disorders, commonly known as PANS, P-A-N-S, or PANDAS, P-A-N-D-A-S. I know many in this body have had an opportunity over the last few weeks to speak with a, a young individual named Violet Troupe about this bill. And I think we can all agree that Violet and her sister, Belle, have advocated for themselves in a way that some of the folks in the-- even professional lobby could learn from. I want to thank all of those who took the time out of their days and their lives to come meet with them. It really reaffirms my adoration for the way that Nebraskans carry ourselves and that this Legislature interacts with advocates on certain issues. PANS, P-A-N-S, is Pediatric Acute-onset Neuropsychiatric Syndrome. And PANDAS, P-A-N-D-A-S, is Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections. PANDAS is a subset of PANS specifically triggered by streptococcal, strep, infections. PANS is a clinically defined disorder characterized by the sudden onset of obsessive compulsive symptoms, OCD, or eating restrictions, concomitant with acute behavioral deterioration in at least two designated domains. Comorbid PANS symptoms may include symptoms such as anxiety, sensory amplification or motor abnormalities, behavioral regression, deterioration in school performance, mood disorder, urinary symptoms, and/or sleep disturbances. PANS does not require a known trigger, although it is believed to be triggered by one or more pathogens. PANDAS is a subset of PANS and was first reported by a team of the National Institute of Mental Health, part of NIH, back in 1998.

PANDAS has five distinct criteria for diagnosis, including abrupt overnight OCD or dramatic disabling ticks, a relapsing remitting episodic symptom course, young age at onset, the average of being 6 to 7 years old, the presence of neurological abnormalities, and temporal association between symptom onset and group A strep infection. The five criteria are usually accompanied by comorbid symptoms similar to those found in PANS. Aspects that are often looked for in PANS/PANDAS are symptoms that are beyond abrupt OCD or ticks. Children can experience things like mood swings, depression, irritability, severe anxiety, hyper behavior, bedwetting, or hand-- handwriting deterioration. To put it really simply, colleagues, PANS and PANDAS are an autoimmune disorder that manifest as mental health symptoms. It's a thing that, frankly, I was not that familiar with prior to my interaction with some of the families that are here today who have done an incredible job of educating me about the clinical diagnosis of PANS and PANDAS. Part of the issue that I think we're running into is that people just don't know about this illness. And I am incredibly glad that we've had an opportunity throughout this session to have those folks come and advocate about what PANS and PANDAS are, both to members of this body and specifically to members of the Banking, Commerce and Insurance Committee, which I sit on. What became acutely obvious to me was that we have folks who are diagnosed with PANS and PANDAS who are not able to get the care and the treatment that they need. PANS and PANDAS, when diagnosed, can be treated with things as simple as antibiotics, anti-inflammatories, steroidal or nonsteroidal medication. But in the event that PANS/PANDAS is not treated early and progresses to a certain point in time, and the symptoms that manifest become more and more serious, it can require more intense or extreme interventions. One of those interventions is IVIG transfusions, which is the intravenous immunoglobulins that one receives in either one or multiple doses. That is used in a very small subset of individuals who have PANS and PANDAS. Estimates from pediatricians that I've worked with on this bill say it's anywhere between 10 to 15% of those diagnosed with PANS/PANDAS ultimately receive IVIG treatment. But at the crux of this bill, colleagues, is that the families who need this treatment to maintain any semblance of a normal life are being denied access to that treatment by virtue of their insurance denying the treatment. These IVIG and additional transfusions can cost anywhere between \$7,000 to up to \$30,000 per transfusion. Now, while most of these transfusions are a one-time occurrence, other times it can take multiple transfusions over a series of weeks or months in order to put the PANS or PANDAS into remission. Those costs stack up. And I've had an opportunity to speak with families across this entire state, and,

frankly, across this entire country, who have reached out to me to talk about the impact of them not being able to afford or pay for their PANS and PANDAS treatment. Insurance companies do cover IVIG treatment. They cover IVIG treatment for a litany of illnesses, many of which actually have a smaller body of research demonstrating efficacy of IVIG as a treatment rather than PANS/PANDAS. In some circumstances, PANS and PANDAS are treated by IVIG, and that is covered by insurance here in Nebraska. But in other circumstances, it is being arbitrarily denied. And the folks who are seeking this treatment are being told that the treatments they're seeking that are necessary and are prescribed by their pediatrician are either experimental or not a real treatment. That's simply not true. A growing and large body of evidence since the '90s demonstrates that this is an efficient and helpful treatment for PANS/PANDAS. And, again, is only utilized in small subsets of the population. I've had an opportunity to work on this bill now since the summer. I have met multiple times with folks who work within the insurance industry. I've met many, many, many times with folks who are affected by PANS and PANDAS, and I have worked hand in glove with pediatricians and nurses and mental health practitioners, all of which practice here in Nebraska to discuss both the efficacy of the treatments that are necessary for PANS/PANDAS as well as the hurdles that people have had to jump to get through. I've also worked with the Fiscal Office in trying to determine what the ultimate impact of LB762 is going to be financially, and I'm very happy to say, colleagues, this does not have an A bill, and it will not have an impact on our green sheet. If LB762 passes, there will be no General Fund impact. The amount of people that are affected by PANS/PANDAS is very small. The amount of diagnosis, I believe, is somewhere around 1 in every 12,000 children are diagnosed with PANS/PANDAS. And within that subset of children, the folks that we're talking about who ultimately have the illness progress to a point in time in which they actually need the IVIG treatment is again about 10 to 15% of that small subset of the population. We have an opportunity here, colleagues, to pass a bill that truly helps people. The amount of people it's going to help is relatively small compared to the bills that we maybe see sometimes with tax credits or things like that, but the families that need this help, they need it dearly. And I will not sit here and punch in multiple times and tell you all the stories that I've been told about what it looks like to have a child with PANS or PANDAS go through an episode. They call it a flare-up. It's often referred to within the community as brain on fire because that's exactly how it feels. But I've heard a number of stories about how traumatic and scary it can be

when your child goes to bed one night, 8-year-old, 9-year-old, and wakes up the next morning a completely different person. And then trying to seek the treatment that you need for that child and being told you have to pay for it out of pocket and not being able to pay for that treatment and not being able to help your kid the way that you want to. So, colleagues, I encourage your green vote on LB762. I sincerely, again, want to thank the individuals who have been working with me on this, the doctors, the nurses, as well as the families and the advocates who have been doing tireless effort on this bill to help educate all of you. I additionally want to thank the 13 cosponsors we have. This is truly a nonpartisan, bipartisan bill. 15 other states across the entire political and geographic spectrum have passed laws doing similar things to this. In addition to that, there are currently bills pending in a number of other states. I believe by the end of this general legislative era or this session, we're going to see a vast number of other states get on board with this as well. A number of insurance companies do currently cover this. We're simply saying, here in Nebraska, if you suffer from PANS/PANDAS, you cannot be told no when you are trying to get the treatment that has been prescribed to you by a pediatrician. With that, I would encourage your green vote on LB762. I am happy to answer any questions folks might have, be it about the potential costs or the diagnosis. I understand this is kind of a, a niche subject, but it's something that I've really dived headfirst into and I would appreciate folks asking any questions they have either on or off the mic. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senator Rountree would like to recognize some guests in the north balcony, fourth graders from Gordon-- Golden Hills Elementary in Bellevue. Please stand and be recognized by the Nebraska Legislature. Senator Kauth would like to recognize some guests in the north balcony, they are from Nebraska PANS Coalition, advocates Belle and Violet in Omaha. Please stand and be recognized. Returning to the queue, Senator Kauth, you're-- committee amendment. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President, and good morning, colleagues. I rise today in my capacity as Chair of the Banking, Commerce and Insurance Committee to introduce the committee amendment AM2380 to LB762. LB762 was introduced by Senator George Dungan and deals with insurance coverage requirements for two specific pediatric neurological disorders: Pediatric Acute-onset Neuropsychotic [SIC] Syndrome, PANS, and Pediatric Autoimmune Neuropsychotic [SIC] Disorders Associated with Streptococcal Infections, PANDAS. The Banking, Commerce and Insurance Committee held a public hearing on

this bill on February 17, 2026. Following that hearing, the committee voted 7-1 to advance the bill to General File with a committee amendment. AM2380 is a white copy amendment, meaning it strikes the original sections of the bill and, and becomes the law-- becomes the bill. As amended, the bill performs the following functions: it codifies formal legal definitions for PANS and PANDAS within Nebraska statutes. Beginning January 1, 2027, the bill requires Nebraska health insurance providers, including self-funded employee benefit plans, to provide coverage for treatments associated for these conditions. The mandate covers a range of medical interventions, from standard antibiotics to more complex procedures such as plasma exchange and intravenous immunoglobulin IVIG. A key change made by the committee amendment specifies that these treatments must be recommended by the patient's licensed physician to qualify for the mandated coverage, narrowing the original language which referred only to a health care provider. While there were several proponents of the bill during the committee hearing, there also was opposition from the insurance industry, specifically Blue Cross and Blue Shield of Nebraska and Nebraska Insurance Federation. The committee's work on AM2380 was intended to clarify the definitions, narrow the scope of who can use-- of who can recommend these treatments to, to licensed physicians, and remove the reporting requirement. I ask for your support in adopting the committee amendment so that the body can consider the bill in the form that was advanced by the committee. I would also mention that, as a general rule, I oppose insurance mandates. I have been consistent as committee Chair to avoid committee mandates for one primary reason, and that is the idea of defrayment. And Senator Sorrentino is in the queue, and I know he will speak to defrayment when he's, when he's, when he's up in the, in the discussion. I will tell you that with the Affordable Care Act, ACA, the federal government laid out certain coverages that are to be included in health care plans. When states decide to do mandates that go beyond ACA, the state subjects themselves to defrayment, which means if those costs are a certain level, insurance providers can turn around and bill the state for the cost that they incur due to the mandate. I would also say that in visiting with Blue Cross Blue Shield, in particular, they do, in many cases, as Senator Dungan outlined, cover many of the costs associated with PANS/PANDAS today, but insurance coverages are sporadic and that's why the mandate's being brought. I would argue that if, indeed, there is an attempt by the insurance industry for defrayal costs, the state would be on the hook for that. And not only would they be on the hook for the additional costs they pick up, they would be able to recover the costs they're voluntarily delivering today. So you always

want to keep that in mind when you look at how big is the problem, how much is it being underfunded? And I would also tell you as the committee Chair of the Banking, Commerce Insurance Committee, I thought I was signing up for the Banking Committee, OK, and, and when you get into the insurance side of it, it is a whole different ballgame. And I can tell you that I know many people look at me as being a heartless person when I ask some of the questions that I do in the committee hearings. I know there's some that are agreeing with that. That's not a stretch to get to that conclusion. But I would tell you that having Violet and Belle come and testify are difficult hearings, I'll be honest. And I see that a lot when we have insurance mandates. And I really do have empathy for the insurance lobby who have a requirement and really a need to protect the insureds who are paying the policies when you consider a health insurance policy today in Nebraska costs about \$36,000 a year. Now your employer is probably subsidizing part of that or ACA or someone, but the actual cost is about \$36,000 a year, and when you add mandates that number goes up unless, of course, the insurance industry goes back to the Legislature or to the state and says you owe us the defrayment costs. So this is not a simple decision. I wish it was as easy as to say we need to pay all the costs regardless of the situation when it comes to health care. But it gets very expensive and we've got to be aware of what we do-- what happens when we do that. One of the things in the domino theory that I look at is when people drop health insurance coverage, then generally it's the providers who pick up the tab. If you go-- if you don't have health insurance coverage, you have a problem, you go to the local hospital emergency room and they will treat you and they may not get paid if you can't afford to pay them. And so it's a vicious cycle on how do we cover health care costs in this country and in this state? But I will tell you that I was the one who voted no on the-- in the committee. I will vote no today. I will vote yes on the committee amendment. I will vote no on the bill because I will be consistent on the mandates. But I will also tell you I have great empathy for those individuals who are dealing with this. This could cost them \$10,000 a month for the most severe treatments. This is expensive. And I will tell you that the, the-- Senator Dungan has done an outstanding job of advocating for those who are needing this. He's done his research. I will tell you that, that the individuals that are promoting this have been very aggressive on approaching-- on, on promoting this. I've met with them and they've had an impact on me and I hope I'm not as heartless as I, as I am generally known to be, but I will tell you that there are a lot of issues to look at here and I know up in the balcony there are others I think, too, that are here

representing the group for PANS/PANDAS. These are tough situations, they always are, and when it's your children, there's not much you wouldn't do for them. And your grandchildren too, I would put them back in. You'd probably do more for your grandchildren today than you would for your children, just, just for the record. I do have a grandchild. So with that said, I want you to know that I know Senator Dungan did say there is no fiscal note. Let me be clear, the, the, the Department of Insurance is showing a million-dollar fiscal note. The University of Nebraska had that in there. They pulled that out yesterday, but-- and said-- they said it's indeterminate, OK, which means there will be a fiscal note if, if there is a defrayment charge coming back to the state. OK? If the insurance companies pick it up, there's no cost, there's no fiscal note. But if it's big enough and they come back and say we want defrayment, there will be a fiscal note. So I want to make sure everybody's clear on that. But otherwise I would say-- my, my compliments to Senator Dungan for how hard he's worked this. You're going to need to vote however you feel you need to, but I want to explain why I'll vote no on the bill, but yes on the amendment. I would urge you all to vote for the amendment. And with that, I'll let Senator Sorrentino, when he's up, speak to defrayment in a little more detail. He's got great expertise in that and he does a good job. Thank you, Mr. President.

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

KAUTH: Thank you, Mr. President. And, no, Senator Jacobson, we don't think you're hard-nosed or lack empathy, but you are fiscally conservative, and that is what we need in that position, and that's why I appreciate you so much. I actually view this bill as a fiscally conservative bill because sometimes something that is more expensive but works the first time or right away is a much better financial deal than trying over and over and over for years sometimes the things that don't work. So Violet and Belle are actually my constituents, and it has been an honor to meet them. But I actually had a friend whose son had PANS and/or PANDAS, I can't remember which one it was. They thought for a while that it was Lyme disease. They thought he was autistic. They thought-- they went through so many years of treatments, of trial and error, based on what their insurance would cover. And some of the doctors were saying, look, I think this might be-- it was pretty-- I mean, this is 15 years ago, 20 years ago, and it was one of those new things and so there was not a lot of information about it. There was not a lot of knowledge about it, so it was looked on as fringe. It shouldn't be fringe anymore. We have trial

and error experience. The one thing-- so-- and, and Tyler [PHONETIC] was his name. Tyler's a sweet, sweet little boy. But he started in kindergarten, all of a sudden a switch flipped. And in class he was that kid who was destroying the classrooms and losing his mind so that kids had to be evacuated out of the classroom to let him go. And nobody could understand. This is a kid from a great family, mom stayed home, parents were, you know, doing great, had great health care, learned how to read early. Like, every milestone was fine, and then one day it wasn't. And they tried and tried. And the years of psychiatric care that was provided to him, daytime institutionalizations, because they couldn't figure out why all of a sudden does he lose his mind? And that, that definition of your brain is on fire, that's pretty much what was going on. Finally, someone said, look, we've got to try this. And the parents said we will try anything. We will pay whatever. And I think it was about \$15,000 to \$20,000 in infusion. And he needed six of them. But after the first one, there was a difference. It was noticeable. He noticed it. It took a while, because it had gone on so very long. And we'll never understand what kind of brain damage he actually suffered from this kind of inflammation that could have been handled right away. And when we talk about this treatment, you know, one of the, the IV, his was fixed with IV antibiotics, like really, really strong ones, because to get to the depth of his brain where this infection was, it just took that much strength. And he's, he's doing pretty well now. He's had significant troubles again. We'll never understand exactly how he would have turned out had he not had constant hospitalizations, constant trial and error, again, inpatient psychiatric care because of how this was impacting him. We'll never understand the, the impact his behavior had on other kids in the school. As we talk about school bills and education bills and suspending kids, he had to be suspended. He was a danger to other kids. He tried to kill his mom. He tried to kill himself. He tried to kill his brother during some of these episodes. And once he got this treatment, it stopped. And so I do think that this is a fiscally conservative approach to say, look, we know that there's something that could work for some kids. And, yeah, it's expensive. But if it stops it early and if it prevents damage, and all of the other ripple effects from the health care, I think it is well, well worth it. So I appreciate everyone. And I, I do agree with the, and I can't read the number, AM2380, the Banking Committee amendment. They, they did some hard work to narrow it down and tighten it up. And that's how we start in, in this wonderful place where we work. We start small and we figure out how it works. So I would

encourage everyone's vote on AM2380 and vote on the subsequent bill LB762. And thank you, Senator Dungan.

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

RAYBOULD: Thank you, Mr. President. Thanks to Senator Dungan and Senator Kauth for speaking so strongly in support of this. I am in support of this as well. But I really have to give a shout out to Grace and her two daughters, Violet and Belle. I have to tell you, they are the fiercest advocates as well as the other families that are here today. Not only have they raised awareness with us lawmakers, but they raise awareness with the whole pediatric community out there, trying to get them to understand the complications of this immune disorder that has such a profound impact to their children. So I just want to give them a shout out and I want to thank Grace for the wonderful picture she took of me and Violet. I have no doubt that Violet keeps growing and she's probably taller than me at this point. But I want to say something to the insurance companies. We know that we've been fighting some issues with the insurance company for quite some time. You know, last year was it biomarkers, trying to identify that disease or that illness as quickly as possible to get the right treatment at the right time. Why? It's so much more cost-effective. It's taken a while to really convince the insurance companies. This disease of PANS/PANDAS is exactly the same. If you get an early diagnosis and you get the right medical care at the right time, you can actually put out that fire. But if-- and Senator Kauth was very clear, if you don't get that diagnosis, it drags on for years and it leaves families shattered financially and physically on trying to get their child well, trying to get their child back to the child they knew before they had this illness. So with the insurance companies, if you work with the pediatric community, the pediatricians out there, they're learning as well what is the right treatment to really alleviate the suffering the families have and it's cost-effective. It is cost-effective. The insurance companies are going to realize that they are going to be saving money if they pay that upfront cost to get the right treatment at the right time. There is obvious benefits to the patient, but there's also benefits to the insurance company and thank you for the families that are here today and your advocacy. You're doing a phenomenal job and I ask my colleagues to please support this wonderful bill. Thank you.

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

SORRENTINO: Thank you, Mr. President. I, too, had the privilege to meet some of the folks here advocating for this bill. I understand it's a very serious health condition and I sympathize with the families who are having to endure the consequences of this illness. The purpose of my testimony is not in favor or against LB762 or AM2380. I think all of us in this room enjoy voting up or down when we have all of the information. I spoke with Senator Dungan just a few minutes ago, and I spoke with Senator Jacobson an hour or two ago. What I really want to impart without being Darth Vader, because that's not what this is at all, it's, it's, it's just informational. Senator Dungan correctly stated that this does not affect the General Fund, at least now or in the near future. But the purpose of my testimony is to simply assure my colleagues that there are fiscal complica-- fiscal implications to mandating any kind of coverage in our state that does affect the state, the employers and the employees. It will not impact the General Fund directly, but they are indeed costs. First of all, we have a Nebraska state plan for our employees. I think it's about 18,000 covered lives, covered employee lives. That is a self-funded plan. It's moving to Blue Cross Blue Shield 7-1-26 of this year. They, Blue Cross, would estimate that the premium equivalencies, which is a little bit different than a premium because you're self-funded, so it's a little more complicated. But for this particular discussion, we'll say premium equivalencies, equal premiums, they would increase about \$85,000, \$86,000 a year. That's not a lot of money to the state, but 79% of that is covered by the state. A larger plan is the University of Nebraska plan that's also self-funded, also administered by Blue Cross. It initially, I think it was stated before, estimated to have about \$800,000 in annual costs. They've backed off, I think as of yesterday, and said that the cost would be, quote unquote, indeterminable. But whatever that cost is, it is borne 79% by the university. Probably the least talked about is, in the state of Nebraska, when you mandate insurance coverages, all of the fully insured groups, other than those groups not covered by ERISA, so the mom-and-pop shops, and the 10 and 20, and typically up to about 300 or 400 lives, most people are fully insured. Their premiums will have an adjustment. You just have to, if you add coverage, you add premium. I don't know what those are, but employers and employees, to the extent they share, will have a cost increase at some point. And, finally, the part that's probably the most confusing, Senator Jacobson referred to this, there's something called defrayal. And the Affordable Care Act, which was enacted back in March of 2010, required that the defrayal of all costs to new state mandates, that's after 2010, for individual and small group plans. What defrayal means is this: those insurance

carriers or individuals can come back to the state and demand reimbursement for the cost of these new mandates. Now, it is not easy to determine what that is, but the-- pursuant to the Affordable Care Act, the insurer gets to go back and quantify the cost attributable to that new benefit, and then submit that cost to the state for reimbursement. And under the current Nebraska law, these defrayal costs would be paid under the state claims process, which we've heard those state claims already come up a couple of weeks ago. So the department surveyed a number of, they're called QHPs, or qualified health plans, on the new state required benefit pursuant to the ACA to actually try to discern-- determine what that cost would be. I know Senator Dungan and I have talked that he believes that that estimate might be high. I can't say, I didn't do the actuarial work on that. But they estimate it to be around \$947,000 annually. Now, that would not be-- would not impact this budget or maybe even the next, it could be at 2 or 3 years down the road. The purpose of me testifying about it is none of us want surprises. We don't want to be here in 2028 or '30 and all of a sudden we have, you know, the unfunded mandate. So you just need to know it's out there. In, in addition to those plans, I know my time is running out, we have municipal plans and we have county plans. They, too, will be required to add this benefit. There will be costs.

ARCH: Time, Senator.

SORRENTINO: Thank you, Mr. President.

ARCH: Mr. Clerk, for items.

CLERK: Thank you, Mr. President. New LR, LR486 from Senator Meyer, LR487 from Senator Hallstrom, LR488 from Senator Hallstrom. Those will all be laid over. Amendments to be printed from Senator Ballard to LB867, Senator Lonowski, LB1212, Senator Riepe, LB1212. That's all I have at this time, Mr. President.

ARCH: Returning to the queue, Senator Hardin, you're recognized to speak.

HARDIN: Thank you, Mr. President. I rise in support of AM2380 as well as LB762. I'm an insurance guy. I've done that for a long time. In fact, the Affordable Care Act was passed March 23, 2010, is when that passed. It stuck in my memory, Senator Sorrentino, because that was essentially when a very large insurance organization that I built began to die. And so I understand that. I wanted to just kind of talk

about insurance mandates and human beings and that sort of thing for a moment. I've had the opportunity to work in the insurance world, particularly major medical for a very long time, and have participated in building plans, designing plans, both in the partially self-funded world that are regulated by ERISA, the Department of Labor, as well as those that are regulated by departments of insurance. And those would be major medical plans and those sorts of things that are regulated within that DOI framework. Insurance companies don't like mandates of any kind, and I can certainly understand why. It is a forced march on having to pay for something you'd rather not cover. Not everything that is a mandate or a proposed mandate probably should be mandated. That's a fact. In this case, the reason that I voted for this particular piece of this bill coming out is because, first of all, very few people are actually diagnosed with it, about 10 a year. And I also look at the numbers associated with that diagnosis. On average, based on my back of the napkin numbers, it costs about \$100,000 a person to use some round numbers to treat that. The cost of not treating that, catching it in time, as others have already pointed out, I can promise, is astronomically higher than if you catch it. And so purely on the basis of what insurance does, thank God for insurance, if it didn't exist we would need to go invent it. Insurance trades pennies for dollars on the fulcrum of risk, that's what it is. And in this case, to me it was a no-brainer, in that it's significantly more expensive, as Senator Kauth was saying, if you don't catch it early. And since the treatments that once diagnosed are relatively strong, the IVIG works remarkably well when it's the right thing at the right time. And so I think it actually saves insurance companies a lot of money down the road. Now, will we run a risk, for example, as we did with autism where we started seeing a vastly wider array of spectrum showing up from the 1980s on? I don't see that happening in this case, but if it does, just as in with, with autism I think we always have the ability to weigh where we are, when we are, and see what we can do and what we can afford. In this case, I simply look at it and say I think this is the right thing to do at this time, not only for the financial reasons, but in terms of helping to end suffering. And so I appreciate the time. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. President. When I first met Violet and Belle and their mother, Grace, they captured my heart. And in light of Senator Jacobson's comments about being heartless, I certainly was glad that I did have a heart. These are life-changing treatments for

these children, treatments that can put the disease into remission. I agree wholeheartedly with Senator Hardin's remarks about the fact that spending the money upfront, although costly, saves significant cost on the back end. Senator Kauth also noted some of the disruptions that occur through no fault of children who are suffering from these-- this disease. So every child helped by these treatments avoids those inevitable future costs, and I appreciate both Senator Sorrentino and Senator Jacobson noting the defrayal issue, and that those costs might be ours to bear down the road. But I think the action we're hopefully going to take today and in passing this legislation is going to reap benefits not only for these children, but for society at large. The reason that this is a little more personal to me is that the Troupe family has a connection to the Farley family in Syracuse. They have 11 children. One of them was a classmate of mine back in 1974. And you might ask, why are we getting all of these comments and input from so many people when it's suggested that there's only eight children that are affected annually? The reason is because the advocates are so passionate. In my case, 11 Farleys, I think every one of them contacted me. So Belle and Violet, please, please thank your family and your extended family. Mother-in-laws, father-in-laws, they contacted me as well. So the, the magnitude of the contacts is reflective not of the number of children that are impacted by this, but by the passion that their family members have for them. And when I say that, mandated benefits, as Senator Jacobson noted, are always contentious in the Banking Committee. Every mandated benefit comes with a cost. In this case, I do want to commend the fact that the supporters hopefully have carried the day, but at the same time, I want to commend the insurance industry. I don't believe they support the bill to this point, but they did come forward with amendments that made the bill better in their eyes, did not destroy the efforts of Senator Dungan. And so their work with Senator Dungan and the supporters of the bill is greatly appreciated. And with that, I would encourage your green vote on this amendment and on LB762. And, again, thank Senator Dungan for his efforts.

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

CLEMENTS: Thank you, Mr. President. Well, it, it concerned me when I heard that Senator Dungan said there's no fiscal note, but in looking at the fiscal note I do see the state projects up to \$86,000 a year, which is negligible. We could certainly absorb that, but then the university had some comments that it cost-- could cost them \$800,000, which I'm telling you they would definitely come to the state to ask

for that increase in their budget. And then especially where the state would be required to defray the cost of the insurance companies for these treatments. And the insurance companies have or Department of Insurance, in the fiscal note, estimates \$947,000 if the insurance companies pay those claims and then put in a claim to the state, as federal law allows them to do. And those three numbers add up to \$1.8 million of potential claims. I'm also really not able to, not able to vote for this bill because of the insurance mandates, especially being made aware of how we'll have to-- we have to defray the costs of companies who even agree to pay the claims that were not mandated. All of the claims that they would pay under this provision would be reimbursable to the insurance companies if they would put in a claim. But I appreciate the other comments. Early treatment is important in most all illnesses. And I wish the insurance companies would just voluntarily go ahead and pay this. But I imagine the very high cost of treatment is causing some of the insurance companies to deny claims. And I'd wish they wouldn't do that. But I do believe this will be a cost to the state eventually in the future and so I'm not able to approve an insurance mandate, but I do appreciate the conversation. Thank you, Mr. President.

KELLY: Thank you, Senator Clements. Seeing no one else in the queue, Senator Jacobson, you're recognized to close on the Banking Committee amendment.

JACOBSON: Thank you, Mr. President. Again, one thing I did leave out, and I don't want to prolong this, but I would tell you that most of you probably never heard of PANS/PANDAS until you started getting the thousands of emails that we've gotten over the last 6 or 8 months. And, and, and you haven't heard about it because it is still relatively new. In fact, diagnosing it, you diagnose it by eliminating what it's not to conclude that this is what it is. And so when you're dealing with ailments that are like that, insurance providers want to know that if they're paying for treatments that these treatments, first and foremost, are not going to be harmful to whoever's receiving it. I can tell you from my own experience when I was taking some cancer infusions over the last couple years that they say there could be some side effects and they could be this and this and this. OK, when they tell you that listen to them because the side effects can be real and I certainly experienced them and which caused me to have compounded problems last summer. This is infusion medication for cancers that are pretty well known. I will tell you that when it comes to going to the infusion medication, in particular, you can have adverse effects. You can have side effects. You can have people that

could die from it. And so they do tread lightly until they feel that there's good clinical evidence. Now, I know there's a lot of studies out there and a lot of people put that up, but I will tell you that I'm, I'm saying this more from the standpoint of the understanding of how insurance coverage or insurance providers will look at this. But many say, well, it's costly, they're just going to die because of cost. That's really not where they go with this. But I would say that you're seeing more and more of this that's being covered voluntarily, as Senator Clements had suggested, as they get more knowledge of how this works, and they're seeing more experiences. And, again, early treatment is going to be key. And when you get to early treatment, you generally don't need the infusion treatment that's more expensive also. So I'm very hopeful that they can fix this. I am going to ask Senator Dungan to never, ever bring Violet and Belle back to my office again on any other bills, but-- otherwise I'm just going to ban you from my office. So-- but with that said, I encourage you to vote for AM2380. It's very important that get added to the bill. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Senators, the question is the adoption of AM2380. 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: AM2380 is adopted. Senator Dungan, you're recognized to close on the bill.

DUNGAN: Thank you, Mr. President. And, colleagues, I appreciate the conversation we've had here today. This, I think, has been a really good back and forth about the bill. I would encourage your green vote on LB762. I just wanted to reference a couple of things to kind of put a button on this here. I do appreciate Senator Sorrentino and Senator Jacobson highlighting parts of the fiscal note. Just by way of a little bit more education as to how we got to where we are, there are certain assumptions that were made in the fiscal note that the data, looking at both the National Institute of Health as well as a number of medical organizations, doesn't necessarily support. That's not to say any of that was intentionally incorrect, but providing more information to the university about the actual rate of diagnosis. Being more close to 1 in 12,000 instead of 1 in 200 was very beneficial and, I think, assisted in them saying that it probably isn't going to be as much as they originally expected. In addition to

that, there's an assumption made with all of these fiscal notes that the population of those diagnosed with PANS/PANDAS are then potentially all going to receive IVIG treatment, which is that expensive treatment. We know that that is not true. As I indicated, about 10 to 15% of local pediatrician, who I spoke to, his patients, ultimately end up getting that IVIG. So it's an incredibly small number of an incredibly small number already. And in addition to that, the assumed cost of the IVIG on these fiscal notes is upwards of \$30,000. My understanding is that IVIG treatment is administered and ultimately then paid for based on weight of the patient. The \$30,000 cost is assuming a full-grown adult of close to 200 pounds is receiving the IVIG treatment. Obviously, if you're talking about a 7- or an 8-year-old dealing with PANS/PANDAS, the IVIG is going to be a different dosage than some full-grown adult, ergo it's going to be much less expensive. So with fiscal notes, there's obviously often a moving target, but the, the reason that a lot of these numbers, I think, are potentially overinflated is because the assumptions that are being made are not backed up, I think, by a lot of the studies and the science that we've seen. And so my hope is that, you know, we can continue to learn about these things, continue to educate the public about this. The defrayal costs, I appreciate the conversation about that. I do believe it's going to be much less, if anything, compared to the number that was estimated by the Department of Insurance. And in the event that that even were to be a number that has realized it would not be for a number of years and it would only be through the state claims process if that number happened. My research in talking to other states that have done similar things to this is the defrayal costs with regards to PANS/PANDAS or other additional defrayal costs has rarely, if ever, ultimately been paid and so I don't want people to think that that is something that is necessarily going to happen or that that number accurately reflects what the state could potentially pay years down the line. The reality of the situation is, colleagues, we have people here today, literally here today, but in the state of Nebraska who need this treatment. One of the things we changed in the committee amendment was to change the effective date to January of 2027 in an effort to give insurance the time to update contracts and make sure that their language and their insurance plans can reflect the updated coverage for the PANS/PANDAS. And we were more than willing to do that. But I spoke with the people who are affected with PANS/PANDAS in, in coming to that conclusion. And I said, you know, is this something that you think you can wait for? Because the original bill had an E clause because we wanted to make sure this was effective immediately because the folks who need this treatment need it today.

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And I was very moved by the fact that the people I spoke with who were dealing with PANS/PANDAS said that they're willing to agree that it makes sense to kick out that effective date to 2027 if it gets us to a place where we can all work together and pass this bill and make that compromise, because even if it doesn't help them today, it helps the kids in the future who need this. And so that selflessness is something that, I think, we can all take a, a note from. And the fact that we're all working together here today, I think, in a really good back and forth to actually make Nebraska a place where these kids get the help they need is really encouraging. So I would encourage your green vote on LB762. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senators, the question is the advancement of LB762 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 2 nays on advancement of the bill, Mr. President.

KELLY: LB762 is advanced E&R Initial. Mr. Clerk.

CLERK: Mr. President, General File, LB1032, introduced by Senator DeBoer. It's a bill for an act relating to adoptions; provides for recognition and enforcement of tribal customary adoptions; defines and redefines terms; changes provisions relating to adoption of the Nebraska Indian Child Welfare Act, termination of parental rights, and the Foster Care Review Act; harmonize provisions; repeals the original section. The bill was read for the first time on January 14 of this year and referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments. There's an additional amendment, Mr. President.

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

DeBOER: Hello, colleagues, good morning still. Today, I'm excited to be introducing LB1032. This bill is a result of my interim study, this last interim, LR176. LB1032 seeks to establish the recognition of tribal customary adoption in Nebraska law. Before I get into the bill, I want to thank the Judiciary Committee for voting out LB1032 7-0-1, for the State Tribal Relations Committee for designating this bill, their priority bill this session. And, specifically, I want to stop and take a second to thank Senator Bosn for all of her work on this bill. This truly was above and beyond the call of duty. Senator Bosn worked and worked and worked and personally redlined and tried to

figure out a way to overcome objections she had and others had to this bill until we got it to its current form. And I just, Senator Bosn, I really want to say thank you for all of that. That was truly, truly amazing and I hope you recognize how important what you did was. So I want to thank her for that. Adoption is a very specific legal process within our legal system. In any situation involving a youth in foster care, the priority is the rehabilitation and reunification of the original family. As we know, that's not always, unfortunately, achievable. Before a child can be adopted by another family, the original family has to have their parental rights terminated. Historically, and shamefully, our adoptive processes were used against Native American families. In the mid-20th century, over one-third of Native children were forcibly removed from their homes and adopted into non-Native families to assimilate them away from tribal culture. Such practices were incredibly traumatic and effective, with tribes still working to rebuild, reconnect, and make up for lost relationships today. Even today, adoptions of Native youth into non-Native homes can be associated with this trauma and harm. Our adoptive process views the legal family as the-- as exclusive to the two biological parents and children, which gets cut off through the termination of parental rights and then replaced by the adoptive family. In some ways, this conflicts with the beliefs of many tribes, which traditionally view children to be the responsibility of the community, rather than merely the biological family. Many tribal customs don't follow those same limitations and, instead, recognize more communal and broad relative caretaking. If a native child's relationship with their biological parents is cut off, they risk being disconnected from their tribe, tribal customs, tradition, language, rights, and more. This severance is consequential to the youth and to the tribe as it cuts off the youth's ability to learn, practice, and develop such essential pieces of their identity and the tribe's ability to continue such things through the youth and the generations after them. In some circumstances, it could also affect the child or their progeny's status within their tribe, altering their rights and relationship to it. For those reasons and many more, many tribes practice Tribal Customary Adoptions, or TCAs, which allow the child to be adopted, typically by a relative or member of their tribe, without having to sever their relationship entirely with their biological family. This allows the child to find permanency through adoption while guaranteeing that they can maintain their connection to their greater biological family, tribe, and culture and the benefits that come with it. Importantly, TCAs do not result in an unlimited number of adults being the child's parent, nor do they result in the

biological family having rights to the child in violation of the best interest of the child. Instead, the TCA parents assume all of the rights and responsibilities of a legal parent. And this is important, including the child's care, custody, and control. However, the biological parents, in some cases, can [INAUDIBLE] some limited rights, if agreed upon, like visitation or inheritance rights. TCAs have long been practiced amongst the tribes. Many have TCAs codified into their tribal codes and laws, including three of the four tribes headquartered in Nebraska, the Winnebago, the Omaha, and the Ponca tribes. These tribes practice and conduct TCAs for their children according to their traditions, customs, and tribal codes. And once they are finalized, the TCA family is recognized as a legal family. However, with-- while recognized as lawful adoptions and families for the purposes of tribal law, TCAs are not recognized as adoptions for purposes of the Nebraska state law currently, especially because they do not comply with the state law requirement that the biological parent's rights be severed for the child to be adopted. As a result, TCA families and parents are not considered legal families or parents, affecting how they exercise their familial decision-making rights, access to accurate vital documents, and so much more. This incongruity between tribal and state law creates logistical challenges and legal and financial barriers for Native children. To fix this, other states recognize TCAs in their state laws, including Iowa, Minnesota, Nevada, Oregon, California, Washington. Most commonly these states add TCA sections to their state Indian Child Welfare Acts or ICWAs. Speaking to how a TCA would work in state courts, when applicable they allow for a TCA as a permanency option just like a traditional adoption if their best interest and their tribe-- if in the best interest of the child and the tribe consents. Then the child's tribe can complete the TCA according to their traditions, laws, and customs while the state court is to accept with some exceptions. Across states, the tribes and state work together in different ways to achieve the final TCA, but ultimately giving the tribes TCA full faith and credit is so important. LB1032 is about respecting the culture, customs, and beliefs of our sovereign Native communities, ensuring that our laws, our statutes, aren't structured in such a way that can cause undue harm to Native children and families. Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer. As previously stated, there's a committee amendment. Senator Bosn, you're recognized to open.

BOSN: Thank you, Mr. President, members of the Legislature. AM2847 is the Judiciary Committee amendment to LB1032, which creates a process

for the recognition and enforcement of Tribal Customary Adoptions. AM2847 is intended to make the bill more workable, make responsibilities clearer, and better ensure that the process serves the best interests of the child while respecting the role of the child's tribe. First, it changes how the bill addresses termination of parental rights. As introduced, the bill prohibited the state from filing a recommendation or petition for termination of parental rights in certain cases. The amendment removes that prohibition. Instead, it gives the state discretion not to file when it would otherwise be statutorily required to do so if the case involves a child who may be eligible for a Tribal Customary Adoption or TCA. This gives flexibility without creating an absolute bar. Second, AM2847 clarifies when a state court must consider Tribal Customary Adoption as part of a permanency plan or permanency planning hearing. If someone asks the court to change an Indian child's permanency to something other than returning the child to the parent or home, that person must notify the child's tribe at least 20 days before the hearing. The intention is to give the tribe an opportunity to object if the tribe believes a TCA would be in the child's best interests. If the tribe objects, the court must deny the request and either maintain or change the permanency plan to Tribal Customary Adoption unless there is a finding that it would not be in the child's best interests. If the tribe does not object, the court may proceed on the request before it. This amendment makes-- creates a clearer process and ensures the tribe has a meaningful opportunity to be heard. Third, AM2847 clarifies the rules governing temporary concurrent jurisdiction between the state juvenile court, or court acting as a juvenile court, and a Tribal Court. It requires that notice to the tribe be in writing. It also requires the Department of Health and Human Services to provide the Tribal Court with a copy of the state court file within 30 days so that the Tribal Court has the necessary information it needs in order to make an informed decision. AM2847 also makes clear that when a Tribal Court is granted temporary concurrent jurisdiction, that authority is limited to finalizing the terms of the Tribal Customary Adoption. It further clarifies that the Tribal Court must finalize the adoption in the child's best interests. In addition, AM2847 removes the tribe's authority to conduct the pre-adoptive medical assessment and adds a 120-day deadline for the Tribal Court to complete the TCA. These changes are meant to create a more definite process and avoid unnecessary delay for the child. AM2847 also removes the provision from the introduced version that would have governed later modification of the terms of a Tribal Customary Adoption. The amendment does not replace that language. Instead, it clarifies one

important point. Any rights retained by the biological parents under the terms of the Tribal Customary Adoption do not give those parents the ability to challenge or undo the adoption once it has been finalized. That provides certainty and finality for the child and the adoptive placement. Finally, AM2847 makes clear that once the Tribal Customary Adoption is finalized, the state juvenile court's jurisdiction ends. In short, AM2847 keeps the bill's overall framework, but clarifies procedures, sets timelines, defines the respective roles of the state court and Tribal Court more precisely and emphasizes the best interests of the child throughout the process. I ask for your support to AM2847 and, ultimately, to LB1032. Members, I would just point out, and I appreciate the kind words from Senator DeBoer. She and I have worked obviously very well together throughout my time here. When this bill first came, I had significant concerns and, and they weren't coming from a place of trying to be difficult or pick a fight. I have worked in juvenile court for a very long time. I worked in the county attorney's office in Douglas County throughout law school and basically my sole job was to do things involving termination of parental rights appeals cases and so I saw these day after day after day. And then when I joined the Lancaster County Attorney's Office I was assigned to the juvenile division for a little over 3 years and worked with cases involving terminations of parental rights day after day after day. These cases are very difficult. They're emotional and there's just-- it's such a process. And so when you are specifically dealing with children who fall under the Indian Child Welfare Act, there are so many additional hurdles and obstacles and notifications and concerns that sometimes, in my experience, I feel as though the best interests of the child get lost in the process. And so when we were working on this amendment with the proponents, who I also want to sincerely thank, who are behind the glass proponents, we-- I said the forefront of this has got to be the best interest of the child. And I say that because, one, I think it's the right thing to do, but also because I have several very close friends who have adopted or have guardianships over children who fall under ICWA. And I am confident they're watching today, and I want to make sure they understand that if this goes through, the intent of this legislation is to provide enhanced permanency. So when you're dealing with children who have been removed from the parental home, the first thing you always work for, almost always, I shouldn't say always, almost always work for is reunification with the parent. And that should be your primary goal for a long time. In most cases, it's the primary goal for up to a year. But when permanency cannot be reunification with your parents, we have an obligation to these

children that they shouldn't just linger in foster care months after months. They should have some degree of permanency. And what does that actually look like? Years ago, it was termination of parental rights for children who are not Native American and children who are Native American. And over time, what we have done is what I would consider slightly less permanency for those children who are considered ICWA. They go into these long-term guardianships, which while considered a form of permanency isn't the same degree of permanency as an adoption. They don't get to participate in the adoption day proceedings. They don't get to have that paperwork that talks about these are my parents. They don't change their last name to be part of the family. And when friends of mine who have adopted children who are not ICWA and who have adopted children who are ICWA tell me, my child wishes that they could have the same last name as what they believe their family is, that's hard to hear. And so to the extent that this bill provides an enhanced version of permanency for those children in terms of a Tribal Customary Adoption where then they get to go through that process, they get that permanency. I think this is great legislation and I do think it addresses that problem. The time will tell if there are problems and, and we have to come back and make fixes. I have a commitment from Nebraska Appleseed and the proponents of this that if we need to make fixes to actually have that intention come to fruition, they'll, they'll work with me on that and I appreciate that. But I do think genuinely that the changes that are made in this amendment improve permanency options for children who are Native American in our communities. And so for those reasons, I am supportive of AM2847 and, ultimately, of LB1032. Thank you, Mr. President.

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

CLERK: Mr. President, Senator DeBoer would move to amend the committee amendment with AM2961.

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

DeBOER: Thank you, Mr. President. AM2961 resolves a concern some county attorneys had with the language in the committee amendment with how the term adjudication hearing might not capture the intended appearance and suggested initial appearance of the party to provide better clarity. I urge you to vote green on AM2961. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. And I encourage my colleagues to vote for both amendments and the bill as well. I don't know if many of you know this, but the State Tribal Relations Committee, we get one priority bill each year. And we work cooperatively and collaboratively with the Nebraska Commission on Indian Affairs. They suggest bills to us, we write them, we suggest bills to them, and they select from the one that is of utmost urgency to them. And we always take up their recommendations. In the past, we have offered up recognition of judges-- tribal judges' emergency protective custody orders. Last year, we prioritized Senator Bostar's LB78. It's on funding for domestic violence and sex trafficking on shelter and housing. I want to profoundly thank both Senator DeBoer and Senator Bosn. I have never seen a Judiciary Chair spend so much time in reaching out to get input from attorneys in another state, meeting after meeting after meeting. And I, I cannot think Senator Bosn enough for her diligence and her determination to get it right. And I think we have gotten it right. I also want to thank all those who supported in-- who testified in support. There were 18 individuals who spoke in support. Every member of all the tribes, the Santee Sioux, Ponca, Omaha, Winnebago, they all came out in support, 18 proponents, 1 opponent, and 1 in the neutral. But also I have to thank all the people on the, the State Tribal Relations Committee, they're sort of the unsung heroes who get involved in these issues, Senator DeKay is the Vice Chair, Senators Guereca, Hunt, Meyer-- Glen Meyer, Rountree, and Spivey. So I want to give a shout out to them and thank them very much. This was a struggle. And I can't thank the Judiciary Committee for stepping up and figuring out the best way to execute on this. And, of course, Judi gaiashkibos, who's the executive director, who with her patience and guidance said this is the bill that we want to get passed. So we can't get it passed without your help. So thank you my-- thank you, colleagues, for your support of this. Thank you, Mr. President.

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

DeKAY: Thank you, Mr. President. I rise in support of LB1032. As many of you know, my legislative district is home to the headquarters of both the Ponca Tribe of Nebraska and the Santee Sioux Nation. I want to point out that nationally Tribal Customary Adoption has become a preferred permanency pathway for American Indian and Alaska Native children. Many states and tribal nations have already codified Tribal Customary Adoptions through state statutes and tribal codes. These measures ensure that Native youth may achieve permanency without severing cultural ties to their biological family and the tribal

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community. This measure has unanimous support of all four of the state's tribes. I want to thank Senator DeBoer and Senator Bosn for bringing this bill and for their and their staff's hard work on this. Thank you.

KELLY: Thank you, Senator DeKay. Seeing no one else in the queue, Senator DeBoer, you're recognized and waive closing on AM2961. Senators, the question is the adoption of AM2961. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: AM2961 is adopted. Seeing no one else in the queue, Senator Bosn, you're recognized to close and waive closing. Senators, the question is the adoption of AM2847. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: AM2847 is adopted. Senator DeBoer, you're recognized to close and waive. Senators, the question is the advancement of LB1032 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB1032 is advanced E&R Initial. Mr. Clerk, for items.

CLERK: Mr. President, General File, LB1032A, introduced by Senator DeBoer. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of the provisions of LB1032. The bill was read for the first time on March 30 of this year and placed directly on General File.

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

DeBOER: Thank you, Mr. President. There is a \$2,600 one-time fee for this. And I don't even remember exactly what it is for, but that is what the A bill is for. Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer. Seeing no one else in the queue, you're recognized to close and waive closing-- Senator DeBoer to close.

DeBOER: Please vote green.

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KELLY: Senators, the question is the advancement of LB1032A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB1032A is advanced to E&R Initial. Mr. Clerk, for items.

CLERK: Mr. President, Senator Storm would move to recess the body until 1:00 p.m.

KELLY: Senators, you heard the motion to recess. All those in favor say aye. Those opposed, nay. The Legislature is 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?

CLERK: I do, Mr. President. Amendment to be printed from Senator Dorn to LB803. It's all I have at this time.

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

CLERK: Mr. President, General File-- excuse me, pursuant to the Speaker's agenda, General File, LB965, introduced by Senator Bostar. A priority motion, Senator Conrad would move to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

STROMMEN: Senator Bostar to open on LB696-- oh, LB965.

BOSTAR: Thank you, Mr. President, and good afternoon, colleagues. I'll begin by covering the underlying legislation, then I'll address the other component pieces within the committee amendment that I've introduced before asking questions of my colleagues who also have provisions in the committee amendment if time permits. LB965 is straightforward legislation to protect vulnerable Nebraskans from sexual abuse and exploitation by individuals in positions of trust,

power, and authority. The bill prohibits sexual contact between probation and problem-solving court employees and the individuals under their supervision. This mirrors existing protections that apply to correctional staff and parole employees, and it aligns the associated criminal penalties with those already in statute. LB965 establishes clear criminal prohibitions on sexual exploitation by individuals serving in fiduciary or court-appointed roles. Conservators, guardians, and guardians ad litem are prohibited from engaging in sexual contact with those they are appointed to serve with corresponding criminal penalties established. Legislation creates a specific offense addressing sexual contact between child welfare service providers and minors in their care. Child welfare service provider is defined to include any individual or entity providing such services including those under contract with the Department of Health and Human Services as well as their employees and agents. For purposes of this section, a minor is defined as any individual under 19 years of age. The bill prohibits sexual contact with any minor as defined, receiving services, or otherwise under the provider's care, custody, or control. For those new offenses, penalties mirror existing law governing similar abuses of authority, sexual penetration is classified as a Class IIA felony, and sexual contact as a Class IIIA felony. LB965 also updates Nebraska's incest statute to include adoptive and foster parents, ensuring the law fully reflects modern family structures while maintaining consistency with existing penalties. Importantly, across all offenses created and modified by the bill, consent is not a defense. In relationships defined by dependency and authority, meaningful consent cannot exist. Finally, at the request of our partners in probation, the bill includes a narrowly tailored immunity provision for probation employees who, acting in good faith and in accordance with Office of Probation Administration policies, obtain and administer opioid overdose reversal medication. LB965 makes necessary targeted updates to our criminal code to ensure that those entrusted with care, supervision, or authority cannot exploit that position for sexual purposes. The bill was supported by Lancaster County, the County Attorneys Association, the Nebraska Alliance of Child Advocacy Centers, the Omaha Police Officers Association, and the Administrative Office of the Courts and Probation. The committee amendment, AM2846, incorporates provisions of LB1123, creating a statutory framework for how Brady-Giglio disclosures are evaluated and used while balancing prosecutors' constitutional obligations with meaningful due process protections for law enforcement and correctional officers. Brady and Giglio are well-established constitutional requirements that ensure prosecutors

disclose exculpatory evidence and information that may be used to impeach the credibility of a witness. These obligations are grounded in due process and are essential to ensuring a fair trial. Nothing in LB1123 limits those obligations. Instead, this language brings consistency and fairness to how those determinations are made. In Nebraska today, a law enforcement officer can effectively lose their career without notice, without a hearing, and without any meaningful opportunity to respond when they are named in a Brady-Giglio disclosure. Being named in a Brady-Giglio disclosure can render an officer unable to testify, which in practice may lead to reassignment, discipline, or the end of a law enforcement career altogether. LB1123 ensures an officer may not be terminated, disciplined, or lose certification solely for being named in a Brady-Giglio disclosure. Agencies retain full authority to act on underlying misconduct, ensuring the disclosure itself is not the sole basis for disciplinary action. The bill requires prosecuting agencies to follow procedures before naming an officer in a Brady-Giglio disclosure, including providing written notice to the officer, outlining the basis for the determination, and allowing an opportunity to respond. If the officer contests the determination, the matter is referred to an advisory committee of prosecutors. That committee may review the evidence, request additional materials, and, if appropriate, conduct an informal hearing before issuing a written recommendation. While the prosecuting agency retains final discretion, it must consider that recommendation and provide the officer with a written final decision. In addition, LB1123 provides for judicial oversight. An officer may petition the court to determine whether the proposed Brady-Giglio material is materially relevant to the issues before the court. The judge may review the information in camera, and if it is not relevant, prevent it from being presented to the jury. Importantly, that determination applies only to the case at hand and does not interfere with a prosecutor's obligation to make disclosure in other cases where required. Finally, LB1123 changes the penalty for impersonating a peace officer from a misdemeanor to a felony, reflecting the serious public safety risks posed when individuals falsely present themselves as law enforcement. This change recognizes that impersonation undermines public trust, can be used to facilitate other crimes, and places both public and legitimate officers at risk by exploiting the authority and credibility of law enforcement. LB1123 ensures law enforcement officers are afforded basic due process protections. It does not alter Brady-Giglio obligations but strikes the right balance between upholding constitutional obligations and ensuring fundamental fairness in how these decisions are made. This legislation was

supported at the hearing by the Omaha Police Officers Association, the State Troopers Association of Nebraska, the Lincoln Police Union, and the Fraternal Order of Police. AM2846 also contains the substantive provisions of LB859, which provides counties with a discretionary tool to help manage the rising property tax impact of court-appointed counsel, counsel costs by authorizing the designation of a county conflict counsel. As you all surely know, Nebraska delivers constitutionally required indigent defense through a court-administered public defender system. Public defenders are bound by ethical standards governing competence, diligence, and conflicts of interest. Those standards limit caseloads and prohibit representation of adverse parties, such as codefendants, meaning public defenders cannot represent every eligible client. When a conflict arises, courts appoint private counsel. The judiciary sets the rates, total fees, and billing timelines, and those costs are passed on to counties and, ultimately, property taxpayers. Counties have little control over these expenses, which are often unpredictable and have grown significantly. In Lancaster County, for example, costs for indigent defense outside of public defenders-- outside of the public defenders office increased from just over \$2.1 million in 2021 to more than \$5.3 million in 2025. LB859 offers an alternative. It allows but does not mandate counties to designate or establish a county conflict counsel to step in when the public defender has an ethical conflict prior to appointment of private counsel. Conflict counsel would provide the same constitutionally our representation, but within the structure that counties can better anticipate and manage. Importantly, this designation is entirely optional. Counties where the current system works well can continue as they are. For counties facing escalating and, and unpredictable costs, LB859 provides a tool to improve budget stability while ensuring indigent defendants receive the representation they are guaranteed under the constitution. LB859 is a targeted flexible approach to a growing fiscal challenge. It was supported by Lancaster County and the Nebraska Association of County Officials. I would ask for your green vote on the underlying bill and the upcoming committee amendment. And with that, I would ask if Senator Prokop would yield to a question?

STROMMEN: Senator Prokop, would you yield to your question?

PROKOP: Yes.

BOSTAR: Senator Prokop, could you talk about the provisions you have contained in the bill?

PROKOP: Happily do so, and I want to thank Senator Bostar for working with me on this, and also especially thank Chair Bosn for her partnership on this bill, and then also Senator Raybould for, for making my portion of this bill her priority bill this session. So my portion of this amendment contains my bill LB 1000. This bill addresses a growing and deeply concerning issue in Nebraska, repeated violation of domestic abuse and sexual assault protection orders. And the escalating dangers those violations pose to survivors. Protection orders are one of the most important tools we have to create safety and distance for victims, but their effectiveness depends on meaningful enforcement. When those orders are violated, especially multiple times, the risk to survivors increases significantly. Currently, a violation of a protection order is charged as a Class I misdemeanor for a first offense and a Class IV felony for a second or subsequent offense. However, a Class IV felony, the lowest level felony, can often be pled down to a misdemeanor. This weakens accountability and undermines survivor safety and erodes confidence in our justice system. This bill would change that so that a third offense is a Class IIIA felony and a fourth offense would be a Class IIA felony. The bill had broad support at the hearing, including support from the Nebraska County Attorneys Association, Nebraska Coalition on Sexual and Domestic Violence, and multiple law enforcement agencies. I'm sure we'll have plenty of debate about this bill and the provisions within. So I will leave it there, but would ask again for your support of LB965 and the amendment.

STROMMEN: Senator Conrad, you are recognized to open on MO470.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I rise in opposition to LB965 and to many components of the committee amendment. Some of the components of the wide-ranging committee amendment, I think, are more acceptable than others, perhaps even thoughtful approaches to different areas or gaps in our criminal justice policy, but in many instances you're going to hear a lot of the same concerns in regards to this measure as you have with-- I've almost lost count at this point, how many measures have been moving through this body this year and in recent years that create new penalties and enhance, enhance penalties up to a felony for numerous, numerous activities. I think Senator DeBoer coined the term that the Legislature has become the felony factory and this is just the most recent example of that strange phenomenon. I've had an opportunity to have a brief discussion with my friend Chair Bosn in regards to structuring debate on this wide-ranging measure today. I think the model that we came upon in a similar Judiciary Committee package last

week where a division of the question allowed for more focused discussion amongst all parties on each of the component parts will probably come to bear today and should help to better organize our debate and deliberations on these important issues. The committee amendment before you has aspects related to family law and parental custody and divorce. It has increased penalties for assault. It creates a new felony to possess a U.S. Postal Service key. It increases penalties for protection order violations, which, by the way, we just did last session. It has an extraordinarily controversial and problematic bill related to criminal procedure and practice that absolutely offends due process and the rights of the accused. You'll hear a discussion about the Brady-Giglio components of this legislation and how those pieces work in criminal prosecutions. And to be clear, when we talk about things like Brady-Giglio, which we'll have a chance to do in great detail, these are not my personal opinions. These are United States Supreme Court decisions that have been on the books for decades that are critical to ensuring a fair trial, that are turned on their head with almost no precedent in regards to this bill. And it's not just about the purported policy reasons to protect police officers, which, of course, the measure expands beyond just police officers. But what it does, friends, is it risks, it risks a true public safety threat, a truly guilty party. If they're not provided clear information of the mandated disclosures under Brady-Giglio in regards to their criminal trial, it risks that conviction being overturned, which actually is the opposite of our shared public safety goals. And people need to think really carefully about that. There's also components in relation to public records which are odd and unworkable. And measures related to public defenders and a process for creation of conflict of interest. Almost every one of the bills included in the committee amendment are controversial and received opposition. Some of that opposition has been resolved by the Chair of the committee and Senator Bosn deserves gratitude and credit for being fair-minded and even-handed in that regard. We do need to have a very robust debate on these provisions. The Speaker, Senator Bosn, and other proponents of this measure are well aware of the gravity of some components of this legislation in terms of constitutional rights, criminal procedure, mass incarceration, public records, etcetera, etcetera. And so we'll continue to try and bring forward substantive, serious amendments to still allow for the policy goals of the component parts in some instances to move forward with more clarity and definition. But there are going to be some component parts that really truly should be subject to the division and removed out, at least for an interim study. These are complex, serious, and

important issues that should not be passed quickly or lightly by this body, because it risks, actually undermines our shared public safety goals by injecting uncertainty into an area of law that is already certain, and has the potential to jeopardize criminal convictions. Colleagues, I-- I'm not going to push for a vote on this IPP so that we can move to the division. But I wanted to draw your attention to some of the key components that we'll, we'll be taking up together over the next many hours in regards to this legislation. Thank you, Mr. President. I'd like to withdraw the motion.

STROMMEN: So moved. Senator Bosn. Mr. Clerk.

CLERK: Thank you, Mr. President, LB965, introduced by Senator Bostar. It's a bill for an act relating to crimes and offenses; prohibits sexual abuse of a probationer or problem-solving court participant, sexual abuse by a conservator, guardian, or guardian ad litem, and sexual abuse by a child welfare service provider; defines and redefines terms; transfers and changes provisions relating to sexual abuse of an inmate or parolee; provides immunity to probation employees for administration of opioid overdose reversal medication; changes provisions related to the offense of incest; requires registration under the Sex Offender Registration Act; changes offenses included within certain victim notification requirements; harmonize provisions; repeals the original section. The bill was read for the first time on January 12 of this year and referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments. There are additional amendments, Mr. President.

STROMMEN: Senator Bosn to open on the committee amendment.

BOSN: Thank you, Mr. President, members of the Legislature. AM2846 is the Judiciary Committee amendment to LB965 and contains the committee's second priority package. The amendment retains the original LB965 provisions introduced by Senator Bostar, which includes prohibiting sexual abuse of a probationer or problem-solving court participant, prohibiting sex abuse by a conservator, guardian, guardian ad litem, or child welfare service provider, and the administration of opioid reversal medication by probation employees and adding an adopted child and foster child as protected persons under the offense of incest. The amendment also combines several other Judiciary Committee bills that address issues related to-- involving public safety, crime and punishment, and court operations. Starting with LB908, which was introduced by Senator Storm, requires the judge to take into account credible evidence showing increased intellectual and

social growth in children who have equal access to both parents when determining custody and parenting plan arrangements. LB1000, introduced by Senator Prokop, establishes a graduated penalty structure for violations of domestic abuse and sexual assault protection orders by increasing the penalty for third offense and fourth offense violations. LB818, introduced by Senator Storer, strengthens Nebraska's laws addressing domestic violence and assault by enhancing penalties for the more serious domestic assault offenses and for repeat and high-risk offenders. LB818 also enhances penalties for assault by strangulation or suffocation when the has a prior comparable conviction, including convictions in other jurisdictions. LB1123, introduced by Senator Bostar, strengthens due process protections for law enforcement officers in connection with Brady-Giglio disclosures. LB1123 does this by establishing uniform notice, reconsideration, confidentiality, and review requirements for such disclosures. Additionally, this bill strengthens public safety by increasing penalties for impersonating a peace officer from a Class I misdemeanor to a Class IV felony. LB859 introduced by Senator Bostar allows counties to manage the cost of court-appointed counsel fees by employing county conflict counsel to provide constitutionally required representation in matters in which the public defender cannot be appointed either due to a conflict or other good cause. LB785, introduced by Senator Hallstrom, adds receptacle keys and locks adopted by the postal service for the delivery of mail to the list of items that are considered burglars' tools in Section 28-508, provided possession was knowingly and intended to be used in the commission of a crime. Colleagues, I ask for your support of AM2846 to LB965. At this time, I would ask if Senator Storm has any questions-- or I would ask to-- Senator Storm if he would yield to a question?

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

STORM: Absolutely.

BOSN: Senator Storm, would you like the opportunity to tell us a little bit about your portion of the committee priority package?

STORM: Yes, thank you. Thank you, colleagues. I rise in support of LB965 and the committee amendment AM2846. LB908 is a piece-- is my piece of the Judiciary package. It adds a new requirement for judges when developing a parenting plan during the divorce process, specifically when considering the best interest of a minor child the judge shall consider credible evidence presented showing increased intellectual and social growth in children who have equal access to

both parents. This is in addition to the five current requirements a judge must take into consideration, which include the relationship the child has with both parents, the desires and wishes of the child, the health, the welfare and social behavior of the child, and credible evidence of abuse of any family or household member. Study after study shows that children who do not have access to both parents or are raised in a fatherless home are more likely to drop out of school, more likely to have mental health issues, run away from home, more likely to have teenage pregnancies, more likely grow up in poverty, more likely to become involved in drugs and the criminal justice system. A study done by an Arizona State University psychologist and presented to the committee on justice and human rights in the House of Commons of Canada examined the effects of equal parenting time in Arizona. Studies showed that children had increased emotional security when having equal or near equal access to both parents. And that children of divorced with the best long-term relationships with both parents are those who have equal parenting time. Similarly, studies looking at the intellectual and educational effects on children of divorced parents show that those children tend to have lower GPAs of their peers and are more likely to repeat grade levels. On the other hand, the National Library of Medicine reports that children whose parents share custody typically have higher grade point averages than their peers living in single-parent homes. When children have access to both parents, it is a better approach to problem-solving and, ultimately, enhances their critical thinking skills. Ultimately, I believe it is the best interest of children to have an equal-- near equal access to both parents as much as possible. I will ask for a green vote on LB968 [SIC] and AM2846. Thank you.

BOSN: Thank you, Senator Storm. Would Senator Storer yield to a question?

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

STORER: Yes, I would.

BOSN: Senator Storer, would you tell us briefly about your portion of LB965?

STORER: Yes, thank you, Senator Bosn. And I appreciate the opportunity that LB818 was included in the Judiciary package. So today, unfortunately, the law, as it currently stands, continues to treat domestic abuse as a less serious crime than so-called simple abuse. And it hampers law enforcement's ability to hold perpetrators

accountable. The penalties for domestic abuse are reduced in comparison to those of simple abuse. So LB818 aims to strengthen the penalties and bring those in line with simple abuse for serious and repeat domestic assault. It modernizes the statutes addressing strangulation and reckless conduct. This bill aligns Nebraska law with the realities that law enforcement and prosecutors see every day and targets the most dangerous behaviors. I will ask for your support and your green vote on LB818. Thank you.

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

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

HALLSTROM: Yes.

BOSN: Thank you, Senator Hallstrom. Would you briefly tell the body what portions of your bill are contained in LB965?

HALLSTROM: I will. LB785, which is a part of this amendment to LB965, establishes criminal penalties relating to the possession of a mail receptacle key or lock. This will give law enforcement and prosecutors the legal tools needed to prosecute this growing crime trend. Fraud is not a niche issue. It is one of the largest and fastest-growing threats to Nebraska consumers. While banks are seeing growing trends in fraud using spoofed phone calls and fraudulent social media advertisements, the largest losses continue to be via check fraud. It is believed among the banking industry that the largest source of check fraud is mail theft. Check washing has been a leading cause of consumer fraud losses for many years, and the frequency in losses are increasing at a near exponential rate. According to the United States Postal Inspector, more than \$1 billion in washed and counterfeit checks are recovered every year. Unfortunately, the vast majority of the checks are not recovered with billions more in losses annually. Basically, when LB785 was introduced, it was going to create a separate crime for the use or possession of these mail key receptacles. We worked diligently with the criminal defense attorney's representative. They were concerned that we could possibly have a potential for two separate crimes, one for the one that's being created and one for use of burglary tools. So the portion of the bill will basically provide that the use or possession of these mailbox receptacles will be a Class IV felony, but under the existing law of use or possession of burglary tools rather than creating a new crime. And the criminal defense attorneys were accepting of that, and I

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believe any opposition has been removed with the portion of the bill in its current form. And I would encourage your support for this portion of the bill and the underlying bill and committee amendment itself. Thank you.

BOSN: Thank you, Senator Hallstrom. Colleagues, I think we've gone through each of the portions contained in the committee priority package. I will, ultimately, be asking for your green vote on LB965. I look forward to having a debate today. If you have questions over certain portions, I'm happy to answer them either on the mic or off to the side and see what we can come to for an agreement on as many things as we can and appreciate the debate thus far. Thank you, Mr. President.

STROMMEN: Senator DeBoer, for what reason do you rise?

DeBOER: To divide the question.

STROMMEN: Senator DeBoer and Senator Bosn, please approach. It is divisible. Mr. Clerk, please explain the division.

CLERK: Mr. President, the committee amendment has been divided into seven pieces. The seven pieces consisting of AM3009, which was previously LB965, AM3012, which was previously LB1000, AM3013, which was previously LB818, AM3014, which was previously LB1123, AM3015, previously LB859, AM3016, previously LB785, and AM3010, previously LB908. Senator Bosn has elected to take up AM3009, previously LB965, as the first division.

STROMMEN: Senator Bosn, you're recognized to open on AM3009.

BOSN: And am I correct that AM3009 is LB965? OK. Thank you, Mr. President. Thank you, colleagues. So that everyone's aware, I'm-- I know it's maybe less than professional, but I have a handwritten copy here of the order so that everyone can follow along. I'm going to ask my staff if they will nicely make copies and have that passed out so that everyone knows where we are and what, what the structured debate will look like. Starting with LB965, colleagues, this is Senator Bostar's bill regarding sexual abuse of a probationer by a probation officer or problem-solving court participant or by an employee of the problem-solving court in distinct prohibited-- a distinct prohibited offense. Colleagues, it's my understanding from the hearing that was held on this that this bill came about because of an actual situation that was occurring, where in the state of Nebraska, the age of consent

is 16. And so you had an actual situation where a foster parent was engaged in relationships of a sexual nature with an individual in their home who was over 16 years of age placed there in a foster care role. Obviously, I think, or certainly I hope everyone can agree that there's an inappropriateness to that on a whole host of levels. Most importantly, because they're in a position of power and control over that individual in their role as a foster parent. My understanding is that when that was brought up, and obviously individuals were shocked by that, there was conversations with probation who said we would like to be a part of this bill and be included because this is something we've seen as well. So the intent here is to mirror what we have essentially in schools, teachers are not having relationships, are not allowed to have relationships with their students, correction officers are not allowed to have relationships with inmates, probation officers are not allowed to have relationships with their probationers. And you have foster parents who should not be engaging in relationships with individuals who are placed in their care and custody by the Department of Health and Human Services. So, certainly, we had an interesting hearing on this, had a lot of positive feedback. I will, ultimately, be asking for your green vote on AM3009. I would yield the remainder of my time to Senator Bostar if he so wishes.

STROMMEN: Senator Bostar, you have 7 minutes and 40 seconds. And waives. Mr. Clerk.

CLERK: Mr. President, Senator DeBoer would move to amend with FA1117.

STROMMEN: Senator DeBoer, you are recognized to open.

DeBOER: I will withdraw that one.

STROMMEN: So ordered.

CLERK: Senator DeBoer, I also have FA1119.

DeBOER: I will withdraw that one.

STROMMEN: So ordered.

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

STROMMEN: In returning to the queue, Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. Good afternoon, colleagues. I appreciate that we're going to have some time to talk here about a number of different bills. I just want to kind of preview a little bit as to what's going to be discussed, I think, and what's being talked about. And then I want to talk a little bit specifically about LB965, what the objections might be to parts of that bill, the parts of it that I think are fine. But big picture, colleagues, we have an omnibus package here coming out of the Judiciary Committee that does deal with a whole litany of things. We're talking about some increased penalties. We're talking about some new crimes that were not previously included or at least new delineations of those crimes. And I think maybe most complicatedly, if that's a word, at the end of this package there's a particular bill that deals with the disclosure of certain evidence between the county attorney and defense counsel as it pertains to what's called Brady-Giglio evidence. You've heard that phrase a lot. You're going to hear more of it today. And that is essentially a discussion of how and when and what information is disclosed about witnesses that you could potentially impeach them with. And for those at home, the phrase impeach, when we're talking about witnesses in court, it means call into question their credibility. It doesn't mean impeach like an official who's elected. It means if I impeach a witness, I'm calling into question their credibility, and there are certain ways you can do that and certain ways you can't do that. We're going to get into all that later. I'm actually kind of looking forward to that discussion, because it is a little bit in the weeds, but I think it's really important. And I will tell you, in the body and at home, there are some pretty lengthy discussions happening right now out in the Rotunda amongst us senators and other individuals who are affected by this to better understand the implications of the whole host of bills that are here. So the division of the question is intended to better address the individual components of this bill and maybe hone in the discussion on each one as to what is or isn't objectionable. LB965, I think Senator Bosn did a good job of laying out what the intention behind that is. Obviously, we want to ensure that individuals are not being taken advantage of in a sexual nature or otherwise. And the circumstance that she pointed out about the youth in foster care is obviously abhorrent, and we want to make sure that that is being stopped at every end. My only concern about LB965, and I'm not going to talk at great length about this, but I do want to talk to the introducer of the bill and also Senator Bosn briefly about a potential amendment, is when you're talking about adults in different situations, I think it gets a little bit more complicated, and I would be curious as to whether or not we could

bring an amendment, and I have language here that I'm willing to talk about and address, that requires a nexus or a connection between the probationer and the probation officer or the person who is a member in drug court and a probation officer requiring a nexus of some power and control in order to be convicted of this crime. Obviously, if we're talking about, you know, youth, minors, and their supervision, that seems very clear. But if we're talking about an adult who happens to be on probation and/or in some capacity is supervised by the court system, and they meet somebody in the world who that person also happens to be a, I don't know, probation officer, somebody who works in the drug court system, whatever it may be, and those things are not disclosed. And the two of those adult individuals engage in a consensual relationship in any sort, we would, I think, want to make sure that that is not inherently a crime, given that I think the whole point of LB965 is to ensure that there is not power and control being asserted over individuals in the justice system in a way that's manipulative. There are currently crimes on the books that prohibit, for example, a Corrections officer from having a relationship or sexual relationships with an inmate or somebody who's incarcerated, rather. There are rules in place to make sure, like Senator Bosn said, that teachers don't have relationships with students. The whole point of that is to make sure that there's not a manipulation of that relationship, where somebody can say I have power over you, for example, as your probation officer. I'm going to manipulate you into a relationship with me because you can't say no, or else I'm going to violate your relation-- or violate your probation. In the event that, though, these two people have no nexus or connection of power and one person happens to be supervised by court totally separately from an individual who works in the court system totally separately, I don't think the intention of LB965 would be to have those consenting adults suddenly be charged and, ultimately, potentially, convicted of a felony that could carry along with it massive collateral consequences, which we'll probably get into more later. So going to have a conversation, I think, off the mic a little bit more about that. I do have language here that essentially adds in a requirement that any individual to whom the office or a problem-solving court has authorized or delegated control over a probationer or problem-solving court participant or such person's activities whether by employment contract or otherwise includes or is not limited to and then lists those--

STROMMEN: Time, Senator.

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DUNGAN: --relationships and I think that would help the bill. Thank you, Mr. President.

STROMMEN: Mr. Clerk, for an amendment.

CLERK: Senator DeBoer, I also have FA1116 with a note that you'd withdraw.

STROMMEN: So ordered.

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

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

McKINNEY: Thank you, Mr. President. I believe I voted for LB965. Well, I was PNV because we were voting, I think, for the package out of committee or something. But the nature of Senator Bostar's bill, LB965, I'm not against. You know, I do think we should do what we can to especially protect kids in the care of the state and make sure that they're not being assaulted by anybody, especially a probation officer or anyone working in the court. So that's not something I'm about to stand up and object to. As Senator Dungan stated, there might be a need for some language just to clarify a nexus to make sure that it's not super broad, because there are some people, it, it could get a little tricky in some cases if, if somebody is not directly authorized to delegate control over somebody or anything like that. So maybe just something to clean it up as Senator Dungan discussed. But as far as this bill, and when we go to the other ones, I'll talk about those other ones. But this is something that I'm not against. I do think, when we can, we should protect the youth in the care of the state, which is why I was, you know, I wouldn't say frustrated, but very concerned last night when we talked about the kids in NCYF and YRTC's because when our state does take over management and essentially guardianship of these youth, we should do, do all we can to protect them to make sure that they are not assaulted, whether that's a correctional officer, a detention center officer, or anyone, we should protect kids as much as possible, so that's why I feel the way I feel. And when we move to the other ones, I'll discuss those. And if, Senator Dungan, you want some more time? If he wants the time, he can have it. Thank you.

STROMMEN: Senator Dungan, you have 2 minutes and 45 seconds.

DUNGAN: Thank you, Senator McKinney, for the time. And thank you, Mr. President, for the specificity with that time designation. I ran out of time a little bit there as I was finishing up, just to talk about what this amendment does. And, again, I apologize, I've not had a chance to introduce it yet or to talk to anybody about this, but I plan on doing that when I'm done here. But the intention is to ensure that there is actually that supervision and the nexus between those two individuals. I'm open to language, like I said, I have proposed language here. But I do think that at the end of the day, the goal is to make sure that we have a nexus between manipulation and power and control. Obviously, we all have a, a goal of making sure that people are safe who are in the care and custody of the system. And we also know that a number of individuals who find themselves both incarcerated or under the care of probation are vulnerable in a number ways. And so I do think that it's incumbent upon us to make sure that they're not taken advantage of. There's a larger conversation that we can have that I think we're going to have as a part of this entire package regarding the efficacy of additional criminal penalties for those following along at home, watching "as the Legislature turns." You know we've talked a lot this year about criminal penalties. And over the last session, last long session and this short session, about the increased number of felonies or additional sentences that we see here in the state of Nebraska. None of that is to say that any of us don't take seriously the underlying problems that we're discussing here. But I do think there is long-standing data and information that supports the notion that increasing penalties in creating new crimes does not actually deter a lot of the behavior that we're discussing. And I probably will end up rambling at some point about penological goals and the whole reason that we actually implement punishment in the first place, because I think it's important to talk about those things when we have discussions about criminal penalties. I think it's really important that we actually understand why we are doing what we're doing when it comes to crime. But for this present issue on LB965, I don't have, I think, an objection specifically to the intent, which is to ensure that youth, in particular, and vulnerable populations are not taken advantage of. But certainly what I don't think we want to do is do an overly broad criminal statute that lumps in these outlying cases of consenting adults who happen to engage in a relationship absent any manipulation where they are convicted of a felony by virtue of some job versus actual manipulation, power, and control. So I will discuss that a little bit more with some other individuals and I appreciate the time Senator McKinney. I look forward to more of this conversation. Thank you, Mr. President.

STROMMEN: Senator Spivey, you are recognized to speak.

SPIVEY: Thank you, Mr. President, and good morning, colleagues and folks that are joining us. I, I want to start off by saying I appreciate Senator DeBoer for dividing the question. I think we had a lot of discussion and feedback on the mic earlier this morning about Senator Rountree's bill around it feeling like a Christmas tree package and the division, which only had three divisions, actually, where this bill has seven. And so I think this is an appropriate structuring of the debate and I appreciate having the intentional time to take up each of these measures that are pretty hefty and complex as that sentiment was expressed earlier. So as it relates to AM309 [SIC], which is Senator Bostar's bill LB965, I appreciate the comments from colleagues and, and laying the groundwork. I really appreciate Senator Dungan, who is an attorney and practices in this way. I am not an attorney. I feel like I play one in "as the Legislature turns," which is here. And so appreciate folks that are bringing their expertise and look forward to the continued conversation and some of the viewpoints that he is bringing. As I was digging into each component of the amendment and what it does or doesn't do, I agree with the sentiment of protecting our young people and our vulnerable populations within this statute. I think some of my questions and concerns are around the adult side and the nexus which has brought up. It broadly defines what it means to be an employee within probation or problem-solving court. And so it has an individual who is working in probation administration or for the district. So, again, it doesn't mean that it's that direct contact with that person working within a problem-solving court. And so, again, if someone meets in a, a personal setting, a wedding, a bar, a restaurant, and they don't have the conversation about work or workplace, what is that nexus and how is that decided? And this bill, from my understanding, would really criminalize any consensual sexual interaction between them and that there does not need to be a professional relationship in order for it to be a crime. So, again, if that person that has the established role that wasn't necessarily discussed doesn't have a direct correlation to the probation or problem-solving court that that other person is participating in, it could still be a crime. And so I wonder if Senator Dungan is on the floor still, if Senator Dungan would yield to a question?

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

DUNGAN: Yes.

SPIVEY: Thank you, Senator Dungan. You talked about having an amendment specifically around kind of tightening up the language on the adult side. So is your amendment, would it addressing that the person is, like, authorized or delegated control over that probationer or how-- what, what does your amendment do to tighten up that language around the nexus, I guess is my question?

DUNGAN: Yeah, so I'm, I'm going to introduce it here. I was just speaking with Senator Bostar about it because I do like to provide a little heads up before I drop it, just to make sure they know what's going on. And full disclosure, it sounds like he probably will oppose it. But we'll have a discussion, I think, about it. Just so it's clear, on the committee amendment, AM2846, which is the language we're discussing here, on page 9, it strikes lines 4 through 17 and inserts instead, and I want to be clear here, page 9, that is the definition of any individual employed by, and it kind of goes into a definition there. This says instead: Any individual to whom the office or a problem-solving court has authorized or delegated control over a probation or problem-solving court participant or such person's activities, whether by employment, contract, or otherwise, this includes, but is not limited to, one, any probation officer, chief probation officer, juvenile probation officer or juvenile intake officer, as those terms are defined by Section 29-2246, two, any individual working in probation administration or for any probation district or, three, any individual working within any problem-solving court under the purview of the office. So essentially seeking to tighten up the definitions to create a little bit more of that nexus between the person who is doing the supervising and that relationship being what causes the problem versus simply having a role as a drug court tech where you're doing drug testing and you meet somebody totally separate and apart from that who also happens to be on probation and now you're suddenly in a felonious relationship when the intention was not to have any manipulation.

SPIVEY: Yeah, thank you, Senator Dungan. I appreciate that. And it feels like that amendment strengthens the bill and provides the necessary structure and guardrails to sure-- to ensure no unintended consequences with the current broad definition. So thank you, Mr. President. I see my light is on.

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

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

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

BOSTAR: Yes, of course.

M. CAVANAUGH: Thank you. So this AM3009 is LB6 or LB965, right?

BOSTAR: I believe so. Yes.

M. CAVANAUGH: OK. So LB965 is-- are we adding people to or classifications of people in the state of Nebraska to existing statutes? Could you-- I'm not quite understanding, I guess, how this is working.

BOSTAR: Yeah, so, so, for example, right now the laws that relate to Corrections and parole as it relates to Corrections officers and parole officers engaging in sexual contact with parolees and, and inmates being prohibited. So that's being effectively probationers and probation officers are being brought into that same framework.

M. CAVANAUGH: OK.

BOSTAR: As well as, you know, guardians, guardians ad litem, or the problem-solving court officers.

M. CAVANAUGH: So-- and when I was listening to Senator Spivey and Senator Dungan's conversation, so this includes even if they're not under their, like, direct supervision, so if they're in totally different, like Lincoln and Omaha.

BOSTAR: It does, yes.

M. CAVANAUGH: What if they don't know?

BOSTAR: They don't know?

M. CAVANAUGH: Like, if this probation officer doesn't know that this person's on probation.

BOSTAR: Well, yeah-- I mean, so here's, here's what I'll say. So this-- the, the idea behind this amendment of providing that nexus requirement was brought forward for consideration before the hearing. Right now, the way it is in AM3009 for probationers, as proposed in this bill, is the same way it works for parole. So, currently, parole officers cannot have sexual contact with parolees. It doesn't matter if it's theirs or someone else's. So we don't have any nexus

requirement for all the other statutes related and that are sort of mirror of this.

M. CAVANAUGH: OK.

BOSTAR: And, and so we're not trying to reinvent the wheel. The other, the other issue is currently probation, the division of probation under the, the judicial branch is opposed strongly to having this nexus language included.

M. CAVANAUGH: And why are they opposed?

BOSTAR: Well, I'm, I'm happy to sort of get something that I can hand out from them too, but, but I think there's a number of things. My understanding is that, is that probation officers have a great deal of power over probationers, even if it's not theirs. And so there's, there's a fear of having a, a corrupting result within the system where certain travel permissions and waivers can be granted by any probation officer, certain notes and in-system determinations can be added and deleted out of persons' case files. So it's-- I think that there's a real-- a fear on their part of what this could do.

M. CAVANAUGH: So you're kind of looking at it in this example through them doing favors kind of for--

BOSTAR: So it goes both. I mean, it's, it's--

M. CAVANAUGH: Right. It can be penalizing, but also favors. So if they were to have a relationship and they're from two different areas under this, this statute, does that mean that the parolee can then report the parole officer and without this, or the probation officer, sorry, without the statute, can they still report the probation officer for using their influence? I guess what I'm saying is it sounds like that would already be inappropriate and cause for--

BOSTAR: It could be inappropriate, but it's not, but it's not criminal.

M. CAVANAUGH: OK, but couldn't it be-- is it not a cause for dismissal from the position?

BOSTAR: It may be, but, again, what we're doing is we're just trying to say, OK, here's the-- here's, here's how it works for parole, parolees and parole officers. We should have some sort of similar treatment for probationers and probation officers. And so, right now,

sure, you know, if it's found that they're engaged in a sexual relationship with a probationer and they've done certain things and they have gotten better treatment, yeah, they'll probably get fired for that. But if it happened on the parole side, they would be prosecuted.

STROMMEN: Time, Senator.

M. CAVANAUGH: Oh, OK. Thank you.

STROMMEN: Mr. Clerk.

CLERK: Mr. President, Senator Dungan would move to amend with AM3007.

STROMMEN: Senator Dungan, you are recognized to open on AM3007.

DUNGAN: Thank you, Mr. President. Colleagues, this is the language that I was just talking about. I'm trying to pull it up here on my computer on the Legislature's website because it just got introduced in there. And I want to make sure I'm referencing the right lines. But this is the bill that requires that nexus. And I think Senator Machaela Cavanaugh and Senator Bostar were kind of starting that conversation. But this-- on the committee amendments, which I know we've divided the question, but if you go back to AM2846, which is the larger committee amendment of this package, goes to page 9 and strikes lines 4 through 17. And on page 9, lines 4 through 17, what we're looking at here are definitions for the Section 28-322. And so essentially this is the definition for person, which if you read the statutes and look at crimes, they have to define all of these different phrases because when you get in front of a jury or in front of a judge during a bench trial these are the kind of questions people ask. So person is defined-- there's subsection (A), subsection (B), and then subsection (C) is what is being added in the original bill. The original language, which we are looking to fix, says any-- in part: Any individual working in probation administration or for any probation district. Also says: working within any problem-solving court under the purview of the office or (C) to whom the office or a problem-solving court has authorized or delegated control over a probationer or problem-solving court participant or such person's activities. What this amendment, AM3007, seeks to do is replace some of those definitions just to tighten it up. So instead, it adds to the definition of person: Any individual to whom the office or a problem-solving court has authorized or delegated control over a probationer or problem-solving court participant or such person's

activities, whether by employment, contract, or otherwise. And then it gives a list of three examples. It's a nonexhaustive list, so there's three examples. For example: Any probation officer, chief probation officer, juvenile probation officer, or juvenile intake officer, as those terms are defined in a different section; two, any individual working in the probation administration or for a probation district; or, three, any individual working within any problem-solving court under the purview of the office. The goal of this is to ensure that under the definitions of who would ultimately be held liable under this felony charge for having the sexual relationship would require that there's that delegation of authority and that delegation of duty between the individual and the other person. A good example of this was, I think, mentioned earlier. Two individuals, consenting adults, could maybe not know what somebody else's job is or not know the current status of an individual they meet in the world. Two people out in the community, they meet, they hit it off, they decide consensually to engage in some sort of relationship. They may not disclose, hey, I am also a drug tech for the local drug court. And by drug tech, what I mean is they're employed by drug court, but they're the ones who do the drug tests, right? You pull in and you have to go do a drug test on a regular basis. They're the one who does that drug testing. They collect the sample, they run the drug testing, they're sort of in charge of that. They're not in charge of anybody, right? Their job is to work under the purview of that drug court. So those two individuals meet, one of them's a drug tech for the drug court, the other individual perhaps is a probationer or is under the supervision of a drug court or a problem-solving court, but does not know that the person they've met and are talking to and engaging in a consensual relationship with is that drug tech. There is no connection between those two that makes that relationship between two consenting adults manipulative or criminal inherently by virtue of those positions. So this change to the definition, although simple and although relatively small in nature, is being done in order to try to make sure, we keep using the word nexus, but that there's that nexus between the relationship and the power and control. A good example of this, as well, is there are individuals in the community, colleagues, who are placed, for example, on bench probation for driving under suspended or something like that. And if they're placed on bench probation, they essentially are on probation but don't ever really have a supervising officer. That is definitionally and distinctively different from parole. If you are on parole, you are under the care, quite literally, and the supervision of the Department of Correctional Services. You are paroled out for a set, finite period of time where you are under

the control and power of the state of Nebraska. If you are on bench probation and never have a supervising officer, you don't have a person, you know, I'm going to go check in with my PO, you don't have to do that. And so until we start to clarify a little bit more of what these roles look like, my concern is that the underlying language of LB965 is overly broad. Senator Bostar has indicated, and I, I do hope he talks, I think he's punched in, of some concerns about how this doesn't mirror the other language that's contained in the statute as it pertains to parolees. Again, I think that is probably definitionally different. I am hoping to talk to somebody from probation about this. Life comes at you fast. We've had a lot of things going on today. I've not had a chance to talk to the probation office about this, statewide probation. But it does seem to me that this tightens up the language in a bill that otherwise is seeking to achieve, I think, laudable goals. And so my intention is not to gut LB965. My intention is to not drag this particular portion of this package down. I do think that AM3007 is intended to be friendly language and I would encourage folks to vote green on AM3007. Thank you, Mr. President

STROMMEN: Senator Dorn would like to recognize 10 fourth grade students from St. Paul's Lutheran, Beatrice. Please rise and be welcomed by your Nebraska Legislature. Returning to the queue, Senator Dungan, you are recognized to speak. Returning to the queue, Senator Bostar, you are recognized to speak.

BOSTAR: Thank you, Mr. President. I rise in opposition to AM3007. And I had a chance to talk to Senator Dungan a little bit about this before it was filed. The, the subject of AM307-- AM3007 was asked to be included before the hearing. So we have actually had quite a bit of time to review this and, and talk to folks and consider it. There, there are two main reasons why I'm opposed. One is I think that the, the treatment of parolees and parole officers should be similar and consistent with probationers and probation officers. And, right now, there is no nexus language on the parole side. So any parole officer in the state is prohibited from having a relationship with any parolee in the state. It doesn't matter where they are or how they're connected or how they're supervised. That is how the law works now. And I don't really understand why on the probation side it would be different. The other reason is, is that probation, the, the, the, the government division within judicial branch of government is opposed to the language in the amendment. They're opposed to the nexus language. And that's because probation officers have a number of tools at their disposal to impart, well, frankly, privileges or consequences upon

probationers across the entire state. It doesn't have to be your assigned probation officer. They have the ability to impact those individuals' lives. They have a significant amount of power over them. And at the end of the day, that's what this bill is talking about, that's what this bill is contemplating, is it saying for those individuals that have government-granted authority and power over someone else, we, we should protect that other individual and prohibit sexual contact because of how easy it is to be exploited. And so that's what this aims to do. And so that's why I'm opposed to the amendment. And, and, you know, another example that I'll bring up is, you know, currently, it is unlawful for a student at a, let's say, a high school, who is above the age of consent to have a sexual relationship with a teacher. It doesn't matter if it's their teacher, we treat them all the same. Teachers can't sleep with students. It's not that complicated. Similarly, I don't believe probation officers should sleep with probationers. For those reasons, I'm opposed. Thank you, Mr. President.

STROMMEN: Senator Dungan, you are recognized to close on AM3007.

DUNGAN: Thank you, Mr. President. I've talked, I think, at great length about this. I'm probably going to have more conversations today about other bills and other amendments. So, again, to clarify for those who are just coming into this conversation, I appreciate Senator Bostar responding. I, I, I do think that it makes sense to require some nexus of power and control between the individual that is allegedly manipulating the other person in a sexual relationship and the individual who is engaging in that, who is a probationer or a drug court participant. I think at the heart of this bill, you know, we've talked about the foster care system and we've talked about those relationships with teachers and students, absolutely, I think everyone can agree and I think under the current law it is generally illegal to engage in those kind of relationships. But my concern is that the broad language contained in this division of the package AM309 [SIC] creates a situation where we're going to inadvertently make it so consenting adults by virtue of the job they hold or the position they are in as a probationer or something like that or a drug court participant engaging in a consensual relationship are now going to be convicted of a felony. Felonies, again, colleagues, carry with them incredibly serious consequences. There's obviously the penalties that come along with them of incarceration or probation or a fine. But in addition to that, felonies do carry with them collateral consequences, removing your right to vote for a period of time, removing your right carry firearms for a period of a time, up to a lifetime ban depending

on what jurisdiction you're in, carries along with it the penalties, the collateral consequences of not being able to serve on a jury, it can affect your ability to get living, it could affect your ability to have an apartment or a job when you check a box that asks if you've been convicted of a felony. These are all the collateral consequences that individuals are made aware of when they ultimately plead to or are convicted of a felony. And so I, I think we need to be very, very careful when we are implementing additional language about felonies, when we are broadening felony convictions. And I think we have to be very, very careful when we're doing these things and not taking into consideration all of the different circumstances that could arise. So I intend AM3007 to be clarification, not to be a gutting of the bill, and I would encourage your green vote on AM3007.

STROMMEN: The question before the body is the adoption of AM3007. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

ASSISTANT CLERK: 11 ayes, 22 nays on the adoption of the amendment, Mr. President.

STROMMEN: The amendment is not adopted. Returning to the queue, Senator Bosn, you are recognized to close on AM3009.

BOSN: Thank you, Mr. President. Colleagues, I ask for your green vote on AM3009. Again, this pertains specifically to individuals who are in foster care, individuals who are on probation or under a guardianship, and certainly the protections that they need as it relates to those who are in positions of authority over them. There is no intention to complicate the issue here. I think the language in the bill is pretty clear. If these are individuals who are in these roles, and you're an individual who's in that role, you're not able to engage in a relationship at this time based on those roles. So I think those are reasonable safeguards to protect our community and those who are going through the rehabilitative process or who are in foster care. Colleagues, I ask for your green vote on AM3009.

STROMMEN: The question before the body is the adoption of AM3009. 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. Mr. Clerk.

CLERK: Mr. President, next amendment, Senator, excuse me, the Judiciary Committee would offer AM3010, consisting of what was originally LB908.

STROMMEN: Senator Bosn, you're recognized to open on AM3010.

BOSN: Thank you, Mr. President. Colleagues, AM3010 is Senator Storm's LB908. This-- if you're looking at the committee amendment, which I think is probably what most people have access to on hand, it is Section 41, which starts on page 46 of the amendment. The added and amended language is on page 47, starting with line 17, and requires the court to consider credible evidence showing increased intellectual and social growth in children who have equal access to both parents. Colleagues, when Senator Storm introduced this piece of legislation, we had a great committee hearing. There were a number of individuals who came in with stories that were tragic of custody arrangements that had resulted essentially in one parent having substantially less parenting time. And their children had now grown out of childhood and were adults and the long-term implications that those things had. There was information regarding what other states are doing in terms of trying to provide for as much equal parenting time as is reasonable. There was hope that-- this bill came out of committee, I would also note, on an 8-0 vote, there was hope that this would get on the consent calendar and that just didn't come to fruition. So we included it in our committee priority package. I would ask for your green vote on AM3010. Happy to answer any questions. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. Well, maybe I'll ask Senator Bosn as Chair of the committee, or I, I can ask Senator Storm, since it is his underlying legislation. But let me at least try to start with Senator Bosn if my friend Senator Bosn would please yield to a question?

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

BOSN: Yes.

CONRAD: Thank you for the excellent opening, Senator Bosn. I'm just going back now through the component parts and looking at the relevant committee statements and trying to look at the amendments and the underlying legislation, but maybe it'd just be helpful from kind of a

layperson's perspective. So does this measure from Senator Storm, as amended by the committee and then incorporated into this committee amendment, tell me how it changed the-- changes the status quo in regards to assessing the best interests of the child for purposes of custody?

BOSN: Sure, and I could try and answer the question, but I would also encourage you to have-- try and ask that same question of Senator Storm because he, he may have a better answer. But from the perspective that we heard at the committee hearing, there are guardrails already in place when determining parent custody time that protect for cases of domestic abuse or child abuse so that we're not, we're not ignoring those things. But as time has gone on and I would say as is practiced in Lancaster County there is a basic understanding from both educators, mental health providers, and also success of children as they graduate high school and go on to become successful adults that co-equal parenting time when it's appropriate is in their best interest. And so I think that's what the goal of this is, is not to be overly prescriptive and require the court to grant 50-50 custody. But if there's equal or if there's credible evidence, that can be in the form of teachers who come in and say the child has done really well when they come back from parenting time from both parents or a mental health provider who says the child reports a very good relationship with both parents, that that information, that credible information that children do well when they have good quality parenting time with both parents is something the court should take into consideration.

CONRAD: Yes, yes, Senator, I, I, I agree with the, the general proposition behind the law, and I appreciate your explanation and I can follow up with Senator Storm. I'm taking advantage of your expertise as an attorney. And I know you primarily practice in the, the, the criminal context more than the family law context. But my question is, is there anything in current law that prevents a parent from bringing forward this evidence now?

BOSN: No.

CONRAD: OK, that was my understanding. So that's why I'm trying to figure out what the change does.

BOSN: I think it really-- the goal here is to highlight that there is that evidence, and when that evidence is there the court should take that into consideration.

CONRAD: OK. Very, very good. Thank you, Senator Bosn. If Senator Storm would yield to a question, please.

STROMMEN: Senator Storer, would you yield to a question? Senator Storm, would you yield to a question?

CONRAD: Sorry, I may not have enunciated clearly there. My friend Senator Storm, the, the gentleman from Butler County.

STORM: Yep, absolutely.

CONRAD: OK. Thank you, Senator Storm. I, I know looking just a little bit at the committee statement, I haven't had a chance to read the full transcript from the committee hearing, but I know that there's been a lot of advocacy from parents aggrieved about custody and visitation decisions for many years and that feel like there's an unfair bias towards mothers in the custodial context. And so I'm guessing perhaps you were trying to work with some of those folks that had been involved in advocacy in that regard. But my question is, is, is this just really a reaffirmation of existing practice or is this something new or different in terms of limiting or guiding judicial discretion or changing what's relevant in terms of for evidentiary purposes, in terms of making assessments for custody and visitation for the best interest of the child? Because I, I don't understand what this changes in current law, and so I'm just trying to get that from, like, a, a clear perspective. And I see we're almost out of time. You're welcome to have the rest of my time.

STORM: OK, well, the best way I can explain this is, if you go to court now, a judge determines the custody pairing arrangements, and the court's going to consider five factors.

STROMMEN: Time, Senator.

CONRAD: Oh, sorry.

STORM: Oh, OK.

STROMMEN: Senator Lonowski, you are recognized to speak.

LONOWSKI: Thank you, Mr. Speaker. I stand in support of AM3010 and I did work with Senator Storm a little bit early on in this bill. The value of shared parenting is supported by research and statistics that have highlighted the benefits of having both parents in a child's life as much as possible. And here are some key points brought by

nationalparents.org. Shared parenting is best for children in separated and divorced families, leading to better outcomes in emotional, behavioral, and psychological well-being, as well as better physical health and relationships with both parents. The children in shared parenting families have better outcomes on measures of emotional, behavioral, and psychological well-being. Shared parenting practices such as dividing parenting and caregiving tasks in a way that seems fair and equitable to both partners and structured parenting with predictable outcomes and consistent limit setting are linked to improve mental health for both parents and the children. I cannot stress enough the importance of shared parenting in promoting the well-being of children and the well-being of the parents. And according to nationalparents.org, there are six states that have received an A in this area, 10 states, including District of Columbia, that have received a B, 19 states that received a C, 14 states in the Ds, and two with an F. And Nebraska was given a D minus. So we're one of the bottom states when it comes to shared parenting. And I would like to turn this over in a second to Senator Storm. He probably can finish answering his questions. But if you would like, there is an interactive map at nationalparents.org that explains all the areas where Nebraska might be lacking. And I yield the rest of my time to Senator Storm.

STROMMEN: Senator Storm, you have 3 minutes.

STORM: Thank you. Let me get back to when was talking to Senator Conrad. So a judge looks at five factors. And, and I've got to clarify before I get into this that nobody wants children put in an abusive relationship. And I'm not advocating for that at all. And no judge is going to do that. And, and the ultimate control should be placed with the judge to decide what's in the best interest of the minor child. But the five things they look at is relationship the child has with both parents, desires and wishes of a child if they're of age of comprehension, good health, welfare, social behavior of a minor child, credible evidence of abuse of any family or household member, credible evidence of child abuse or neglect or domestic intimate partner abuse. This would add a sixth factor, which is a sixth consideration would be credible evidence showing increased intellectual and social growth in children who have equal access to both parents. So that's what this, this bill does. And I know that maybe Lancaster County does a really good job of this, but you get into other parts of the state, it might not be as, as, as well. So that's what we're trying to do here. And this, this bill is for children. I got to make that clear. We're looking for what's in the best interest of children. This isn't just

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for fathers, just for mothers, but what's in the best interest of, of children. And I think that's important that people, people understand that, so. Do you have any more questions at all, Senator Conrad, that you could--

STROMMEN: Would Senator Conrad yield to a question?

STORM: Yeah.

CONRAD: I, I appre-- thank you, Senator Storm, I appreciate your additional explanation there, and, and, again, I, I think we're, we're generally aligned with how the assessment for the best interest of the child needs to be made, and we recognize that it's, it's a very individualized decision based upon the circumstances of the parents, the kids. And in the best case scenario when a family isn't able to stay together, parents are able to usually come to a mutual agreement about custody and visitations and those things, of course, subject to approval. But when parents can't find the right path together, sometimes judges have to make these tough decisions. And I just-- I want to make sure that we don't unnecessarily tie the judge's hands in that assessment. I don't think that your legislation does that. I think perhaps it just reaffirms a certain aspect of evidence that may be credible for introduction and consideration by the judge, which I think, my understanding, and I'm a little rusty on family law practice.

STROMMEN: Time, Senator.

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

STROMMEN: Senator Storm, you're next in the queue.

STORM: Thank you. Yeah, I just want to-- and I'll be short, brief on this, but just want to make it clear that this is, this is all about children and what's best for a child. And if we can reinforce that for a judge to look at, by no means forces a judge to make any decision. It just is another 17 words, I believe, that's how long it is in the statute for a judge to look at-- into if there's credible evidence. And that someone who's representing a parent with a child can bring that evidence to a judge to show him or, or her that it's in the best interest to have shared time with their children. And I, I think people need to understand when children go through divorce or are separated, they, they still love both parents. They want to be around both parents as much as they possibly can if it's a healthy

relationship, and I think that needs to be fostered. I think our society needs that. I think any time we can have families more together, or children with their parents as much as possible, I think that's better for them and I think the evidence proves that, but also it's good for society, so. That's all I have. Thank you.

STROMMEN: Senator Bosn, you are recognized to close on AM3010.

BOSN: Thank you, Mr. President. I ask for your green vote on AM3010, which is Senator Storm's LB908. Thank you, Mr. President.

STROMMEN: The question before the body is the adoption of AM3010. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays on adoption of the amendment, Mr. President.

STROMMEN: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, next amendment, AM3016, consisting of what was originally LB785.

STROMMEN: Senator Bosn, you're recognized to open on AM3016.

BOSN: Thank you, Mr. President. Colleagues, this is LB37-- or excuse me, LB785, introduced by Senator Hallstrom. It is amended from its original form, heard in committee, to add receptacle keys and locks adopted by a postal service for the deposit and delivery of mail to the list of items considered as burglars' tools in Section 28-508, provided that possession was knowingly and intentionally to be used in the commission of a crime. So the bill as it was originally introduced created a new crime for use of these keys to break into mailboxes, what-- what's occurred-- you know, the issue we're trying to address here is when someone breaks into a mailbox that serves everyone on the block, right, you have one mailbox that has, you know, 15 mailboxes in it and someone pops the lock on the back of that, takes all the checks out of it, closes it back up and suddenly you have 15 victims of check fraud from one key receptacle-- being-- a receptacle key being used to break into those things. And this is really actually occurring across the board and in a lot of businesses as well as residents. And so the bill was brought in an attempt to resolve that or to provide some relief for that problem. We had some critique and feedback from the committee hearing that there was concern that now arguably someone would be in violation of the new crime and also possession of a burglar's tool. And so since there was a disagreement as to what

constitutes a burglar's tool and what doesn't, we took the opposition's recommendation and made this language to specifically include receptacle keys and locks as a burglar's tool, because that's essentially what you're using them for, if you're using them in this way, I guess. So the intention here is to provide some protections and, and enforcement of those who are stealing checks or are using those keys to get into mailboxes and steal items. And so I think that we can all say that the bill as it was amended out of committee and onto this package addressed the opposition and I would note for the record that this bill I believe came out 8-0. I'm sorry, I don't have that in front of me and I should have grabbed it. I'll look for that and, and get-- punch back in if necessary. I would yield the remainder of my time to Senator Hallstrom.

STROMMEN: Senator Hallstrom, you have 7 minutes and 32 seconds.

HALLSTROM: Thank you, Mr. President, members. I opened a little bit earlier, so I'll try to avoid some of the things that I talked about. But, in general, the provisions of LB785 are included in Section 16 of AM2846 to LB965. As Senator Bosn suggested, this section would criminalize possession of a mailbox receptacle key or lock. Earlier, I talked about the staggering amount of fraud losses that we experience, not only in the state of Nebraska, but nationwide, with check fraud losses being one of the major components or contributors to those losses. I would note on a positive measure that this Legislature has adopted a number of fraud protection, senior exploitation types of bills covering the financial services industry. The securities industry and this year a bill for the insurance industry so kudos to the Legislature for protecting our most vulnerable citizens in that respect. Senator Bosn noted the mailbox issue. USPS arrow keys are universal master keys used by letter carriers to access blue collection boxes, cluster box units, and apartment panels. These high-security keys are heavily targeted by thieves. Criminals can obtain these master keys and use them to steal a high volume of mail, taking the checks to be washed, throwing away the remaining mail, and defrauding individuals left and right. As originally introduced, the bill would have created a new crime for the possession of a mail receptacle key or lock if, with the intent to defraud or to deprive another of that person's property the person obtains, possesses, duplicates, transfers, or uses such a key or lock. As we've noted, a number of occasions here, concerns were raised by the Criminal Defense Attorneys Association regarding whether an individual could be charged under both the new proposed statute and the existing statute for burglary tools. As a result, we worked with stakeholders to amend the

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burglary tool statute, Section 28-508. Section 16 of the amendment would add key or lock adopted by a postal service for any box or other authorized receptacle for the deposit or delivery of mail to the list of burglary tools resolving the concerns of the Criminal Defense Attorneys Association, which was the sole opponent to the bill. And I would ask for your favorable vote on this amendment and the bill itself. Thank you.

STROMMEN: Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. Senator Bosn has asked me to clarify that this bill came out 7-0-1. And I want to say, colleagues, that here is an example of your Judiciary Committee working for you, because this bill initially had opponent, and the opposition was cleared up by doing it this way. So I want to thank Senator Hallstrom for his work on this bill. I want to thank Senator Bosn for her work on the bill. What happened here is, instead of creating an additional crime, we added to the list of burglars' tools the keys so that the crimes that Senator Hallstrom has outlined for you can be prosecuted, that we can get to the bottom of this check fraud through the use of these keys, and, and at the same time not create an additional crime. So I think this is a somewhat elegant way that Senator Hallstrom and Senator Bosn have created to get to the bottom of this particular issue. And I support this portion of the bill, and I will be voting for this amendment. Thank you, Mr. President.

STROMMEN: Senator Bosn, you're recognized to close on AM3016. She waives. The question before the body is the adoption of AM3016. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

STROMMEN: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, the next piece of the division, AM3015, consisting of what was originally LB859.

STROMMEN: Senator Bosn, you are recognized to open on AM3015.

BOSN: Thank you, Mr. President, colleagues. AM3015-- I apologize, is, is this LB859? OK, thank you, I'm sorry. My papers got shuffled over here and so I apologize. LB859 is AM3015, which was introduced by Senator Bostar. As amended, this bill permits counties to manage the cost of court-appointed counsel fees by employing county conflict

counsel to provide constitutionally required representation in matters in which the public defender cannot be appointed due to a conflict or other good cause. So this is a practice done in a variety of states across the country where you have a public defender's office, and when the public defender has to conflict out of a case, either due to case overload or because they represent a codefendant, that there is a secondary public defender's office that is the next in line to be appointed as a means of reducing costs to the county for court-appointment-- court-appointed counsel outside of the, the representation at the public defender's office. This is currently a substantial cost here in Lancaster County, specifically, where the public defender's office, if you have two individuals who are accused of a crime and are codefendants, the public defender's office is prohibited from representing both of them. So they may take one of the defendants and the other defendant then has to be appointed private counsel acting as a public defender and the cost of that is not at the public defender's hourly rate, it is at that private counsel's contracted rate which is higher and is a substantial cost to the counties. So as a means to reduce costs while still providing representation, and, and quite frankly I think the public defender's office certainly here in Lancaster County, which is the only place I have meaningful experience, does an excellent job of representing their clients, being, you know, responsible, and making the right decisions as it relates to what cases should be pled and what cases be taken to trial. Having sort of a backstop to that is something that a variety of states are doing to control costs. And so that is what LB859 is intended to do. We had a great hearing on this. There were no opponents to the hearing. We did add some language to allow for the, the-- oh, gosh, I'm going to draw a word blank. It is the Crime Commission, it's the agency, and somebody can correct me if I'm-- Commission on Public Advocacy, thank you to my legal counsel, who is appointed in cases that are capital cases, so allowed them to also be considered in the chain of who gets appointed. So in capital cases or very serious offenses, that organization is appointed before you would go to private counsel, and so we made those tweaks to adjust some of the feedback that we received. This, this bill came out of committee with one no vote and one present, not voting. I ask for your green vote on AM3015. Thank you, Mr. President.

STROMMEN: Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. Senator Bosn, don't go far. I have a question for you here in just a moment. I rise genuinely curious about LB965 to understand why it's necessary. So here in Lancaster County,

we were just talking about the public defender's office and conflicts. This hits really close to home for me. I did work at the public defender's office for a number of years. And, currently, I am on the appointment list as a practicing criminal defense attorney. So my, my current cases that I take are primarily comprised of cases that the public defender's office has conflicted out of, meaning they have some legal conflict where they can't represent codefendants or some other ethical obligation to not represent that person or they overload out. We're based on certain standards that are based on metrics that have been kept for decades. The public defender says we have hit our limit where we are legally and constitutionally, rather, unable to represent people adequately and zealously for their constitutional right to zealous advocacy. So we are overloading out of this case. And we are going to instead, then, allow the county to appoint appointed counsel from a list. And the way that works here in Lancaster County is if you are a defense attorney, you can put your name on the appointment list, and you essentially say what level of offense you want, and it's kind of lumped into, like, misdemeanors, traffic, low-level felonies, high-level felonies. And you have to have certain qualifications to be on certain lists in terms of experience, and you file an application essentially to make sure it's approved, that you are actually capable of doing the work that you're saying you're going to do. My understanding is that that's all currently allowed. I don't think there's any necessity under the statutes to allow other counties to do what's, what's happening here, where there are public defenders or contract public defenders, where in the smaller counties they don't have an office. It's just like an attorney that you contract with and say, hey, this private attorney is our public defender, and so they're going to work for X amount of dollars every year and represent people in this county. I don't think there's any reason that you can't just have an appointment list already. So I was curious if Chair Bosn would answer a question or two?

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

BOSN: Yes.

DUNGAN: So, Chair Bosn, you heard my caveat there, my opening, I guess, and I'm trying-- this is not a gotcha question, I'm just trying to understand why do we need this bill?

BOSN: Thank you. So as I indicated, this doesn't just create an appointment conflict counsel list. This creates the opportunity for a county to invest in essentially a second public defender's office, who

when the primary public defender office conflicts out or caseload conflicts out, this secondary public defender's office equivalent, which we're calling the conflict counsel office, would be able to be appointed before you would go out and appoint someone from the private bar.

DUNGAN: OK, and conflict offices I'm familiar with too in other states, I know they do exist. Is there anything in current statute that prohibits that from happening?

BOSN: That would be a better question for Senator Bostar, who brought this bill. My understanding is the way that this is drafted would allow counties to employ them as a means, but that would put some guardrails where they wouldn't be able to have other caseloads so they could primarily focus on essentially public defender conflict counsel type work and would allow the county to be able to make those contracts with those individuals. But I would, again, defer to Senator Bostar, and just so that I clarify, since your question opened that door, I want to be sure that there is nothing in Section 30 of this bill that requires a county to go this route. It is optional for counties should they think this is a way we need to control costs to keep our, our county budget down, and so as an alternative means of providing that using the conflict counsel method of representation.

DUNGAN: OK, and I see my lights on. I'm just going to ask one last question here. Is there anything in place, and I'll review the bill again, that prohibits any kind of, like, inside dealing? Because I guess the concern that I have is that they're going to pick, like, a good friend's law office and create that contract with them to be the conflict office. Is there any requirement that they be-- that there be like none of those connections or anything like that or is that allowable under the current statute?

BOSN: I guess I'm not totally sure I understand your question. I'm happy to visit with you off the mic, because I know we're running out of time. But this would essentially-- in a county the size of Lancaster, since we're using that as an example, these-- whoever does this wouldn't also have their own private practice. You would essentially hang up your office as conflict counsel for Lancaster County.

DUNGAN: They'd be like public defender part 2.

BOSN: Sure.

DUNGAN: OK. Thank you, Chair Bosn. Colleagues, I'm not necessarily opposed, I guess, to AM3015. I'm genuinely just trying to understand the necessity of it, so I'm going to speak a little bit more off the mic with Chair Bosn. Thank you, Mr. President.

STROMMEN: Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Good afternoon, friends. I see Senator Bosn and Senator Bostar in discussions with Senator Dungan in regards to some of his questions about the measure. It may just be a computer glitch, but the committee statement for this bill is not popping up or at least not popping up on, on my computer. So it's a little bit hard to see who came in, in favor of the measure or opposed. I guess I could track back on the amalgamated committee statement perhaps that reinforces some of the information. But I'm trying to also kind of just follow how, why this would be necessary in comparison to what the existing practice is? I-- for a variety of different reasons, public defenders may need to declare a conflict. Either they're carrying too many cases or they represent codefendants, things of that nature. And there's already processes in place when those conflicts arise to ensure that the attorneys can meet their ethical obligations. And then the relevant parties have a structure to ensure the constitutional-- thank you so much-- the constitutional rights of people who are entitled to, say for example, a public defender can secure that if the public defender's office is conflicted out for whatever reason. Usually there's a court-appointment list, sometimes there's a contract in place to provide services like this. So I'm, I'm just not 100% sure what the change is about in this regard, why there needs to be a law? I would ask Senator Bostar, but I see that they're working, they're working out some of these issues off of the mic. Senator DeBoer, sorry, you were first in, in my sight line. If Senator DeBoer would yield to a question, please?

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

DeBOER: I will.

CONRAD: Thank you, Senator DeBoer. Can you just help me get up to speed on the committee level discussions in terms of what exactly this component of the committee amendment does that differs from current practice? I'm trying to understand what this conflict counsel designation adds to how we currently handle these issues.

DeBOER: My understanding, which is not perhaps the most crystal clear of all the understandings in the world, is that this would be a designated group that is sort of the backstop of conflicts from the public defender's office. So instead of having a list that maybe you could go through and choose someone off the list to, to do that work, this would be a designated group, either an office or a subset of an office, or something like that, that would always take those cases as sort of, like, the next step after you go through the public defender's office. My understanding, having never done much criminal work since, well, the '90s, is that there is not right now a group that is so designated as the sort of, like, first alternates for the public defender's office.

CONRAD: Right. OK. I'm just trying to understand is that like done through-- and maybe Senator Bostar or Senator Bosn are, are done conferring off the mic. But if people would perhaps just provide a little bit more information about how this differs from the status quo and why this change is necessary? Is it meant to be a cost-savings effort? And if so, what costs, I guess, are to be realized by having a designation instead of utilization of the court-appointment list?

STROMMEN: Time, Senator.

CONRAD: Thank you, Mr. President. Thank you so much, Senator DeBoer, for jumping in. Thank you.

STROMMEN: Senator Bosn, you're recognized to speak.

BOSN: Thank you, Mr. President. And I'm rising to try and answer some of Senator Conrad's questions. I would just note, I think there was a section of the committee statement originally that left off parts, and so there is an update to the committee statement online. But I do show on page 5 of the original committee statement at the very bottom, it talks about LB859, and it also lists the testifiers, proponents being Senator Bostar is the opener, Christa Yoakum on behalf of the Lancaster County Board of Commissioners, and Jon Cannon on behalf of Nebraska Association of County Officials. No opponents and a neutral testifier, Mr. Eickholt on behalf of the Nebraska Criminal Defense Attorneys Association. What I would indicate, because I kind of had the same question from Senator Dungan as you're presenting as to what are we doing in this that we can't already do? And that is, if a county is going to go to the effort to employ and budget for a conflict counsel office, CCO, conflict counsel office, then what you want is some expectation that if the public defender conflicts out,

rather than go to private counsel and have this office stand unused, they would be your second line of defense. And so, literally and figuratively. That if the public defender conflicts out, you go to the conflict counsel office second, and then if you have three codefendants and you still have to go somewhere else, then you would go to private counsel out in the community. To your question as to whether this is intended to be a cost savings, it absolutely is. I'm looking for the article, but there was an article in the newspaper within the last year outlining the exorbitant increases in costs for public defense cases, specifically in Lancaster County, because of these conflicts. And so when the county board kind of put their heads together and said what are we going to do to try and work with this? And I think that was in conjunction with the elected public defender, as well as in conjunction with the elected county attorney. These conflict county or county conflict offices was something other states were doing to help address that. And so this was a step in that direction. So I hope that answers those questions. If not, I'm happy to yield to more questions. Thank you, Mr. President.

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

CONRAD: Thank you, Senator Bosn. I, I appreciate the additional information. And I, I am definitely aware of the issue. I've had a chance to follow that in local news and discuss that with key stakeholders. But I, I guess my, my question is, how does it actually ensure cost savings? I don't know if-- it's Senator Bostar's bill, so I feel like it's unfair to ask you questions about it. If Senator Bosn would yield, because I don't see Senator Bostar available?

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

BOSN: I can try to answer.

CONRAD: Thank you, Senator. Thank you. So in the designation, so is this, say, for example, like the model that exists where the county contracts with, like, legal aid to handle juvenile cases that are beyond the capacity for their existing lawyers, is that kind of the idea that's behind this?

BOSN: Very similar, and, and I think that's a great example. And for what it's worth, we're not inventing the concept of conflict counsel offices. Other states are doing this. Other communities outside of Nebraska are doing this and have indicated with evidence, OK, when you have this as your second line of defense, it does result in a cost

savings. And so that's sort of where that information, you won't know until you implement it, does this result in a cost savings? But I, I think based on the success that other states have had in doing this, and, certainly, Senator Bostar is probably better equipped to answer those questions, but I, I do think the goal here is a cost savings to taxpayers in whatever county should implement this. And, again, to be very clear, no one is required to implement this through this legislation. It's just an option. And then if you do create this conflict counsel office, they would be your second line of defense.

CONRAD: OK, and then just to follow up there is, is Lancaster County or any county prohibited from entering into a contract like that right now, like we have with the juvenile justice contract with Legal Aid?

BOSN: So I don't think there's any prohibition on it, but there has to be some expectation for the county's investment of if we create this and we fund it, they're going to be used. Right? So if you don't have some statutory authority saying, this is who gets the next appointment after the public defender conflicts out, then what is the purpose of the office that's funded by taxpayers if you're not going to use them as your next line of defense?

CONRAD: Right, I mean, I would expect that local officials would exercise the good judgment that they wouldn't engage in an RFP or let a contract if they weren't going to get a return on investment. So they can already do that. So I'm not, again, understanding what the necessity for the legislation is, but perhaps it's innocuous at best, I guess. And I know it's not your bill, so, so I really, I really appreciate you answering the questions. Thank you, Senator Bosn. And, you know, I, I think the other part that this component of the committee amendment raises is additionally an important one. When we talk about mass incarceration, there's a lot of different costs borne by the taxpayers, whether it's public defense, county attorneys, law enforcement, jails, prisons, probation, parole, all of those different component parts that go-- the courts themselves in many ways, but all of those different budgets and line items that equate to advancing our shared public safety goals are significant. And I know that the attorneys who work as public defenders and who pick up contracts when there are conflicts for, you know, a variety of different reasons take their ethical obligations seriously as well. But I do think it's very interesting when senators who push new crime after new crime and felony after felony after felony, now decry the costs of public defense and want to seek different sorts of models which already exist

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under law to help bear those costs. It kind of underscores the points that many of us had made that there are true costs to the taxpayer--

STROMMEN: Time, Senator.

CONRAD: --in this approach. Thank you, Mr. President.

STROMMEN: Senator Bosn, you're recognized to close on AM3015.

BOSN: Thank you, Mr. President. I ask for your green vote on AM3015. And thank you for the time.

STROMMEN: The question before the body is the adoption of AM3015. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 28 ayes, 1 nay on adoption of the amendment, Mr. President.

STROMMEN: Mr. Clerk. Amendment is adopted.

CLERK: Mr. President, some items for the record. Committee report from the Nebraska Retirement Systems Committee concerning an appointment to the Nebraska Employees Retirement Board. Amendment to be printed from Senator Ballard to LB867, Senator McKinney to LB1114, Senator McKinney to LB1135. Motion to be printed from Senator Clements for a rule suspension, as well as a motion to be printed to LB867A. As it concerns the pending bill, Mr. President, LB965, the next division, AM3012 consisting of what was originally LB1000.

STROMMEN: Senator Bosn, you're recognized to open on AM3012.

BOSN: Thank you, Mr. President. Colleagues, this amendment is LB1000, previously introduced by Senator Prokop. This bill establishes a graduated penalty structure for violations of domestic abuse and sexual assault protection orders by increasing the penalty for a third offense or fourth or subsequent offense. Colleagues, this bill had a number of proponents testify, including the Nebraska County Attorneys Association, individuals in their personal capacity as survivors, the Lincoln Police Department, the Douglas County Sheriff's Office, the Lincoln Police Union, the Omaha Police Officers Association, as well as the Nebraska Coalition to End Sexual and Domestic Violence. This bill came out of committee 5-3. I ask for your green vote on AM3012. Thank you, Mr. President.

STROMMEN: Senator Raybould, you are recognized to speak.

RAYBOULD: Thank you, Mr. President. Good afternoon, colleagues. I stand in support of AM3012 that was introduced by Senator Prokop. This is directly relating to issues of domestic violence and graduated sanctions. This is something that I have been active in coming up with funding for domestic violence and sex trafficking programs. I feel like we have been successful in that endeavor, but more needs to be done. This year, I can say, and, and Senator Bosn can, can verify that we had, I believe, almost seven bills on domestic violence prevention and, and sanctions for domestic violence infractions. And so this, this is one of them. You know, we have seen a horrific uptick in the degree of violence in domestic violence matters and with a loss of life. I know there was-- Nebraska Public Media had done a great job reporting and saying this year, in Nebraska, the majority of all female homicide victims were killed in murder-suicide. And Nebraska Public Media news review identified a total of 30 murder-suicides in Nebraska between 2019 and 2025. 62 people died. And so for that reason, I had also introduced an amendment that would involve clear guidelines and enforcement of firearm surrender for those individuals who have become a prohibited person once they received a protection order. But I, ultimately, wanted to make Senator Prokop's bill, LB1000, now AM3012, a, a priority bill, because there needs to be stricter enforcement when there is a violation of the protection order. And I've looked at all the best practices on domestic violence prevention. And the best practice, absent greater stricter controls and enforcement of firearm surrender, is graduated sanctions in domestic violence cases focused on swift, certain, and proportional responses to noncompliance that prioritize victim safety and offender accountability. So the priority is for victim safety. And unlike general probation, domestic violence, DV, graduated sanctions require specialized oversight to ensure that small violations do not escalate into further violence. They also talk about increase in predictability and transparency between the judges and probation officers, they talk about individualization of sanctions and making it very clear what is or is not considered an infraction subject to an increased impact on the, the individual that has a protection order and immediacy. They're asking that there should be no delay in the enforcement of this infraction. So oftentimes when we have protection orders out there, there's compliance review hearings. And there should be regular judicial oversight to recognize the best practices. It allows the judges to have further contact with the individual to make sure that they are in compliance or noncompliance. And say if they're required to take a batterer or intervention program, if they are failing to take those required classes, then there can be an infraction. But I

think this is a system that the judges and probation officers are quite familiar with. It's not something that we are, but I think what they try to achieve when it comes to a violation is a balance with incentives that not only punish, they use also positive reinforcement. And, again, I want to emphasize that it is victim-centered design. And they want to make sure that every sanction must be evaluated for its potential impact on victim safety. For example, if a sanction might trigger retaliation, the court must have a plan to notify and protect the victim. And that's why I feel that Senator Prokop's bill, AM3012 amendment is, is progressive. This is nothing new. There's already a Class I and a Class IV felony already written, but it allows additional steps and further sanctions that require from 1 year to 2 years to 3-year imprisonment and plus post-- post-release supervision anywhere up to 2 years. So these sanctions are essential to protect the victim and, hopefully, turn around the behavior that is causing these violations. Thank you, Mr. President.

STROMMEN: Mr. Clerk, for amendments.

CLERK: Thank you, Mr. President. Senator DeBoer, I have FA1115 with a note that you'd withdraw.

STROMMEN: So ordered.

CLERK: In that case, Mr. President, Senator Dungan would move to amend with AM3002.

STROMMEN: So ordered-- Senator Dungan to open.

DUNGAN: When you said so ordered, Mr. President, I thought it was just done there. It was a unilateral decision. Good afternoon, colleagues. I do rise today to ask for your green vote on my amendment, which is AM3002. I did get a chance to speak with Senator Prokop about this, and I'll try to be brief in my explanation here. What we're talking about are increased or graduated penalties for subsequent or additional violations of the protection order statute. So under the current law, if you are charged with a violation of a protection order, meaning that a protection order has been taken out against you and you allegedly violate that protection order, the first offense, the first time that you violate that is a Class I misdemeanor. Which I want to be very clear, we say misdemeanor and felony and sometimes people think misdemeanor is a nothing thing. A Class I misdemeanor is jury trial eligible. It carries a penalty of up to a year in jail or up to \$1,000 fine or some combination of those two things or

probation. So a year in jail, 365 days here in the Lancaster County Jail, is the eligible defense for a first-- a Class I misdemeanor, first event is violation of a protection order. A subsequent offense under the current law, meaning any other violation, is a Class IV felony. And a Class IV felony, as I said on the other division, for those who weren't listening or didn't follow the, the conversation, is a serious penalty. Felonies are in and of themselves very serious penalties that carry separate and collateral consequences from the actual penalties of incarceration and a fine. So a Class IV felony is up to 2 years of imprisonment, 2 years in prison, or up to a \$10,000 fine or some combination of those, or you could get probation, or, or in addition to that, you can also get post-release supervision. So if you get even a day in jail, they can also order up to 12 months of supervision by the courts after your release, so up to 12 months or PRS or post-release supervision. Currently, any subsequent offense, if you've been convicted of one violation of a protection order in the past, and then you get additional violations, each violation is a Class IV felony. And what I mean by that is if there's a protection order out against somebody and that person, the respondent, meaning the person who the protection order is against, is texting the petitioner, the person who sought the protection order, and they send four texts that say, hi, why aren't you responding? Please text me back. Why aren't you texting me? That's four violations of that protection order. That's a zero to 2, a zero to 2, a zero to 2, and a zero to 2 if they've previously been convicted of a violation of a protection order, which means the total penalty they could be facing is up to 8 years in prison. For each violation of that protection order that is a subsequent offense, it is already a felony. I have seen petitions, or informations rather, which are the charging document in district court that are, like, 27 counts of subsequent violations of a protection order. Do that, 27-- do the math, 27 times 2. My point is these felonies are serious. And a felony, like I said, carries those collateral consequences of being a convicted felon, which affects your right to vote, affects your right to serve on a jury, affects your right to carry a firearm, it makes you a prohibited person for a number of things. It is a serious offense. Now, let me zoom out. We all want to make sure that survivors of sexual assault and domestic violence are protected. I don't think there's anybody in this room that thinks that that is not a laudable goal, that one, one that we should all be working for. For those who don't know, my background, my degree in undergrad, I have a double major, one in political science, the other is in women, gender, and sexuality studies. My time in undergrad, I spent working, in part, doing

domestic violence awareness and working on putting together domestic violence awareness weeks at the university that I was going to. I also had friends who worked in organizations called One in Four that went and did informational meetings for fraternities in particular to dissuade or to talk about coercion and sexual violence to try to make sure that wasn't happening on campuses. When I was in law school, I served in the domestic violence law clinic where I worked for a semester in the U.S. Attorney's Office in Washington, D.C. prosecuting domestic violence crimes. I take these things very seriously. No part of me is saying these aren't serious. But when we're talking about particular laws, like a violation of a protection order, we have to be judicious and understanding that there's nuance. In the statute, there is no defense if somebody, if somebody gets a protection order against somebody else. And then the person, the petitioner who sought that protection order initiates contact, calls that person, goes to them, interacts with them, and the respondent has some sort of interaction with them, it's not a defense. Any contact whatsoever is a violation. So I just want to be very clear that in my time practicing and as an attorney, and I can give specific examples, there are consensual encounters that occur on a regular basis. Not always, there are true violations on a regular basis that should be taken seriously. But there are consensual encounters that occur where two individuals are pulled over because of a tail light that was out, for example, their names are run through the database, and it becomes aware that one of them took out a protection order against the other person. And they are currently consensually in the car together, maybe one of those individuals was going to ask for it to be withdrawn or dropped and it didn't happen, or they forgot. The person who's the respondent is now being charged with a felony if it's a subsequent offense. All of that is a little background. Let me talk a little bit about my amendment. What Senator Prokop is doing here, again, I totally understand is seeking those additional enhanced penalties. Now, I don't believe enhanced penalties actually dissuade behavior. I do not believe that enhanced penalties make the community a safer place because we know that enhanced penalties, when you're already facing a serious offense, based on the data, decades of information, show us that if there's already a serious offense, like a felony, and you increase the penalty to a more serious offense it doesn't have a deterrent effect on the behavior, especially when you're talking about individuals who are abusive, especially when you're talking about people who are doing what are so-called crimes of passion, making impulsive decisions. They are not thinking about the potential penalty. What we're talking about here are these increased penalties that go from a Class I misdemeanor

to a Class IV felony. The new bill increases this to a Class IIIA felony for a third offense, and a IIIA felony is a zero to 3 years in prison, so a maximum penalty of 3 years in prison. And then for a fourth offense, or any subsequent offense, it jumps from a IIIA to a IIA, skipping an intermediary step. The IIIA is a zero to 3. The fourth offense is a zero to 20. 20 years on the top as the potential penalty that can be implemented. And so what my amendment does is it simply changes subsection (D) from Class IIA felony to a Class III felony, meaning that it stairsteps up the penalties to their next appropriate stop. It doesn't get rid of the enhanced penalties. I've been very clear with Senator Prokop. I don't necessarily agree that these actually make the community safer. But if we are seeking to have an equitable distribution of penalties and if we're seeking to actually, I think, have this make sense in terms of what is the next highest defense, it should go Class I misdemeanor, Class IV felony, Class IIIA felony, and then a Class III felony. That is how our penalties are organized under Nebraska Revised Statute 28-105. So my amendment is very simple. It strikes the IIA, and it adds in a III. A Class III felony is a maximum of 4 years imprisonment and up to 2 years of post-release supervision or up to a \$25,000 fine or some combination of those things. And, obviously, can consider probation as well. But 4 years in prison. And I'd like to remind my colleagues that each subsequent offense is an individual charge after you've been convicted of the priors. And so based on the nuance and the complication that I think we see in these violation of protection order statutes, which have been discussed ad nauseam over the last year or two, I, I think that that is an appropriate amendment to make. Again, it doesn't gut the bill. It doesn't take away the ability to have these enhanced penalties. We can have a larger conversation or debate over whether we think enhanced penalties are beneficial or helpful or whether they actually create a safer community. But that's all sort of beside the point. AM3002 simply stairsteps this up to the next potential penalty. Now I understand there are other parts of our statutes, in criminal statutes that enhancements that are-- that go from a Class IV felony to a Class IIIA felony, and then jump to a IIA felony like certain theft offenses. Those have to do with certain numerical amounts, as opposed to how many offenses you have. But I also think that when those stairsteps were implemented, there was an objection, because it doesn't appropriately represent the actual stairstep of penalties and instead jumps to that zero to 20. So I would encourage your green vote, colleagues, on AM3002. I think it is a fair and appropriate way to address these enhanced penalties. And we can continue to have a discussion about enhanced penalties writ large,

either on this portion or additional parts of the bill. But I would appreciate your support of the amendment. Thank you, Mr. President.

STROMMEN: Senator Spivey, you're recognized to speak.

SPIVEY: Thank you, Mr. President, and I do just want to commend you. You're doing an excellent job up there. So you're making your freshmen classmates proud. So I want to-- I rise in support of AM3002. And I appreciate, Senator Dungan, the perspective that you bring, not only from a technical expertise that you have worked in the spaces, but really calling this out. I think a lot of us are not attorneys, some folks-- and you're not even on Judiciary-- are bringing bills where they don't understand the actual implication and what happens with the policy. And so I appreciate that we have the actual expertise here to help us navigate this versus the kind of theory of the bill without really understanding how it is applied. I wanted to underscore some of the comments made previously by Senator Dungan, just around kind of the, the core root issue of if these enhanced penalties actually solve for domestic violence or what we're hoping to solve for. And I think that has been a, a thread through a number of conversations and bills that have been in front of us, especially around addressing crime for domestic violence or intimate partner violence. That when we think about how do we actually address the experiences that someone may be navigating that are traumatic, that are violent, that are causing them harm, does an increased penalty solve for that and is at the role of the state? As someone who, again, works in the space and has been an advocate, I think I have struggled with the amount of felonies and proposals that this body has put forward. And I don't think that if someone is committing an, an additional act of violence like violating a protection order, or if they decide to engage in a physical confrontation to cause their partner harm, that they are thinking about the enhanced penalties or won't even know about them. And so if we are truly, and our goal is to solve for intimate partner violence, we have to go upstream around why is it actually happening? We have to look at mental health supports, substance abuse, safe housing, jobs and wages. Like, there's a number of things and indicators that are evidence-based that shows that [INAUDIBLE], the actual number of happenings or experiences with intimate partner violence that we are not bringing policy forward to do. Our policies only are addressing the symptom of the issue, which has been our answer so far, at least since I've been here over these last 2 years around enhanced penalties or enhanced felonies, which then we have talked about from an appropriation side and a budget side, lead to more taxpayer dollars spent within our carceral system. That we are going to put more people

in jail or prison, spend more taxpayer dollars when we could have used an evidence-based practice to really address why we are seeing, why we are seeing these enhanced cases of DV or intimate partner violence? And so I, I appreciate that conversation and that thread that is being uplifted here. I know that there's a number of other divisions of LB965 where we will also talk about that same approach, but I do really think it's important for us here to discuss. And so I think we need to think about what does it look like to consult with survivors? And, and not just the lead agencies, these folks are doing great work and I appreciate the work of these agencies on the front line. And everyone has a finite viewpoint and a limit to what they see for the spectrum of these experiences. And so I encourage my colleagues to go into community, talk to people, have these conversations at your town hall, ask your constituents around what does this look like? Because I think that will create better informed policy. As a survivor of domestic violence, I can tell you that these enhanced penalties would have not stopped my experience. There are a number of other interventions that I know would have that we are not discussing, that we're not bringing. And so I think we need to be intentional and thoughtful about that. And I do believe that AM3002 allows this bill to be better to address some of those things as we continue discussion today. Thank you, Mr. President.

STROMMEN: Senator Prokop, you are recognized to speak.

PROKOP: Thank you, Mr. President. And I appreciate the dialogue we're having on this portion of, of the bill. I think a good conversation. There are a handful of things I want to touch on regarding Senator Dungan's comments. And, and we did have a, have a chance to speak a little bit about his amendment off the mic. And I'll share a little about why I'm opposed to that amendment and, and why we, we did it the way we-- or the way it was drafted here in a second. But I think first, first point I want to kind of make on this is that when we were looking at this and kind of how the penalty structure was, was going to work and after, you know, escalating the penalties on a third violation, I talked to family members of domestic violence victims. And that is who I worked with on this bill. These are family members of someone who have-- had someone killed by in an instance of domestic violence. So I worked directly with the families on this. So I think it's important for folks to know that. And as I was working through the bill and, and, and having those conversations with them and, and really from, from folks outside it, a lot of the feedback I got was why are you waiting to enhance penalties for the, for the third offense? Why is it-- why are you not doing it the first time? So, I

mean, I think to Senator Dungan's point of trying to be judicious, that's what I was trying to do with the way that we set it up. So that repeat offense is-- this is-- you know, when you get to the, to the third defense and fourth offense and, and, and others, you know, that is, that is a pattern and it's an escalation. As I talked to those families and saying, OK, tell me about your experience and, and everything that occurred. You know, the thing that I heard consistently was is that, you know, we felt like we were doing everything right. I mean, first, obviously, the grief from the tragedy that has happened to those families is what was, was discussed, and that's what they felt. But then the next is really, we need to do whatever we can to prevent this from happening to other families. And so that's why I organized the penalties the way that I did and, and why I would encourage a, a red vote on AM3002. So beyond really kind of the personal stories, I think diving into the data a little bit on this. So across Nebraska, we are seeing more individuals seek protections and at the same time, we're seeing more violations of those protection orders. So-- and, and I'll just, I'll just cite some Lincoln data, specific data here. So in 2024 alone, there were 1,512 protection orders requested, and that number has continued to trend upwards. That same year, there were more than 500 reported violations and 368 citations issued for violating protection orders. So we're seeing those numbers continue to go up, and, you know, as we've all seen in, in, in the, in the paper, we've seen some really tragic outcomes in the last couple of years when it comes to, comes to those cases. We already recognize other areas of law that repeated, repeated violations should carry stronger consequences. And, again, some of the, the thought process around why the penalty structure is the way it is in this bill. Offenses like DUI and shoplifting and, and theft are treated, and, and I think Senator Dungan did a, did a good job of characterizing it as what we call enhanceable offenses. So penalties are increased with each subsequent violation to reflect the pattern of behavior and deter continued misconduct. So what was going on with LB1000 applies kind of that same well-established principles here. I think, again, to get a little bit into the support that we had on this, and, and, and it was, it was broad in that we had the Nebraska County Attorneys, the Nebraska Coalition on Sexual and Domestic Violence, and law enforcement in. And to the point that Senator Dungan made about, well, if there's, if there's contact made by, by the, the person that has requested the, the protective order, you know, how does that work in multiple cases? And there was-- we had a testifier in support of LB1000 from the Sarpy County Attorney's Office, and we also had someone from law enforcement, and they interjected their,

their personal experiences. They said, you know, there are instances, yes, if, if the respondent is in contact, that's an issue, and there are certain things that they are bound by within the law, but there's also prosecutorial discretion that they have in certain--

STROMMEN: Time, Senator.

PROKOP: --cases that they can apply. Thank you very much, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I-- oh, actually, sorry. I, I missed what Senator Dungan's amendment does, and I've been listening to the debate on the underlying amendment/bill, LB1000. And I-- I'm unsure where I land on AM3012, listening to the conversation here. I, I wholeheartedly agree with Senator Spivey about doing more upstream. And this is something that Senator Spivey has brought up many, many times because it is much better planning, economic planning, long-term planning for families and to make sure that our state thrives. But I understand that we're trying-- we want to solve for domestic violence. I have brought legislation in the past around protection orders. I, I have said perhaps the most impactful thing I have ever done was my first session, a bill that my colleague at the time, Senator Hilkemann, used his personal priority on, was for a bill I brought around protection orders. I call it the paperwork bill. And it was very significant, even though the change, all it did was make sure that protection orders didn't get thrown out if you checked the wrong box of what type of protection order you were seeking. And prior to that bill, it could be thrown out with prejudice, without prejudice, and you'd have to start all over. And so that was huge. Very impactful. So I really do-- when I say that I appreciate this, I appreciate this work, I probably know some of the families that Senator Prokop has worked with, because I have worked with families who have lost loved ones to domestic violence and in really, really horrific ways. But I'm concerned that we continue to focus on penalties, and we aren't focusing on these more core issues of improved wraparound services, improved access to, to housing to get out of situations, and reducing-- like, like Senator Dungan talked about this very well, and in carpooling over the years with my brother, who's-- was a public defender. He talked about, like, basically inadvertently breaking your own protection order and because you're co-parenting and so you might have phone calls with each other or you might be in a car together because of something to do with your

kids and so there's all these nuanced instances that make me hesitant to increase the penalties for multiple breaches of a protection order. I'm not saying it's the right or wrong way to do things, but I think that we probably should look more deeply and strategically and do, like, a long-term interim study into what should we actually be doing to reduce these violations of protection orders and reduce these instances of significant severe domestic violence that are happening in our communities because, as Senator Raybould said, it is on the rise. We are hearing about it in the news way, way more. I don't know if it's a post-pandemic situation or, or what is causing it, but I think we need to understand what is causing this so that we can appropriately address it. So I apologize that I didn't listen to what Senator Dungan's amendment was about, so I'm going to take a look at that. I'm not opposed out of hand to AM3012. I just-- I'm not there yet either. So I'm going to continue listening to this. This is an issue that is very important to me and I have spent a great deal of time paying attention to, so I appreciate the light that we are shining on domestic violence this afternoon here in the Legislature. And I'm grateful to my colleague Senator Prokop for bringing this important legislation. I'm just not sure if where it's at right now is where I can support it, but I'm going to figure it out and listen to the conversation. Thank you, Mr. President.

STROMMEN: Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. Colleagues, I think the most grave thing that we do in here is not taking or spending taxpayer money, it's taking people's liberty. And that's what we're doing in the criminal code. And I get it that we talk about judiciary stuff, and it sounds like to many people probably, the teacher in the Peanuts cartoon, or how the Banking Committee bills sound to me sometimes. I get it, but we 49, we are all that there is. That criminal code, we're the ones who created it. We 49. We decide who in this state will be deprived of their liberty. And I absolutely think that there are plenty of reasons that we should do that. But we should do it gravely, and understanding that gravity, and with an understanding of the whole criminal code, balancing it against the entire criminal code, and trying to understand if what we're doing is actually accomplishing our goals because it is a grave thing to take someone's liberty. I think we should evaluate whether what we are doing is working. You know, I've heard people talking here a lot about, oh, we should have sunsets on this or that or we should have this or this mechanism to evaluate whether a program is working. But perhaps from time to time, our criminal code should also have an evaluation to determine whether or

not it's working. Are we preventing crime? Are we limiting the amount of crime that happens in our state? There's a lot of money, if we're going to be crass about it, that is spent in the criminal justice system. Does it work? Is there a better way? Could we be more efficient? Could we do something better? I think those are codes-- questions that we should ask. How would we know whether or not it's working? How are the most severe, or these new, severer penalties, these penalty enhancements being communicated to those who might potentially commit these crimes? Because if they don't know about them, if they don't know about these more severe penalties, do they have a curbing effect? Do they deter? In the time that I have been here, I have seen a trend, and it has borne out in the data, which has been presented to me on the few occasions in which we have asked outside groups to come in and evaluate our criminal justice system. The CJI group that came in a couple of years ago said what we're doing in Nebraska isn't incarcerating more people. We're incarcerating them longer. Is it working? Is our penchant to incarcerate people longer working? We should ask ourselves that question because we are certainly creating more felonies, more severe felonies. We are doing that. Are we doing that in a way that evaluates the gravity of what we're doing? And I think in many cases we are. I'm not trying to say that we're not in any cases, but it is true that there is a trend that we are putting more people in prison for longer sentences than we used to. Is it working? Is there less crime than there used to be? If other parts of our government deserve accountability questions, then so does this one.

STROMMEN: Time, Senator.

DeBOER: Thank you, Mr. President.

STROMMEN: Senator Bosn, you're recognized to speak.

BOSN: Thank you, Mr. President. I just want to, as someone in the body who has prosecuted crimes involving violations of a protection order, set the stage for everyone so that we're all aware of how this goes because there seems to be a misunderstanding that individuals could violate a protection order and be held accountable for it without even knowing that they're in violation of the law. So here's how this process works. If you are a victim who seeks a protection order, you have to fill out an application and file it with the court. The respondent who is the individual you are seeking protection from is served with a copy of that protection application. It is then set for a hearing where you are given notice to appear. You are then read your

rights as well as what the expectations are, including, but not limited to, the consequences of violating the court's order. If you leave that courtroom and don't know what the penalties are for violating the protection order, I cannot help you. No one in this building can help you, they can explain it to you till you're blue in the face, but they cannot make you understand it if you leave the room without understanding what the penalties are. A violation goes like this: you then have the copy of the protection order from the court telling you what the restrictions are. You then violate what those restrictions are, you are arrested, you come before the court and they again tell you what the possible penalties are for these violations. That's called arraignment. Then you're-- what we're talking about in this legislation is third and fourth offenses. So you're sentenced on your first violation, and the court tells you, I'm sentencing you because you have violated this protection order. You should not have done that. Here's what the order said, here's what you did, here's the consequences of your actions. You then repeat that process a second time. Notice, opportunity be served, hearing, violate, arraignment, trial, sentencing, and now we're doing it a third time and we're still going to say, gosh, I couldn't possibly be responsible to know what these penalties are. I just-- I find that unbelievable. Colleagues, we've talked about nuances, about how a victim could call-- a petitioner could call the respondent or the victim calls the defendant in these particular cases, and all this person does is answer. Don't answer the phone. If you are the respondent in a protection order, full stop, don't answer the phone. When that person's number shows up, just don't answer. If you can't follow those instructions, again, no one in this building can help you. Those are the expectations of a protection order. The court cannot possibly know at the time that these orders are set which future violations are deadly and the victim is killed and which violations are not deadly. So we just issue the order and we say don't contact the petitioner, full stop. There were questions raised about, well, what if it's just about custody and exchange of children for who's going to pick up after school? There are exceptions for that in protection orders right now, have been for years, they use apps. And the court can say in the order, for the purposes of communication regarding the children, the parties are encouraged to use whatever app they have at the time. They have those communications. It's then trackable. So if there's a threat in there or if there is some sort of a concern, it can be brought to light. But so long as it's for the purpose of contact for the children and exchange of child custody, all excused and permitted by the court. They make those exceptions all the time, colleagues. There was

concerns that we aren't doing anything upstream to fix the alternative solutions other than just longer incarceration and harsher penalties, and, colleagues, that it-- couldn't be farther from the truth. We've expanded funding and opportunities for the domestic violence associations. We've implemented domestic violence family courts in our, in our juvenile court system here to try to improve outcomes for families experiencing domestic violence. If you have solutions, bring them. But don't say that we are not doing things to try and curb this problem on the other end. We've also-- I also heard talk that we're deciding in here someone's liberty and I just want to be very clear, no one in here is deciding someone's liberty. That is an individual's responsibility. And if you violate the law and we wrote the law, we don't decide your liberty. We decide the penalties for your violations. Those are an individual responsibility. Colleagues, I rise in opposition to AM3002 and in support of AM3012 and, ultimately, LB965. Thank you, Mr. President.

STROMMEN: Senator McKinney, you are recognized to speak.

McKINNEY: Thank you, Mr. President. I guess I rise in support of AM3002. I really don't like this bill, but I also want to say that I do not support domestic violence or anybody, you know, offending against somebody's liberties, and especially in a domestic situation. I've seen many of these situations that many of you describe. Personally, I've seen them throughout my life with family. So I know what somebody being on a protection order is like and the other, the other person is calling somebody else or they're actually riding around with each other, knowingly knowing it, both of them. So I've, I've seen it. So it's-- I think there is nuance to this, as, as much as we don't or some don't want to admit it or concede because of just support for the overall bill, I think there is context to a lot of this and it's not actually that black and white if we're going to be truthful about it. But it's kind of interesting, you know, people want-- what is that, fences up because they don't want neighbors to see people in prison, but they want to put people in prison. It's very interesting, to say the least. You know, you want to spend millions or thousands to build fences, but you don't want-- because you don't want people in your communities to see these people, but you want to fill it up. It's very interesting. But, you know, that's America. That's where we live and people support the prison industrial complex, as much as I don't like it, but it is what it is. I'm just saying, you know, Senator Dungan has offered an amendment that I guess it improves this. And where I'm at, honestly, is where's the evidence that these enhancements, and not even just these domestic violence enhancements,

just these enhancements, in general, actually do their job. I've, I've asked for it multiple times, and I've yet to see a report or a study that says enhancements actually make our community safer. I'm still waiting on that report and that data. I will sit-- I'll be sitting over here under the balcony listening to debate, and if somebody could bring me some data, some information from peer-reviewed sources, nonbiased sources leaning either way, I would be interested in looking at it from a-- and, and actually genuinely engaged with it. So if you could bring me peer-reviewed, nonbias, neither left or right leaning sources, I would be open to looking at it and, and actually engaging with it, but I've been waiting on that since I've in the Legislature, and so it-- it's, it's just very interesting. I just want to see the data that says does enhancements actually solve the problem? I don't think they do because I think crime in, in itself is more complex than somebody committing a crime against somebody or somebody committing a crime against society. I think you have to dig deeper into the root of criminalization or crime to fully understand how to address it and I don't think we do that. We just say, oh, something bad happened, let's go back to the Legislature and increase, increase this penalty. Because I don't even think if this law is to pass, some of those situations described would be prevented if we're being truthful. And I do not want to be insensitive. But if somebody has that thought in their mind to do something that grave, I don't think they're considering the bill or, or the law at that point. And just-- and it's sad to say, and I'm not trying to be insensitive, but I don't think those people are considering it. So what can we do to not-- to help prevent them to get to the point of not even considering the law. That's what we need to talk about. That's why it's complex and why we got to dig deeper into stuff like this rather than just saying let's increase felonies. Because if we're not finding better ways to prevent this from happening than just increasing felonies, then we're going to continue to see more sad stories and none of us want that to happen. But you actually got to be one to engage in the conversation and actually want change to happen from a broader perspective, especially on a society level.

STROMMEN: Time, Senator.

McKINNEY: Thank you.

STROMMEN: Senator Spivey, you are recognized to speak.

SPIVEY: Thank you, Mr. President. Again, I rise in support of AM3002, and I appreciate the commonsense compromise that Senator Dungan is

offering as an expert in the field, someone who is practicing currently, and is really, again, trying to work across the aisle and across the issue to ensure that the intention is meeting the impact. I wanted to touch a little bit on some of my earlier thoughts and just kind of tease them out. And I want to be clear about my intention and what I am saying just to make sure we have that alignment, is that I think that there has been a movement in the body before I was here, and I'm sure after, around how do we start to address some of the things that we are seeing? What I am seeing is that our time as state policymakers in my approach is that I want to be able to produce policy that goes upstream to address core root issues. And I think that is a good use of our time. I think that is the work of a policymaker and it's why I ran for office and why I was a registered lobbyist before because I truly believe that policy could be a lever for change. And so if you are looking at core root issues versus symptoms, you see that outsized impact. So that's a philosophical approach. That's not to say people aren't trying or aren't thinking about it. That's where I hope that we go and where my comments and approach are situated for the measure that is in front of us. As it relates to the study, and I think Senator Cavanaugh touched on this, again, around how do we really ensure, because there's been different efforts that have been siloed across senators that have term limited in different administrations, how do really start to address what we hope to see around intimate partner violence because it is getting worse? It's one of the reasons why I brought LB751 and I'm really thankful to Chair Bosn of Judiciary and the full committee for moving it out. And so as a reminder for folks that don't remember because we've seen so many bills and this feels like an eternity ago, that it looked at the reason why black women and children go missing in Nebraska. We are disproportionately represented in those numbers. Now there are some data, it's not clear, that say some is around intimate partner violence, some is around trafficking, and some we just don't know. It's not tracked in the same way. And so the intention of that bill, because I know that is an epidemic, especially for people that look like me and from my community, that we can do the study to go upstream. And so I didn't bring any policy to address what I think I know or from my work currently. I really wanted to get a handle on what is the potential for policy so I can be a good steward of my community's resources as taxpayers, that I can produce policy that not only impacts black women and children, but other women and children groups that may be experiencing the same causes of why they go missing and potentially murdered. We saw that with the work from Indigenous women and girls that have gone missing, and the work that that study

produced, and it actually actualized a position in the AG's Office. And so for me, in my approach, again, I like the idea of a study. I like the idea to say let's pause and see where we are so we can have the most impact for what we hope to achieve. For my bill, LB751, it would have the study that's done in '27, and then from there, I would hope to work with Judiciary Committee and other colleagues around bringing legislation that addresses that. The, the kind of premise behind LB751 was a story that I've talked about on the mic with Camisha Hollis. She went missing. Her remains have never been found, but her partner was charged for her murder, pled down, I think it's, like, a manslaughter charge. And, and I've talked to the family, her oldest daughter around that. And so I do think the stories of our families and the people that are impacted are important. And I think our job is to take those and translate that to strong policy. It should drive our policy, it should inform it, and we should really rely on a number of levers, including evidence-based, what other states are doing, and, and the expertise of folks in the field to help curate the right approach at this time. And I don't believe the enhanced penalties in this way aligns to what the intention that I have heard communicated to be the bill that's in front of us. And so I do support AM3002, and I appreciate Senator Dungan for bringing that. That would help me support the underlying AM3012 with the division. And there's a lot of other pieces that are part of LB965, which we will get to. Thank you, Mr. President.

STROMMEN: Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I rise in support of my friend Senator Dungan's amendment on the Judiciary Committee amendment to the underlying legislation and just want to lift up a few additional points here for context. So those who are experts in relation to addressing domestic violence and preventing domestic violence, actually look at a comprehensive kind of approach to preventing domestic violence. Thus far, the body has been pretty focused on enhanced criminal penalties. But when you look at kind of the proven strategies in a comprehensive approach to domestic violence prevention, it includes teaching safe and healthy relationship skills in school and in community. Engaging influential adults and peers in thoughtful, constructive ways. Disrupting developmental pathways towards interpersonal violence. Creating safe and protective environments. Strengthening economic supports for families. The opposite direction this body has taken, removing minimum wage increases, sick and safe leave for domestic violence victims, and then supporting survivors, of course, to increase safety and to lessen

harms. So if we truly want to address the issue and the problem, we have to apply a much, much broader lens than the punitive approach before us. The other thing that I think is important to remember is that there seems to be some confusion here. I've heard people mention off the mic that there's no existing criminal penalty for violation of a protection order, and that's why we need this bill. That, that is not accurate. So let's, let's just disabuse folks of that misinformation. Let's also acknowledge the fact, and, again, this isn't just my opinion or just Senator Dungan's opinion. I had an opportunity to review the committee hearing, I think last year, in relation to a comprehensive rewrite of our protection order statutes. And there was significant discussion from the county attorney's representative talking about how problematic consensual violation was and how much-- how many headaches that actually caused for prosecutors in trying to wade through these situations. So those, those are real situations. And they pop up in a bunch of different ways. It's been many years since I dabbled in criminal court or family court so the apps that Senator Bosn was mentioning weren't necessarily in place when I was working on some of those cases. But I also understand while those new technologies may be available, they're not always available to everyone for every purpose for a bunch of different reasons. And so you have people who are impacted by the protection orders that either don't have access to that app, don't have technology, in general, for some of these kinds of communications, have misunderstandings about how whether or not their filings to try and remove a protection order have been effectively processed. And that can cause issues, particularly when there is a consensual violation, right, and which is part of the, the issue that we're talking about here. If Senator Prokop and Senator Bosn and others want to take a hard line against the situations where somebody is repeatedly harassed, who doesn't want to be harassed, and there aren't these consensual kind of violation, practical problems that pop up, that's, that's kind of a different story. And we would work with them in regards to that. Of course, there's already existing criminal penalties in that regard, but they're not hearing about the practical applications and realities that also go into folks who don't have the technology.

STROMMEN: Time, Senator.

CONRAD: Thank you, Mr. President.

STROMMEN: Senator Raybould, you are recognized to speak.

RAYBOULD: Thank you, Mr. President. I stand in opposition to AM3002 from Senator Dungan. And I appreciate the conversation and the dialogue. I think it is important to look at the best practices. And we've, we've talked about that. And the information that I'm reading from is one of the journals that talks about that exactly. And it is called the Compliance monitoring in domestic violence cases: A guide for courts. It's from the Center for Court [SIC] Innovation. And it has several chapters on best practices for compliance monitoring. And they all default to the same. Best practices for graduated sanctions and domestic violence cases focus on swift, certain, and proportional with victim safety as a priority. And it, it goes on to say even further that domestic violence cases are not like the general probation type of cases where graduated sanctions require specialized oversight to ensure that small violations do not escalate into further violence. That's the whole goal. And I can tell you after talking to so many victims from domestic violence over the years, you know, most domestic violence breathe a sigh of relief if they know that that batterer is, is behind bars, they can breathe, they feel safe for the first time ever. And that's why it's important to look at the best practices. I know that several senators and myself have signed on to an interim study to do exactly that. But in the meantime what are we doing? That's what the victims have asked repeatedly at the number of hearings that we've had with the Judiciary Committee. And I'm grateful to Senator Bosn for taking the time to allow the victims to express their concerns and share with us what is working and what is not working. What is not working is a response when there is a violation to a protection order. They know that's not working. And I know the courts are very aware of the things that they need to do and to be in compliance. They know they need to find a balance with the incentives. But first and foremost, they require collaboration. And that's something that we're seeing the courts do now, a coordinated community response where probation officers, batterer intervention programs, and victims advocates share information quickly so violations are reported and addressed immediately. There is an urgency. We see these cases on the upswing. And I stand in support of the AM3012, which does make things stricter. We're finally listening to the victims and what they say impacts them and makes their lives better. These are additional protections they've been asking for. I think it's up to us to try to turn the tide and we know that other states are doing that. So, colleagues, I ask that you vote against AM30012 [SIC] and support for AM3012 and also the underlying bill. Thank you.

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

CONRAD: Thank you, Mr. President. And, again, good afternoon, colleagues. So I wanted to just reiterate, and I know Senator Dungan and others have done so already, but perhaps just let people know that there are significant penalties imposed now. So the points that my friend Senator Raybould makes in terms of clarity and certainty and swift punishment, those exist today, Senator. Those, those exist today. If you go and you talk to some of the practitioners on the front lines, you can see, and some of this information was provided when they did a survey in Lancaster County, for example, they looked at 2025, they closed 70 cases for clients whose major charge was violation of a protection order. And of the 70 cases, 14 or about 20% got a sentence of probation and jail, 7% got fines, 73% or 51 received jail for a total of 10,287 days of those 70 cases, meaning the average sentence under existing law for violations of protection orders in your home community was 190.5 days in jail at a cost of about \$150 to the taxpayer per day or about just shy of \$30,000. That's a pretty significant jail term for a violation under existing law. So in applying the principles of best practices as purported and put forward by proponents of the bill, again there's nothing in the record or research that distills that the existing criminal penalties are insufficient to advance those penological objectives. And there's no clarity in terms of why these violations are exacerbated and enhanced and increased, it's, it's truly arbitrary. And I understand that there is a desire to respond to horrific cases that we hear about in our communities. But we have to acknowledge that there are existing significant criminal penalties in place already, as there should be. And we can't turn our back on the fact that in addition to punitive criminal penalties, which no one is talking about erasing or diminishing, we're just saying maintain the status quo in that regard, no one is taking up the true practical problems that come with consensual violation for a host of different reasons that are outside of some of those heart-wrenching high-profile cases that nobody wants to deal with or talk about that impact tons of people's lives. There isn't as much energy and interest in ensuring that we have the other approaches like a comprehensive approach to healthy relationship education, more support for safe environments, domestic violence, more support for victims. I think some of those things were on the chopping block in, in our budget just this year that we had to fight tooth and nail to claw back pennies on. So it's not exactly like we're meeting best practices in terms of education or prevention or safety or providing direct economic support for family or sick and safe leave. And all of those pieces have to come together to save lives. The

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solution to every problem can't be a felony, especially when we have scores on the books.

STROMMEN: Time, Senator.

CONRAD: Thank you, Mr. President.

STROMMEN: Senator DeBoer, you are recognized to speak.

DeBOER: Thank you, Mr. President. I remember when I was a freshman, something Ernie Chambers said that just stuck with me. Senator Chambers said I'm just a hat maker. If you fit the hat, that's on you, not me. And I was always sort of interested in that way of talking about comments that he made. As I get to the end of my service, I am impressed upon more and more and more about the gravity of what we do in this room. When you first start, it's impressed upon you. You feel it. And then it becomes kind of what you do every day. And there is a desensitization of the process and what we do. And we have to make very difficult decisions in here sometimes. And we, we deal with grave matters. And that doesn't mean that every time we deal with a sensitive issue or we make a grave decision that it's a wrong one. It's just important for all of us, from my perspective now with 6 or 7 days left, to think about the gravity of each of these situations. That's it. I think we ought to think about the gravity. And there are a lot of people in here, I have no question they think about that every day. I have no question that they think about that everyday. But I don't know if everyone does. And so when we talk about these criminal penalties, and I don't even know where I really fall on this one. I think that we ought to do Senator Dungan's amendment, which is a sort of medium path, as it were, but I don't, I don't know where I fall entirely on this whole discussion because it is complex and nuanced and I admit that. And I actually don't fault anyone who has a strong opinion otherwise. I just really, really strongly believe that at some point we're going to have to look at the picture as a whole and decide, is this working? And if it isn't, if we need to change the ratios of our efforts that are put into stopping things before they happen through education or stopping things after they've happened through penalties, I think we ought to do that consciously. And I'm not saying anybody in here isn't, I'm just saying I think we ought to do that consciously. And think about, are we getting what we want out of our penalties that we keep increasing? Is it working? It is not an unreasonable thing to ask, is it working? And for the 6 days that I have left in here, I think it's worth asking, is it working? And I don't know how you know, maybe there's not a good way to tell that,

and maybe that's why we haven't. But I think we ought to think about it. Thank you, Mr. President.

STROMMEN: Senator Conrad, you are recognized to speak. This is your third time on the mic.

CONRAD: Thank you, Mr. President. If my friend Senator Dungan is available, if he'd yield to a question?

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

DUNGAN: Yes.

CONRAD: Thank you, Senator. I was just wondering if you could perhaps help to refocus the body's attention to the stacking issue or component that comes in with this criminal penalty enhancement. I think some of the real-life practical examples that you and I have discussed, and I'm sorry if you already put those on the record, but I think they bear repeating where people are just thinking like, oh, well, we enhance the penalties and, you know, that's, that's going to take care of people for another year or two here or there. But, actually, they can add up really quickly to very, very significant prison sentences, some that perhaps could even rival actual violent crimes. So if you, if you wouldn't mind just providing an example about kind of how the stacking component works with charging in regards to a provision like this.

DUNGAN: Yeah, absolutely. So I talked about this a little bit earlier, but I do think it bears repeating. Essentially, every individual violation of a protection order or alleged violation of a protection order counts as its own charge. And so for each time that you intentionally and knowingly violate a protection order subsequent, meaning you've been convicted of one before and this happens again, under the current law, with no changes, a subsequent violation is a felony. And each incident of violation is its own felony. Now, what this means in practice is, you know, text messages are a good example. Technically, each time that an individual texts somebody else, if there is a protection order prohibiting that contact, then each individual text or phone call is a, is a charge, is a violation of protection order. And so under the current statute, if you're looking at the zero to 2, the, the Class IV felony subsequent offense, you could end up with 30 charges. And I've seen filing documents of 27, 26, whatever it may be, individual charges of violation of a protection order or you'll see the alternative where somebody will get

charged with a protection order violation, and then the plea offer will sometimes be if they plead to two incidents of this, we agree to not file the other 32 violations of a protection order, each and every one of those being an individual text in the context of one conversation. And so to your point, I don't want to take all your time, to your point, they stack up when you have these subsequent offenses. And so for, again, the example I used earlier was four text messages to an individual, under the current offense, if there's subsequent VPOs, you're looking at up to 8 years in prison for four text messages.

CONRAD: Thank you so much, Senator. And just to put a finer point on it in a couple of regards, the contents of the text message themselves, itself is irrelevant, right? It could be benign, it could be communicative, it could be logistics, it could be-- it doesn't even have to be a threatening message to be a violation, is that right?

DUNGAN: That is correct. Yeah, there's a separate statute for terroristic threats that can get used in a circumstance where somebody sends these intentional or knowing threats like that. But, no, a completely benign text of, you know, hello or something like that in and of itself is a violation of the protection order. And, again, we can belabor this point more if we need to as well, but if it's in response to the petitioner reaching out to them, then each every-- each and every message they send back is its own violation and could stack up on itself.

CONRAD: Right, and then I don't know-- I, I know that I've had a chance to talk with people impacted by these statutes, and sometimes it's just very confusing to them. Where they were like, OK, we've had a rocky part in our relationship, and for whatever reason, we've gone through counseling, we've reconciled, my partner told me that they had, you know, filed to have the protection order removed. And so we thought we were on safe ground reestablishing relationships or communicating, but there was just a misunder-- I know ignorance of the law is never a defense. I understand that, but I'm, I'm trying to just kind of chart out the practical issues that, in many instances, people who are not even trying to intentionally violate a protection order could be ensnared in additional criminal penalty when they thought the protection order had been removed, but perhaps the application for removal was just pending or hadn't been processed or had been denied or-- have you run into that in your--

STROMMEN: Time, Senator.

CONRAD: OK, thank you.

STROMMEN: Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. I punched in-- I know there's not anybody else really in the queue, but I punched in to respond to Senator Conrad's question. The answer is yes. I have seen that exact same thing happen. And, again, the anecdotes can be found across the entire spectrum, and I want to level set and be very clear that we are acknowledging, everyone is acknowledging that there are violations of a protection order that are bad and problematic and scary and dangerous and those should be taken seriously. What I think the objection is, is to increase the penalties to such a large amount, a zero to 20, for what could potentially be innocuous or confusing things like Senator Conrad is talking about. A really good example of this that I actually know a specific case about that I can talk about is where an individual had sought a protection order against another individual. And that protection order was sought for the person. So the person goes to court and says I want a protection order against so and so, granted. They also sought two additional protection orders on behalf of, or OBO is what you see written down, two additional protection orders OBO their children. So it was, I want a protection order with me, she said, as the respondent, or the petitioner, and I want two additional protection orders for the kids. Some time goes by, that individual went to the courts and requested that the protection order be dropped for all three of them. The protection order ultimately was dropped, if I remember correctly, and I'm doing this from years ago, so I apologize if I'm, I'm flubbing some of the facts here, but by and large, the protection order was dropped for some of them, I believe both of the children, and it was not dropped for the initial petitioner who went and sought that to be dropped. So individual gets in the mail, certified mail from the court, saying the protection orders have been dismissed. And I don't know how many people in here have seen documents from courts or have seen petitions or responses for protection orders, they're actually very confusing. And so he gets in the mail letters from the court, certified, I believe, saying protection order has been dropped for this person, protection order has dropped for this person. And he was told it was dropped for all three of them. Contact ensues because the understanding at that juncture was that the protection order had been dropped. Because it was not ultimately dropped for the third person, but was dropped for the other two, there were violations of a protection order filed. Now, I understand every circumstance is different. Every circumstance has its own nuance and its own

complication, and we have to look at these things carefully. But that is a good example of the complicated nature of getting these addressed and getting them issued and then getting them dropped. And so Senator Bosn is absolutely correct that individuals go through this process where somebody seeks a protection order and that protection order is granted ex parte for a period of time, I believe it's 10 days. The respondent has an opportunity if they see fit to come in and challenge that protection order and say I don't think this should be in place or they can do nothing at which point in time it goes into effect automatically for a period of time. That person has read those rights, they understand what's going on, they receive it, they get served the protection order by the sheriff. That's true. There are complications, though, when that individual is under the impression that that protection order has been dropped. There are complications about people believing it is not a violation of the protection order if they are contacted first by the petitioner. And I understand that that may seem obvious to us, right, you have a protection order, don't, don't violate it. But in real life, these consequences or these circumstances are very complicated. And so I just want to make sure that we are acting with a scalpel instead of a hammer here. And my concern, getting us back to the actual underlying amendment, is I, I worry that there is an escalation on that fourth offense where-- fourth or subsequent offense that goes from a zero to 3, all of a sudden to a zero to 20. And it is an escalation that I think is just unnecessary, and it doesn't accomplish the goal that is being discussed here when changing it, as I suggest in the amendment, to a Class III felony instead of a Class IIA felony, frankly achieves a similar goal of allowing enhancements, ensuring that class-- the fourth offenses are taken more seriously, and making sure that there are increased penalties for subsequent violations after the first few. So I don't see anybody else in the queue. I will go ahead and say thank you, Mr. President, but I still get my closing, because I have a few more things I wanted to say. I'll say thank you and then go on to my closing.

STROMMEN: Senator Dungan, you are recognized to close on AM3002.

DUNGAN: Thank you, Mr. President. Sorry, I know that it can be hard when I'm the last one in the queue and I'm also the introducer, but I wanted to make sure I had just a few more moments here. Colleagues, I do encourage your green vote on AM3002. This is not a radical change. This is not gutting the bill. If I'm being honest, AM3002 is kind of the, the baby bear solution, right, with the porridge where one's too hot, one's too cold, the third one's just right. I'm trying to achieve

a goal here that frankly, does accomplish the goal that Senator Prokop has of the increased penalties, which I do disagree with, while simultaneously ensuring that there's not this escalation to a zero to 20 for an offense that prior to that would be a zero to 1, a zero to 2, a zero to 3. It is a zero to 4. Each individual offense, as we've highlighted multiple times, would it be a zero to 4? So individuals are being held accountable, but I do think that this is more in line with proportionality. It's more in line with an equitable distribution of, of penalties and how that would ultimately work. And I think it's in line concerns that we should all have about being nuanced in our approach to protection orders and the way that they are being prosecuted. So with that, I would encourage your green vote on AM3002.

STROMMEN: The question before the body is the adoption of AM3002. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 12 ayes, 26 nays on adoption of the amendment, Mr. President.

STROMMEN: The amendment is not adopted. Mr. Clerk.

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

STROMMEN: Senator Bosn, you are recognized to open-- close-- close on AM3012.

BOSN: Thank goodness, we don't need to open again. All right, colleagues, I rise asking for your green vote on AM3012 and just want to provide a little bit of quick clarification given the concerns that were outlined and read verbatim from a Nebraska protection order from, from the state of Nebraska, the language that includes: It is therefore ordered that, unless modified by the order of the court. So it is very clear in the hearing, in the order to the respondent that the petitioner has no authority to modify this order. It is only the court that can do so. So there's, there's just no argument that there's confusion there. Colleagues, I will leave you with this: we had this hearing on February 6, 2026. This was the testimony of one of the individuals who came in in support of LB1000. Good afternoon, senators. My name is Belinda Hagan. I am a lifelong Nebraskan and the stepmother of Jamie Hagan. I am here today in strong support of Senator Prokop's proposed bill LB1000. I sit here today real and vulnerable after a conviction in her case as of yesterday. Domestic violence is ugly and we are raw. 363 days ago, Jamie was stolen from this world in an act of brutality and gun violence that has shattered

our families, her children, her community, and forever stolen the future hopes and dreams of what a life should be. As you are all aware, many others have experienced the same prior to and after our experience. At the beginning, when Jamie was separating, we encouraged her to obtain a protection order as any reasonable parents would do, thinking this was the right step to achieve the protection she would need to keep her and her children safe. She followed the letter of the law and did everything asked by law enforcement, the courts, and advocates supporting her. The protection order was granted for Jamie and her children, but the penalties or the possible deterrent of future violations were not significant enough to keep her alive. It took one violation for him to murder her. One. Our sense of safety, security, and trust has been shattered in every capacity. Jamie followed the letter of the law. She did everything a survivor should and followed the directives given to her by the experts in the field. LB1000 provides for penalties to a Class IIIA felony and then a IIA felony for respective third and fourth subsequent violations, providing an opportunity to send the message that repeat offenses are serious and unacceptable. A deterrent, a preventative measure such as this bill is needed and without delay. We are reasonable and level-headed citizens. We understand the nuances of domestic violence and that people make mistakes or have never been subject to a protection order before. They may err and have a misdemeanor against them for violation, resulting in a fine up to a year in jail or both. The second time, the violation increases to a Class IV felony, which is punishable by up to 2 years in jail, potentially eligible for good time and an overall sentence reduction, prohibiting firearms and so forth. More importantly, Class IV felonies are often pled down to a lesser charge of a misdemeanor and if good time is applied, a year or less could still be the outcome. When coercive control or power is in play, these timelines can be inadequate for protection. Please pass this piece of legislation to reinforce safety and preventative measures for survivors and families. You are here to make a difference, strengthen laws that prevent revictimization and prevent outcomes that have stolen the future and the life we thought we would have. I ask for your green vote on AM3012. Thank you, Mr. President.

STROMMEN: Colleagues, you've heard the closing on AM3012. The question before the body is the adoption of AM3012. Those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 5 nays on adoption of the amendment, Mr. President.

STROMMEN: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, the next division, AM3013, comprising what was originally LB818.

STROMMEN: Senator Bosn, you are recognized to open on AM3013.

BOSN: Thank you, Mr. President. AM3013 is Senator Storer's LB818. This bill strengthens Nebraska's laws addressing domestic violence and assault by enhancing penalties for the more serious domestic assault offenses and for repeat and high-risk offenders. The bill also enhances penalties for assault by strangulation or suffocation when the offender has a prior comparable conviction, including convictions from other jurisdictions. Colleagues, we had a number of proponents in support of LB818, including the Nebraska County Attorneys Association, the Attorney General, the Nebraska Coalition to End Sexual and Domestic Violence, the Nebraska Catholic Conference. We had no opponents and no neutral testifiers. This bill came out of committee on an 8-2 vote. I ask for your green vote on AM3013. Thank you, Mr. President. Oh, I would yield the remainder of my time to Senator Storer. I apologize.

STROMMEN: Senator Storer, you have 9 minutes.

STORER: Thank you, Mr. President. And thank you, Chair Bosn. Some of this may be a little bit of a repeat, but I'm going to, sometimes we need to hear things a couple times to understand fully what they're doing, but LB818 indeed strengthens Nebraska's domestic violence and assault statutes by focusing on the most dangerous conduct and the highest risk offenders. This bill increases penalties for second and first degree domestic assault so that they are more aligned with comparable simple assault offenses. Recognizing that violence committed in an intimate relationship carries unique risks of coercion, escalation, and repeat harm. It also modernizes our statutes by explicitly including reckless conduct that results in bodily injury or serious bodily injury involving a dangerous instrument. Conduct that prosecutors and law enforcement increasingly encounter, but that current law does not always address clearly. LB818 ensures accountability for repeat offenders by recognizing prior domestic assault and strangulation convictions from other states and from federal court. It was also amended to include tribal. Domestic violence offenders are mobile. Survivors move, offenders move, and Nebraska's sentencing framework should reflect the full history of an offender's violent conduct, regardless of where that conduct occurred. LB818 builds on that work and reflects what we have learned since that domestic violence causes involving-- cases-- I'm sorry-- involving

recklessness, strangulation and repeat conduct are not anomalies, they are patterns. This bill is about aligning our laws with that reality, improving consistency in charging and sentencing and sending a very clear message that repeated and escalating violence in the home will be met with serious consequences. Last year there were-- last year alone, there were 12 domestic-related murder-suicides in Nebraska. That represents more incidents than the last 4 years combined and triples the number of incidents from 2024. We have seen a surge of horrific domestic abuse in our state, but unfortunately the law, as it currently stands, continues to treat domestic abuse as a less serious crime than the so-called simple abuse. And it hampers law enforcement's ability to hold perpetrators accountable. To illustrate this point, let me present this hypothetical. Under Nebraska law today, someone who stabs a stranger on the street could face up to 50 years in prison. But if they stab their wife or girlfriend as she's sleeping in her bed, they would only face up to 20 years in prison. Here's another hypothetical: If you hit a stranger on the street with a baseball bat, but don't cause serious injury, you could face up to 20 years of prison. But if you go home and hit your wife or your girlfriend with a baseball bat and don't cause serious injury, you could only face up to 3 years in prison. There's absolutely no justification for this gross discrepancy. And my bill aims to bridge the gap and see that domestic assault offenses are treated under the law as the serious crimes that they are. We will do this by enhancing the penalties for first and second degree domestic assaults and enhancing the penalties for subsequent offenses, including language and domestic assault statutes that allow, again, someone to be convicted of these offenses when committed recklessly and allowing prosecutors to use out-of-state conviction-- excuse me-- convictions to enhance domestic assault offenses here in Nebraska. This bill, when passed, will give law enforcement and prosecutors, again, the necessary tools to hold abusers accountable and to protect survivors from future abuse. I yield the rest of my time. Thank you.

STROMMEN: Senator Fredrickson would like to recognize Allen Fredrickson, his father, underneath the north balcony and Jannel Summerland. Please rise and be recognized by your Nebraska Legislature. Returning to the queue, Senator Storer-- oh, announcements. Mr. Clerk.

CLERK: Mr. President, some items for the record. Your Committee on Health and Human Services, chaired by Senator Hardin, reports LB929 to General File, as well as LB1221, both having committee amendments. As

it concerns LB965, Mr. President, Senator DeBoer, I have FA1118 with a note that you would withdraw.

STROMMEN: So ordered.

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

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

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. Just a couple of points that I want to reiterate, and I appreciate my friend Senator Storer's passion for these issues. But, again, colleagues, I'd ask you to look at the criminal justice research. I'd ask you to look at the findings from CSG and CJI and others who've done a comprehensive examination of our criminal justice code. And the weight of the evidence is clear and significant that enhanced criminal penalties do not lead to a significant deterrent effect. So if the primary impetus for all the new felonies and all the new criminal enhancements at the heart of it, if their goal of proponents is deterrence, that approach, particularly alone, goes against the great weight of evidence from those with expertise in the criminal justice reform generally, and that have looked at our statutes in Nebraska, where they have continually counseled Nebraska lawmakers to stop creating new crimes and stop enhancing existing crimes if we want to truly address our significant prison overcrowding crisis and mass incarceration issue, which does not enhance our shared public safety goals, which is not a good value for taxpayers, which does recognize the human rights components herein, which does not acknowledge the existing significant criminal penalties for this activity, which there should be. No one is arguing otherwise. The other thing that I think is particularly a hard conversation to have about an emotional and high-profile issue like this, and Senator Storer noted it, and it's been detailed in news publications recently which have helped to shine light on these issues and have been part of the impetus and origins for this legislation when they recognize the significant spike in murder-suicides and the domestic violence and relation issues at the heart of those horrific and tragic events. My question to my colleagues Senator Storer, Senator Prokop, Senator Bosn, Senator Raybould, and other pushing-- others pushing these measures is simple, if you're dealing with a murder-suicide situation and that's the mentality at the moment, how does an increased criminal penalty detour somebody who's willing to take the life of a loved one and their own

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life? Was that part of the committee deliberation? Did you find authority for that in the research? Thank you, Mr. President.

STROMMEN: Senator Bosn, you are recognized to close on AM3013.

BOSN: Thank you, Mr. President. Colleagues, I ask for your green vote on AM3013, which is Senator Storer's LB818. Thank you, Mr. President.

STROMMEN: The question before the body is the adoption of AM3013. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 2 nays on adoption of the amendment, Mr. President.

STROMMEN: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator-- excuse me, the next piece of the division, AM3014, which was originally LB1123.

STROMMEN: Senator Bosn, you're recognized to open on AM3014.

BOSN: Thank you, Mr. President. As indicated, this is Senator Bostar's LB1123. As amended, this bill strengthens due process protections for law enforcement officers in connection with Brady-Giglio disclosures. The bill establishes uniform notice, reconsideration, confidentiality, and review requirements for such disclosures. This bill also strengthens public safety by increasing penalties for impersonating a peace officer. Colleagues, I will, in full disclosure, indicate that since the debate on LB965 has started now several hours ago, I know some of the individuals who had concerns with this portion of the bill have been working together to see if there's some ways that it can be strengthened because I think the underlying intent of LB1123 is supported, but it's just how it's actually put into statute and practice that may need some work, so there may be some amendments to this between General and Select. I'm happy to continue working with the parties on that. The intention of LB1123 is to establish a process by which an officer who has-- so let me back up. What's Brady-Giglio? And I don't have the actual case law of what Brady-Giglio is, but, overall, Brady-Giglio information is if you have-- if the prosecuting agency has information that an officer has previously been found not credible or has certain law violations on their record, you have to disclose that, the prosecutor does, to the defense so they can use that for purposes of impeachment. And one of the determinations that's made is whether or not that information is provided to the defense attorney. The goal of this legislation is to provide some sort of

process for the officer, notice, the opportunity to rebut the allegations, the opportunity-- and, and be heard in general, and then some sort of an appeal to an independent third party if there is questionable concerns that are raised. It's not to eliminate the disclosures or to hide something that would otherwise be relevant. It's to have an established process for law enforcement when these concerns arise. Nobody in here is defending when-- if an officer does something that's not correct and is, is problematic, certainly they should be held accountable for those things and those disclosures should be made. But this bill doesn't touch that. This bill really is designed to say what does that process look like and how do we formulate a process so that everyone can be informed and, and the right decision can be reached? And so I think that even those who had initial concerns have now sort of understood what the intent is and there may be some ability to get to it the same common ground, and as I indicated, willing to work with them. But I just want to set the stage as to what that is and ask for your-- ultimately, ask for your green vote on AM3014 and also the underlying bill. Thank you, Mr. President.

CLERK: Mr. Clerk, for an amendment.

CLERK: Thank you, Mr. President. Senator Bosn, I have AM2950 with a note that you'd withdraw.

STROMMEN: So ordered.

CLERK: In that case, Mr President, Senator Bosn would offer AM3004.

STROMMEN: Senator Bosn, you are recognized to open on AM3004.

BOSN: Thank you, Mr. President. AM3004 is to clarify a narrow issue specifically in regard to Section 25 of AM2846. This amendment comes at the request of the Nebraska County Attorneys Association and with agreement from law enforcement. As drafted, Section 25 allows an officer to intervene to file a motion in limine challenging a Brady-Giglio disclosure, but it does not clearly define what happens after that motion is resolved. Without clarification, quote, intervene could be read to allow ongoing participation in the case, creating uncertainty for courts, and risking turning the officer into a quasi party. And that is certainly not the intent. AM3004 makes two clarifications: first, the officer may file a motion only if the prosecuting agency does not file one on the same issue; and, second, it makes clear that the officer's role is limited to that pretrial

motion. The officer is not considered a party, they're not participating as a party at the trial other than they may be called as a witness, and they have no right to appeal. This keeps the provision a narrow pretrial safeguard without introducing a new participant into the case and provides clear direction to the courts on the scope of an officer's involvement so that this process remains limited, efficient, and consistent with existing criminal procedures. I ask for your support of AM3004. Thank you, Mr. President.

STROMMEN: Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I want to thank my friends Senator Bostar and Senator Cavanaugh and Senator Dungan and Senator Bosn and Senator DeBoer and all of the different stakeholders working on perhaps this the most contentious part of the committee package. And through honest candid conversations and hard negotiations and hard work and good thinking, I think we've been able to discern amongst those of us who even approach the initial issue perhaps with different solutions. I think we've able to zero in, laser in on ultimately the shared values. And, I think, we're working through, hopefully, some potential amendments that will be acceptable to everybody to have a better remedy and structure in place to advance the shared goals. So I have significant concerns with the components of this division as contained in the committee amendment, but I'm not going to spend a lot of time talking about those in details because I think the amendments that we've all been talking about and working on will change those. So let me just kind of level set maybe two, two threads here that are important for this component of the committee division. One thread has to be the civil rights and civil liberties guaranteed to ensure a fair trial for a criminal defendant. Another thread has to be due process for law enforcement officers who are subject to an adverse employment decision or action. I think everybody has a good and clear understanding that we need to be protective of both of those threads, but those threads should not be intertwined. They need to move on-- those trains need to move on separate tracks. So what we're trying to figure out is the best way to do that. And I think with each conversation we're getting a lot closer to figuring out how to do that. So, again, when we talk about things like Brady-Giglio, this emanates from undisputed, again, not my opinion, two U.S. Supreme Court rulings requiring prosecutors to disclose evidence that's favorable to the defense to ensure a fair trial. And those decisions have to remain in the hands of the prosecutors and prosecutors have a clear process in place for how to make these decisions and how to work through that process. And prosecutors are

thoughtful about their unique ethical objections-- obligations, their unique ethical obligations in the pursuit of justice. And the prosecutors I know who have tough jobs and do them well and need to be commended for that, recognize that if they don't adhere to these critical rules regarding evidence and disclosures to ensure due process and fairness they risk professional implications for themselves, and they risk the convictions of true public safety threats. So they err on the side of disclosure to ensure robust application of rights, protect their professional licensure, and to protect criminal convictions when serious transgressions of the law have happened. Now I understand from our friends--

STROMMEN: Time, Senator.

CONRAD: Thank you, Mr. President.

STROMMEN: Senator McKinney, you are recognized to speak.

McKINNEY: Thank you, Mr. President. This bill, one, I rise in opposition of it. Two, it's very interesting, you know, we want to pass this bill to give due process rights to law enforcement officers who end up on a Brady-Giglio list. Interesting. So under Brady v. Maryland, prosecutors have a constitutional duty to disclose all favorable material evidence to the defense, including escapatory, innocence tending, and impeachment credibility destroying evidence regardless of intent. This is the Brady Rule. It applies without a request and covers information known to police. Prosecutors must disclose Brady material. This means any information favorable to, to, to the accused, which can include evidence that negates guilt, reduces the potential sentence, or impeaches the witness credibility. The information or evidence must be material, meaning there is a reasonable probability that disclosing it would have changed the outcome of the proceeding. Prosecutors must disclose this without being prompted to or ordered to in any way. The obligation is automatic and does not depend on a defense request for discovery. Prosecutors are responsible for disclosing evidence within their possession or in the possession of law enforcement agencies involved in the investigation. The duty to disclose applies regardless of whether the prosecutor intentionally or unintentionally withholds the information. The requirement to disclose must be done timely in order for the defense to effectively use it. And while I say this is interesting, you know, a couple of times I've brought a bill in a bill sometimes, but multiple times I tried to make the Brady-Giglio list public. And the county attorneys and law enforcement, you know, on

Senator McKinney bills, especially those like this, they fell the Judiciary Committee and say Senator McKinney is trying to demonize law enforcement. He's trying to make our lives hard. He's trying to do all these things. Very interesting. Now they want due process to get off this list, which is otherwise referred to as the bad officer list. And what makes this also interesting is police departments, I know Omaha, they have a gang list or a gang file, however you want to call it. And there is no due process rights for individuals that end up on this list. And it's very easy to end up on this list because you can end up on this list by just being in the presence of a family member and you could just be an innocent person, an innocent bystander. Then they pull-- let's say for example, they pulled a car over. Your cousin is in a gang possibly, maybe not, but possibly. You're just in a car, guilty by association, now you're-- one, they run your name, then they put you on this list. So then when you get in trouble, you could potentially get a gang enhancement because you were just riding in a car with a family member. It is that simple. And when you ask how can somebody get off this list, it is not clear. So there is no due process for an individual to get off a gang list, which could severely harm you for a lot of reasons. Just imagine you're driving while black in Omaha and you get pulled over and you-- unbeknownst to you got put on this list for just riding with your cousin, you could end up in a bad situation where guns get pulled, they pull you over, say, do you got guns, do you got bombs in the car? I've been asked these questions. It is crazy actually to ask me did I have a bomb in the car, but they asked the question. So what I'm saying is people could end up in bad situations without due process to get off a gang list, but the police want due process to get off a bad officer list. I say if there's any amendment being worked on this bill, then there needs to be an amendment for a process for somebody to get off a gang list as well. So that's my, that's my thing, and if you all don't bring it, I will bring an amendment on Select or whenever, because I think if they want to get off the bad officer list for due process reasons, there should be due process, due process reasons to get off a gang list. Thank you.

STROMMEN: Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President, and good almost evening, colleagues. So just to make sure it's clear, I was just over here off the mic talking with a number of our colleagues in here on both sides of this issue. There are currently, as Senator Bosn indicated, negotiations, conversations going on about a potential solution for at least to this portion of the bill. So please bear with us, colleagues, as we

continue to talk about this, as I do think we're actually making some progress. Because the debate we've had today has been, I think, very good and legitimate around all of these issues, but specifically about the portions of AM3014 that we're dealing with right now, or AM3004, as well. So I want to back up a little bit and talk about this Brady/Giglio. So we keep saying Brady-Giglio, Chair Bosn referenced that those are case names. I think some others have said that, but I just want to level set a little bit about what it is that we are talking about. So these are U.S. Supreme Court cases. Brady-Giglio is not one case. It is Brady and Giglio. And together they represent two different holdings that both come from the '60s and the '70s. So Brady v. Maryland was a 1963 case that mandates disclosing exculpatory evidence that negates guilt. That's a fancy way of saying if the state or any of the actors of the state know, or have knowledge of or possession of evidence that could help the defendant prove that they are not guilty. That's what exculpatory means, that it shows you're, you're not guilty, or it assists in that. If they have exculpatory information, they are required by the U.S. Constitution to share that information. That is not a Nebraska law. That is not something special. It is a U.S. Supreme Court holding that has been in place since the 1960s to ensure that our process and our, our, our entire system follows the fundamental rules of fairness and due process. Because if the state has the power in a lot of these circumstances and they know something that proves that you're not guilty, but they don't share that with your attorney or with you, that is problematic. So when we say Brady, we're talking about a fundamental requirement that applies to every county attorney and district attorney and U.S. attorney across this entire country to disclose information that is potentially exculpatory to the defendant. In addition to that, there's a case called Giglio v. United States. That comes from 1972. Giglio requires revealing impeachment evidence, which is evidence that might challenge the credibility of a witness. So you might remember I said this when we first kicked off this debate and we divided the question on LB965. Impeachment, we hear about it in the news, we hear about it with political figures, often means, you know, kicking somebody out of office. That is not what impeachment means in a court of law. For a witness on the stand to be impeached, it means that you follow a set of questions or a, a list of questions, and, ultimately, call into credibi-- or call into question their credibility. And so you can impeach witnesses with things like prior inconsistent statements, meaning they are saying something different now than they have said before. You can impeach a witness with prior bad acts or prior criminal convictions, and there are certain rules for what you can and

can't impeach your witness for on that. Generally, it means that you can impeach or call into credibility-- or call into question the credibility of a witness for a prior criminal conviction of certain circumstances, felonies, for example, within the last 10 years. You can impeach most witnesses, I believe, with crimes of moral turpitude, meaning crimes that would generally show they're dishonest, like fraud or forgery or things like that. So these are all ways that, and this is across the entire spectrum, that you can impeach a witness. And this is something that's utilized if somebody's on the stand in a trial, and that person is saying Joe Smith did X, Y, and Z, or they stole a car. But the person saying that is not credible. They're a liar, or they have prior convictions that you think can be brought up. You can bring that up. The reason I highlight this, and I see my lights on, so I'll punch back in to talk more about this law, because it's actually really fascinating, and I'm a total nerd about this. When we say Brady-Giglio, we're not talking exclusively about police officers. That is what this bill is talking about. But there is an obligation that the state has to disclose exculpatory evidence writ large. And there is an obligation that a prosecuting office has to disclose any impeachment evidence about any witness. Brady and Giglio requirements both apply to police officers. And that's what gets us here today. And we're going to talk more about that. But I just want to be very clear that when we talk about Brady-Giglio, it is not a narrowly tailored statute that only applies to law enforcement. They fall under that the same way that any witness would, and the same that any exculpatory evidence needs to be disclosed. So, again, we are continuing to work on potential solutions to some of the issues that have been raised here today, and I look forward to the discussion. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Would Senator Dungan like more time? It's up to you. You do? You were on a roll, so I'll yield my time to Senator Dungan.

STROMMEN: Senator Dungan, you have 4 minutes and 45 seconds.

DUNGAN: I have like 43 seconds, but thank you, Mr. President. Yes, I do appreciate the time, Senator Cavanaugh, as I do think it's helpful to situate us in what this is all about and why there's an objection. So, as I've indicated, in any criminal case, there is an obligation to disclose this evidence to the defense counsel. In most cases, the defense counsel files what is called a motion to compel, right? I file

that, for example, if a case gets bound over or sent up to district court. So you file a motion of compel. And what that says is you are compelling, or a motion to disclose, rather, that they have to disclose all Brady and Giglio information to you. Regardless of whether I file that motion or not, the obligation still exists for the county attorney to turn over that information. You get into a discussion then of what is known and what is not known. Just because an individual county attorney-- like the Lancaster County Attorney's Office has, I don't know, 30, 40 people. I look back at Chair Bosn, she would know more than me. There's a lot of attorneys that work there. Similar to a public defender's office in the eyes of the law, they're seen as one entity. So if deputy county attorney A doesn't know about something that is potentially Brady evidence, but deputy county attorney B does know about it, it is presumed in the eyes of the law that the county attorney's office knows about that and it should be shared. It's for that reason that county attorney offices usually keep files on individual officers who they're, who they're going to call on a regular basis because believe it or not, if you're, you know, a prosecuting attorney, you're going call the same police officers on a regularly basis to prosecute cases because they do a lot of these over and over. And so it is for ease of management and ensuring that nothing falls between the cracks that these files are kept so if officer so-and-so is being called in a case I can go look at my Giglio files and see does officer so-and-so have anything that I need to disclose that our office collectively knows about? There is no dispositive or definitive Giglio list. The idea that there is this, like, database that exists where if your name is on it it has to be shared, and if your name is not on it, it doesn't have to be shared is not true. And I think that that gets conflated sometimes, not maliciously, but it gets conflated with the idea of people saying Giglio list or things like that. The whole concept of a, quote unquote, list that is being kept is for ease of the prosecuting attorney to disclose information. If a prosecutor knows or has reason to believe that, for example, an officer has done something that should be disclosed under Giglio, and they go look at that file, and the file doesn't have a letter in it, it is still the obligation of that prosecuting attorney to disclose that information, because they know that they should disclose that. So the file is just an administrative benefit. And that's what gets us to part of the confusion here, I think, about the bill. Because the idea that we're trying to make sure that happens, which I completely understand, is that a law enforcement officer is not having information shared as Giglio evidence if it shouldn't be. And I think that's a completely

fair and understandable concern. People want due process. People want to have their voices heard. And so what we're trying, I think, to establish is we're trying to strike this balance between ensuring the fairness to make sure that somebody doesn't have information being disclosed that's not actually rising to the level of Giglio, meaning you can't impeach with it, versus the autonomy of a prosecutor and the idea that a state's attorney or a county attorney has the sole ethical obligation to disclose that information at the end of the day. There are parts of this bill that I think Senator John Cavanaugh is going to speak to here in just a moment that I think are problematic because we're talking about two different things. We're talking about due process, hypothetically of keeping your name on or off a, quote unquote, list or having your name be shared under Giglio, and this bill talks about a witness that is law enforcement being allowed to intervene in the middle of a case as a witness, not as a party to the case, in an effort to have a judge make a determination as to whether or not certain evidence can be admitted in that trial, which is unprecedented and, in my opinion, should not be allowed. Not because of who's involved, but just because that's not how criminal cases work. So I appreciate the conversation. This is very in the weeds. This is like the kind of stuff that people take evidence classes about and have to take tests on. I don't expect everybody to follow along. I might not even be doing a great job of explaining it, but I do hope we keep talking about it because it's vitally important. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I don't particularly appreciate Senator Dungan saying exactly what I'm going to cover. Really pigeonholes me. First off, I think it's pronounced Giglio. Oh, wait, no, Giglio. That's what I was going to say. Senator Dungan is pronouncing it one way. I think it could be pronounced another way. I will talk about what he hinted at. So there are two parts to this amendment into this section. There is the part that establishes a process, a committee, wherein it's made as an advisory opinion a determination of whether someone, an officer, should be included in a disclosure. So that's one section. What Senator Dungan was getting at was the next section is a mechanism by which an officer can insert themselves into a case and object to the disclosure being brought up in the case as impeachment, as Senator Dungan was talking about. So what is happening here, what we're talking about is, that there was a, a conversation at the very beginning about due process, and there are essentially competing rights and interests at play in this amendment.

And the, the first interest is a liberty interest of the person in-- who is defendant in a case, who is potentially arrested by a police officer, or in some way, the officer would testify in that case. And so that person has, you know, due process right. They have a right to a trial. They have the right to confront their accusers. They have a right to elicit evidence and put on a defense. And they have all of these things and that right needs to be protected. That is a fundamental right to the system of our democracy, and that we have to make sure that people get a fair trial. The right that this bill is protecting or seeking to protect is the officer's right to be able to do their job and-- because what happens is sometimes officers will end up on this, this list list or they'll have something in their file really is probably what it is, there's not really a list but there will be some sort of adverse disclosure in somebody's file and as Senator Dungan talked about a, a county attorney or a prosecutor's office will have say, oh, well, we know this officer and they had X thing happen, right? And so they have an ethical obligation to disclose that. But what happens is there are certain problems or issues that are in somebody's file that would make them a bad witness, and if they are the only witness, then the prosecutor maybe wouldn't bring the case with that officer as a witness, which then leads to the law enforcement agency not being able to use that officer for every task. You know, they couldn't send them on a patrol by themselves because if they pull somebody over and the county attorney's office is not going to pursue a case with that officer, then, of course, they wouldn't have a case. So there becomes this concern that if somebody is wrongfully put in the file or has a, a black mark in a file of this kind, that they would lose their job. And we're told there are examples where this has happened where officers have lost their job because their department basically says we can't use you anymore because the county attorney's office won't charge cases that you are the arresting officer in. And so that's-- that is their interest that they're seeking to protect with both the appeal process in the first section, which I call Section 24 because I think that's the section in the original bill, but then there's this other part. So Section 24 stands alone from Section 25. Section 25 has this other part that's called the motion in limine, which is where that, that officer then can insert themselves into the criminal case and say the thing that you-- I'm alleged to have done has no bearing on this case and should not be brought up. And so this is an attempt to assert that they are still useful, really, that their testimony could still be valuable, that the cases should still be brought, and that they should be able to keep their job. The problem with that is, is they are asserting it

in someone else's right to a fair trial and to protect themselves. And so the concern on that section is specifically the mechanism by which they are asserting their due process. And so we're having very positive conversations about finding a way to create a process that protects the officers, ensuring that they are not included wrongfully in the list or whatever-- however, you want to call it, and that they have an opportunity to appeal, they have an opportunity be heard, they an opportunity to present evidence, all of the due process rights that we are seeking to protect for everyone, we are trying to ensure that we are protecting for officers. So I think there is a fruitful conversation happening. We're going to keep having that conversation and I'll talk a little bit more. Thank you, Mr. President.

STROMMEN: Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. I think we are sort of hovering around a kind of meeting of the minds generally and trying to figure out exactly how to make it work. One of the things that I believe most of us are generally in favor of is providing due process to officers at the same time as still providing due process to defendants in cases where an officer might be involved. So there is nothing we, in this room, can do that changes a prosecutor's duty to disclose. Because that, Brady and Giglio, are cases that were decided by the Supreme Court of the United States about due process under the constitution. So those are set. The duty for the prosecutor to disclose exculpatory evidence, that's set, that's done. We can't change that. And so what we are doing is now trying to figure out the way to operate within that system in a way that provides due process both to the defendants in cases where an officer is involved that has some sort of Brady or Giglio notation, we will say, and at the same time provide some sort of due process for that officer in situations where there is adverse employment action based on that Brady or Giglio notation. So we are trying to balance those interests. And I think Senator Bostar said he has no intention of trying to change whether or not a prosecutor, in their discretion, decides to disclose the evidence about an officer because that is not something that can be changed in this room. So that part, we all agree about. We also want to provide some sort of due process for those officers. And I think that part we can agree about. Now, how do we do that? That's the next question. The amendment that we, I think, is the one on the board, Senator Bosn, is the one, is the one that I looked at that this morning. And one of the concerns that I have about that is every time one of these officers that is-- has a notation, as I will call it, in their record is a witness in one of these trials, we will have to have a separate motion in limine in

every single one of those cases. So every single time that officer is appearing as an investigator, as a witness, as whatever they're investi-- they're, they're appearing on the stand for, there will have to be one of these motions in limine because the Giglio part requires materiality to the case at issue. So that is different for every single one of these cases. So with respect to the Giglio portion of Brady-Giglio, since it is tailored to the individual circumstances and facts of the case, there would have to be a separate motion in limine, which would not be binding on any other case which that officer was involved in. As you can see, that would add a lot of adjudication of that particular issue. And so that is one of the concerns that I have is adding that proliferation into our criminal justice system to go through and look at the materiality of those notations of, in this case, Giglio in that case. So I think we are trying to get there. I think there is a basic understanding that we probably don't want a process whereby a police officer who is acting as a witness in some way intervenes in a case that they're really not a party to in order to make the objection to the disclosure by the prosecutor, which it is their duty to do. So it's a complex situation, but I, I think we are, we are circling around a, a solution and we'll just keep working on it. Thank you, Mr. President.

STROMMEN: Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. Again, I'm not going to spend a significant amount of time going through some of the technical and substantive components of the amendment before us and this aspect of the division because I think everybody generally agrees. We're conferring with all of the relevant parties. We're waiting for Bill Drafters to get things back. That while very well-intentioned that the procedure put before us in that aspect of the committee amendment may not help to advance the shared concurrent goals that we're trying to advance, to ensure a clear process that centers the due process rights and liberty interests of individuals in a criminal case, and that follows established procedure in terms of criminal procedure, rules of evidence, application of existing Supreme Court case law, etcetera. And then a separate component wherein law enforcement officers who become aggrieved about inclusion on something like a Brady-Giglio list or notation in that regard, that they are trying to find the right forum to challenge the inclusion of that notation or on that list in some instances. And we're trying to make sure that the workers' rights component, the property interest that those law enforcement officers have in regards to their job, in regards to their employment, has a separate forum which may not exist

or may not exist, and a strong enough formation as they would like to see. We want to ensure that there is a forum there to ensure and protect their due process rights in regard to their employment and to ensure that they are not impermissibly suffering an adverse employment decision. And I support that and understand that. So there are really important goals in this component of the legislation. But I think the, the significant amount of "constertation" came with conflating, for lack of a better term, that kind of HR piece, that employment piece, with the criminal process and case. So I think we're trying to work thoughtfully and creatively to strengthen a forum for due process, for law enforcement officers, and to ensure clarity and consistency in regards to our criminal cases. Because I think everybody understands the risk. If there isn't an adherence to case law, if there isn't a disclosure that needs to be made, and, in fact, that's why prosecutors will err on the side of such disclosure, it risks a criminal conviction potentially. And I don't think anybody, any stakeholder wants that. So we're trying to figure out how to keep those separate. I think we have some good ideas that are at Drafters, people are conferring with the different stakeholders there, and it's tough negotiation. It's important negotiation. I really, really, truly appreciate all of the people who have been a part of those discussions, being willing to have tough conversations and do it with good faith and good humor. That gives me a lot of hope about where we are as a body and as a Legislature. And I don't know if we'll get there before the dinner break in the next few minutes, but we're definitely headed in the right direction. So thank you, Mr. President.

STROMMEN: Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. I apologize for the pause. I was talking to some folks over there. I just wanted to continue the conversation, and thank you to those who are bearing with me as I kind of get into the weeds of Giglio and Brady and how the process works. It is just, I think, really interesting how it all goes down, and to note what the obligations are. And I think that when we're talking about this, it's really difficult because we're balancing an ethical responsibility of the county attorney with the, I guess, due process, if you want to call it that, of law enforcement to make sure that they're being protected in their professional capacity. And that's a, that's a difficult balance, but you're, you're talking about things that kind of fall into two separate categories. It's apples and oranges in a real way, and that makes it difficult to come up with a proposal that I think addresses those two things appropriately and balances those two interests in a way that functions. The part of this

bill, if I were to bifurcate this bill or separate it into two different things, we have one where there's the, is the officer on the so-called Giglio list, right, that's part of the discussion. And if they are, who makes that determination? And is there an appeal process for that officer to have their name taken off or for a determination that their prior indiscretions don't rise to the level of a Giglio disclosure and what does that appeal process look like? That's kind of bucket A, then there's bucket B of the current committee amendment that is, if I'm being frank, the part that I have the most objection to, which is the ability for that officer to intervene, which means kind of step in and become a party to a case, where they're a witness, in an effort to say to a judge, will you, Judge, please make a determination that this Giglio evidence cannot be admitted into the trial. And they get to go to an in-camera hearing, which means in the office, kind of in private of the judge, outside the presence of defense counsel and other parties to the case, where the judge ultimately under the current structure of this, as I understand it, gets to make a preemptive determination as to whether or not this is, in fact, Giglio evidence, absent any objection or any kind of issue brought up by either of the parties involved. There is no precedent for that being the way that these things work. At a trial, you can either have a jury trial in front of members of your community, 12 members of your community if it's a felony, or you can have a bench trial in front of a judge. The parties at that trial are the prosecutor, the defendant, the defendant's counsel, so you have those two sides, and they're both parties to the case. You have the state bringing the case, you have the defendant who's saying I'm not guilty and I want to fight this. Then you have the judge, and the judge is the one that sort of referees the whole thing and is the gatekeeper as to what evidence can and cannot come in. And then you have fact finder. And when I say fact finder, that's the group, the jury, of people who hear all the evidence and make the ultimate determination as to whether or not the defendant is guilty or not guilty of the crime, right? That's super, like, 101 how a court's laid out. In order to prove their case, the prosecution calls witnesses, right? They bring witnesses, they put them on the stand. They have to prove they're case beyond a reasonable doubt. The witness is not a party to that case, right? If you, for example, colleagues, witnessed a theft, and you get called in to sit on the stand as a witness so the prosecution can ask you, what did you see, who did it, do you see that person here today? You're just a witness to that case. You are not the defendant, and you are not the prosecution. You do not have a right to file any motions. You do not have a right, under the way that our

court system works, to object to anything. Your obligation as a witness is to come in and answer questions honestly and to the fullest of their ability. And it's up to the attorneys, both the prosecution and the defense counsel, to object to things that they don't think should come in or to make motions before the judge as to prohibit or keep anybody from talking about any evidence that they don't want the jury to hear. What this bill does is it creates this completely foreign process where a law enforcement officer, if they are a witness and if they don't want this Giglio evidence or potential Giglio evidence to come in at the trial to step in and file a motion with the court on their own volition, absent the prosecutor or the defense from doing anything to say I don't think that should happen. That is not how our court system works. I understand that there's an attempt here to create some due process. I simply just don't think--

ARCH: Time, Senator.

DUNGAN: --this is the way to do it. Thank you, Mr. President.

ARCH: Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I cannot go as deep into this very intricate issue as Senator Dungan can, but the pronunciation of Giglio or Giglio has led me to wonder about the root or the origination of the term gigolo. So I have looked it up, and I thought I would share it with you all. The term gigolo originated in the early 1920s France as a back formation from gigolette, a hired female dancing partner, and was first used in English around 1922. It describes a man supported financially by an older woman in exchange for companionship or sexual favors often rooted in 19th century Parisian dance culture. So I really had been coming up over and over again in my head that what does this have to do with gigolos? Nothing is the answer. So we're almost to the dinner break. And I know that we have an amendment coming down that, hopefully, is a compromise that we will have when we return from the dinner break, hence my bringing forward my own sort of whimsical thought about the origination of the term gigolo. Oh, it had French roots. The word is derived from the French-- oh, I already said that. Oh, it refers to a tall thin woman, dancing girl or prostitute. Gigue, my French pronunciation will be terrible, g-i-g-u-e, which originates from a leg or a fiddle. The French word for fiddle and leg are the same? That's interesting. I didn't study French, so I'm not well-versed to know exactly what this all means. But in the 1920s, there was a proliferation. The term gained popularity in English after World War I, often associated with

dashing, charming young men on the French Riviera who were paid for companionship by wealthy tourists. The cultural impact, the term was immortalized in popular culture, including the 1922 novel, *Gigolo*, by Edna Ferber, and, later, the 1980s film *American Gigolo* starring Richard Gere. I don't know if I actually ever saw *American Gigolo*, but I do remember. *American Gigolo* being a very popular movie. So I also just want to give our favorite daily social media blog posters, Unicameral watch some fodder to just talk about Giglio, Giglio and gigolo. And I know how much they love when I have random conversations for them to critique. So that's-- there you have it. It's borrowed from-- OK, that's the same. Oh, it's a lewd-- another perhaps is a lewd wanton girl. I always think that wanton is an interesting term. I like to look up words like phrases that we use a lot because there's oftentimes something that we say that has roots that come usually from some racist history. And so I like to make sure that I'm not saying something that is really offensive inadvertently, so I look things up. But wanton, I think that's just a fun word, wanton of a cruel or violent action, deliberate and unprovoked, OK, sexually unrestrained or having many casual sexual relationships typically used of a woman. So there we have it, a wanton woman is an unrestrained woman or a cruel and violent woman, who knows. Hopefully, we're going to have a dinner break here very shortly and come back to an amendment or more wanton conversation. Thank you, Mr. President.

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

[EASE]

SERGEANT AT ARMS: Attention, Senators, the Legislature shall resume in 5 minutes.

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

J. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. Happy after dinner time. It always feels like being the first one to speak after dinner is like a blessing and a curse, because you have to run back, but also it's kind of, like, fresh. So we are on AM304 [SIC] to AM314 [SIC] to LB965, and we've talked a lot about a lot of other sections of this bill, but the section we're on currently has to do with a procedure for disclosure of potential wrongdoing or misbehavior by law enforcement officers. And so what the AM does, AM3014, which is

a section of the whole bill, creates a commission or committee of prosecutors who review potential, disclosable, events or, or information. And so the prosecutors-- so we'll use Douglas County as an example-- they would be made up of two county attorneys, two city prosecutors, they would review information and decide whether it's, it's something that should be disclosable for law enforcement or for, for the prosecutors to have to disclose to defense attorneys. I was going to talk last time, and so I'll talk a little bit about the original, the Supreme Court opinion of Giglio that we have been talking about, and one of the important things in it is, I think it's on page 154 of the case, it says: In circumstances shown by the record, neither the attorney's authorized authority nor his failure to inform his superiors or successors is controlling. Moreover, whether the nondisclosure was a result of negligence or design, it is the responsibility of the prosecutor. The prosecutor's office is an entity and, as such, it's the spokesman for the government. So-- and then it goes on: to the extent that this places a burden on a large prosecutor's office, procedures and regulations can be established to carry that burden and to ensure communication of all relevant information on each case to every lawyer who deals with it. So what it's essentially saying is that the duty to disclose is both the responsibility of the lawyer, the prosecuting attorney, but also the responsibility of the office. And it's, of course, good practice, as is said by the U.S. Supreme Court here, for an office to have a procedure in place to identify disclosable information and to have a mechanism to make sure that other lawyers in the office are aware that they have this obligation to disclose. And so I do think there's some good stuff in AM314-- AM3014 to ensure that there is a procedure to both protect the prosecutors, the county attorneys and city prosecutors, in their obligation to disclose, but also in protecting the officers from being wrongfully maligned by being included in this proverbial list. And so I think there's some good stuff in AM314 [SIC]. We have been working on an amendment that I think solves some of the concerns. The secondary section of AM314 [SIC] is this additional motion in limine that would allow an officer who feels aggrieved, is the word it uses, by being included in the list to file a motion in limine in a criminal case to say that they should be-- this information should not be used in the criminal case. And so that is a new procedure, something that doesn't happen, allowing someone who is not the prosecutor or the defense attorney to file a motion in limine in a criminal case. And so that is-- there's-- I oppose that creation of that new mechanism for that purpose, but I do support protecting the due process rights of the officers and ensuring that

they are wrongfully included in this list. So trying to find a way to both protect those rights, but not create this new mechanism that I think a lot of folks oppose. I think we're getting close to that. I have an amendment drafted that I'm just starting to circulate right now, and I'll talk to folks and maybe will be-- next time I'm on the mic, will be explaining that amendment. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President, and good evening, colleagues and folks that are still joining us late in the day. So I appreciate the conversation that's being had and really the expertise of colleagues that they're bringing in around this. I've been trying to follow the debate and, again, I think especially given the nature of all of the bills in this package, it's been really helpful to have the question divided so that we can have intentional structured debate on each of these measures that have a lot in them. So as it relates to AM3004, which was originally-- for folks that are watching at home-- now I don't even have my list with my other number-- for folks that are following because we've had so many bills. But for the AM that's up, AM3004, currently I oppose and appreciate the, the compromises and, and negotiations that are being worked out-- worked on off the mic. And so I look forward to seeing that amendment and what is in front of us. I wanted to give some thoughts and I think, you know, some of these measures that have come up, especially today and with this one, have been, been trying to be figured out for a while. I know Senator McKinney has brought a number of different measures to really address this Brady-Giglio list, and now I'm self-conscious about how I'm saying it after Senator Cavanaugh kind of took us down that path of what does it look like? And so I wonder would Senator McKinney yield to a question?

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

McKINNEY: Yes.

SPIVEY: Thank you, Senator McKinney. I know you talked a little bit about this before our at ease and there's been a lot of discussion. But would you mind kind of taking us through some of the bills that you have brought before to address some of the issues that I think the proponents of this bill think that they are addressing that maybe you had a different approach on?

McKINNEY: Yes, so I know I've introduced it at least a couple times. It was bills to make the Brady-Giglio list public because of transparency issues and trying to make sure that there was transparency and accountability with law enforcement. You know, it was-- it's considered the bad cop list. Two, my first or second year, I got a bill passed to create the officer misconduct database, which is managed by the Crime Commission. But the issue with the list is the Crime commission does not put the active officers on there that have misconduct. So I don't know how true it is, but there potentially are active officers who have misconduct issues that are not on the database because the Crime Commission refuses to put them on there and I brought legislation to make them do that, too, and they got stuck in committee.

SPIVEY: So is the idea around that, and I think what I've heard some of the conversation today is that this is not saying all police are bad, and we know that there are folks that maybe are bad actors or have done things that are not aligned, and so how do we make sure the public is aware and that they have due process in that, I guess, in that investigation? Like, is that-- like, is that the issue in front of us and what you've tried to bring?

McKINNEY: Yeah, I just look at it, you know, from the sense of first with the officer misconduct list, my vision behind that was if I was pulled over, maybe I could go online and see if Officer X is on the misconduct list. Then, two, the focus around making the Brady-Giglio list public was if there's this emphasis to be tough on whatever, we should keep the same energy both ways. Which is why I have issue that there isn't due process with gang lists and no process to get off those, but we're presenting to try to get a process for cops to get off the bad cop list. I think it should work, work both ways.

SPIVEY: Yeah, thank you, Senator McKinney. I appreciate that. And, again, I think there's a lot of context from folks that sit on Judiciary that have brought bills that I think adds a lot of color and perspective to the conversation. So thank you for answering my questions with no heads up. And I'll continue to listen to debate. I appreciate all of the feedback and the threads that people are uplifting today. And, again, I look forward to the amendment but am currently opposed to AM3004 in its current form. Thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Senator Dungan, you're recognized to speak. This is your third time on the amendment.

DUNGAN: Thank you, Mr. President. Colleagues, I do rise again talking a little bit about what's going on behind the scenes here. As Senator Cavanaugh indicated, there is an amendment being circulated. I think there's a couple of changes that are being made to that amendment in an effort to accommodate some additional concerns that have come up. But once we get that amendment back, I think we may be able to get that on the board and see kind of where we go from there. I want to thank my colleagues for having some legitimate debate discussion around this. I know that this is a-- when I saw this on the agenda today, I was a little bit, not anxious, but curious to see how it was going to go. Because, specifically, this portion of LB965 is so in the weeds. And it is so niche that I was, I was wondering how the conversation was going to be. But I've actually been pleasantly surprised by the amount of engagement that we've had, both from folks who are talking on the mic, but also people who are talking under the balconies and having questions and answering questions pertaining to Brady and Giglio. I know that it's a very dense subject matter and I also know that I'm very verbose and I talk a lot from time to time and especially about these things when I'm excited. So thank you for bearing with me as we, as we talk about it. The crux that I think we're trying to get to with this amendment that's forthcoming, hopefully, is that balance that I talked about earlier, that is ensuring some semblance of, we'll call it due process, for law enforcement officers to make sure that they do, in fact, have some oversight in a determination as to whether or not an incident rises to the level of a thing that's necessary for a Giglio disclosure. But balancing that with ensuring that that due process right doesn't then intervene or inadvertently affect a defendant's right to due process and to make sure that their case goes the way that it should or could if certain evidence is shared. It truly is that second portion of this that I think gave me the most heartburn. And I want to be very clear, LB965, once we're done with this division of the question and ultimately these snap back together, as I'm sure you could glean from a lot of my conversations and amendments that I've proposed, I have hesitations and concerns with the package as a whole. That does not mean we can't work together to make bills better and to address underlying concerns and to possibly find ourselves in a situation where we can at least move forward from this bill here today rather than it taking the entirety of the rest of the evening. I think closure-- cloture would be somewhere around 9:00, but I do know we have other things on the agenda that folks would like to get to. So I do think we've been diligent in trying to work in good faith to move forward. I also want to thank the people that are out, I guess, in the

Rotunda who are affected by this, you know, our friends in law enforcement and folks who work at the county attorney's office have a lot to say about this because they're the ones who are affected. And when we're talking about bills like LB965 and specifically this division where we're getting into the intricacies of Brady and Giglio, it is important that we listen to the individuals who are affected by it, because they know probably better than anybody else how this works, and they're the ones who are able to tell us the negative consequences or the positive consequences of changes that we make to the law. That's part of why I spoke at great length about the process for Brady and Giglio, is that I've gone through that. And I do want to make very clear sort of the obligations that exist and what the difference is between this, quote unquote, list, which I know we've kind of gone back and forth and talked about whether it exists or not, and the ever remaining and ever present ethical obligation that a county attorney has to disclose Giglio evidence if they believe it exists. I will also say, and I just want to make this point very clear, from a defense attorney's perspective, just because there is a disclosure of what could be or ultimately is determined to be Giglio, a, a Giglio letter, we normally say, because you see a letter in a file explaining with the Giglio evidence is, does not mean it's going to be used. Certainly, the example got brought up in the hearing, I think, of, like, a fishing license violation, where if an officer ultimately, you know, had a fishing license violation, you know, is that something that ultimately would be disclosed, and would it be brought up at the case? Whether or not there's a material determination as to that being relevant in the case at hand, I will tell you, as a defense attorney, you're not going to bring that up in your case in chief to try to impeach an officer about it, because it sounds petty and ridiculous. If an officer is giving otherwise credible testimony and doing a good job and doing their, doing their work on the stand, if you're the defense counsel and you stand up and say, but isn't it true officer that you have a fishing license violation from 10 years ago, that's going to make you look absurd. And so I just want to be very clear that just because there is Giglio disclosure does not ultimately or decisively mean there's going to be a cross-examination about that Giglio evidence or an impeachment therein. So with that, thank you, Mr. President.

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

HANSEN: Thank you, Mr. President. I know they're working on an amendment right now, so I do appreciate the conversation we're having

on this bill, so I thought I'd just wade into it a little bit, give them a little bit of time. But I do have to say in as much, colleagues, as a doctrine of stare decisis, as articulated in *Planned Parenthood v. Casey*, and reinforced by the penumbras enumerated in *Griswold v. Connecticut*, it does compel this body to hereby construe that notwithstanding clauses embedded within the [INAUDIBLE] enumerated rights pursuant to the substantive due process implications of the 14th Amendment, we must forthwith reject any ultra vires interpretations that might otherwise obtain under the rational basis review standard established in the *United States v. [INAUDIBLE] Products*, as we all know. And that's under footnote four. While simultaneously embedding the strict scrutiny mandated by *Sherbert v. Verner* as it intersects with the dormant commerce clause, implications derive from *Gibbons v. Ogden* and its [INAUDIBLE], which Senator DeBoer and I talked about earlier. So it is, therefore, axiomatic, colleagues, that any legislative enactment which fails to incorporate the Chevron deference paradigm, now respectfully overruled in toto by *Loper Bright Enterprises v. Raimondo*, must nevertheless be subjected to a balancing test incorporated the *Lemon v. Kurtzman* tripartite test, which we all know about, even as that precedent has been abrogated by *Kennedy v. Bremerton School District*, thereby creating a judicial lucena wherein the regionalism is espoused in *District of Columbia v. Heller*. It does collide with the living constitutionalism of *Obergefell v. Hodges* in a manner that renders the entire corpus juris, both binding and nonbinding [INAUDIBLE]. Furthermore, under the auspices of the major questions doctrine has clarified in *West Virginia v. EPA*, which might pertain to this bill, this assembly is estopped from effectuating any intelligible principle that might delegate authority to administrative agencies. Yet, we are equally precluded by the nondelegation doctrine's dormant revival from refraining from such delegations, thereby necessitating immediate promulgation of regulations that are simultaneously void for vagueness under *Skidmore v. Swift*, and entitled to our difference, notwithstanding its recent evisceration. In conclusion, ergo quod erat demonstrandum, we must act decisively by sometimes doing nothing at all, lest we inadvertently comply with the very precedence we have just meticulously distinguished. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. Colleagues, I, I wanted to mention today, speaking of some law that's already settled, today is Trans Day of Visibility. And this is a day that's meant to affirm something very

simple, which is that transgender people exist, they always have, they are part of our communities, they're important leaders in our communities and they deserve to be able to live here with safety, dignity, and freedom. But instead of that affirmation, one of the first news alerts I got this morning was a very different message from our United States Supreme Court that forces us to confront an uncomfortable truth about the moment that we're currently living in in this country. This is from the New York Times, and there was also a great story about it in Washington Post and the AP, but this morning the Supreme Court struck down Colorado's law banning conversion therapy for minors. Which is a law that was passed in 2019, which is the same year that I introduced legislation here in Nebraska for the first time, that was very similar to what Colorado passed to ban the practice of conversion therapy here in our state. That law was designed with a very clear purpose to protect young people from a practice that all major medical organizations have long warned is coercive, ineffective, harmful. And, yet, the court has now said that those of us in the LGBTQ+ community can't even have that basic protection. So on this day of trans visibility, we have to sit with that reality. On a day that's meant to celebrate visibility, instead we're confronted with vulnerability and a lack of safety. In 2019, when I introduced that bill to ban conversion therapy in Nebraska, it was part of a broader movement across the country. A lot of states were stepping forward. A lot of legislatures were recognizing that protecting young people across our country was not controversial. It was responsible governance. And it was in line with best practices from all major medical leaders. Today, conversion therapy is banned in 28 countries, including Canada, France, New Zealand, Germany, Malta, Brazil, Spain, Australia, many, many, others. It's also banned in 23 states. But after all of this, years later, I never imagined that we would not only still be fighting this battle, but that we would be behind where we started, that we've backslid, that we have lost rights. And I also want to say something about the framing of this decision from the Supreme Court. The court has framed this as an issue of speech, as if what's at stake here is the right of a professional to say certain things in a therapeutic setting, that it's a free speech issue. This is an argument that I know well, because this has always come up in opposition to bans on conversion therapy that we've had. But we do regulate licensed professionals, we do that all the time. We regulate doctors, we regulate lawyers, we regulate all health care professionals, not to suppress ideas, but to protect people from harm. When a licensed professional is practicing care, their words in that case aren't just speech. They aren't speaking into the ether.

They aren't just sharing an opinion. They are part of the treatment itself. And states have long regulated that. Speech in the, quote unquote, marketplace of ideas is different from speech inside a medical setting, where patients rely on expertise and standards and trust. And regulating professional conduct, regulating the speech that medical professionals use in the course of treatment to their patients, it's not the same thing as censoring ideas. I see my lights on, so I'm going to push my light one more time so I can finish these thoughts. Regulating this type of speech is not the same thing as censoring ideas. It's not censorship. It's about setting boundaries for what licensed professionals can do to patients under the law. I read Justice Ketanji Brown Jackson's dissent, and it was really, really good. And what she pointed out was that medical patients are not consumers of competing ideas. They're not, you know, listening to opinions and coming up with their own idea. They are people seeking safe and effective care for their health. States don't regulate medicine in order to suppress viewpoints. They regulate it to enforce standards of care based on evidence and professional consensus, even if those standards reflect a particular understanding of what's safe and effective.

KELLY: You're next in the queue.

HUNT: Thank you, Mr. President. We don't allow doctors to prescribe a treatment shown to be ineffective or dangerous. And we don't say that professional standards are an infringement on speech. When we know what the standard of care is for a knee replacement, if a doctor doesn't want to provide that standard of care, we don't say, well, that's their free speech, that's their right to do it. We consider adherence to the standard of care as part of the responsibility that comes with having a license and serving the public. And, again, I want to bring us back to Nebraska and back to 2019. We had an opportunity to act and say that young people in our state deserve protection from practices that attempt to change who they are at their core. And we had the opportunity to align ourselves and our law in this state with what many, the majority in the medical and mental health community have already recognized. And a lot of people forget that we actually came really, really, really close. The hearing at the time was in the Warner Chamber because the Judiciary Committee room wasn't open at the time. You know, the committee members were sitting up on the dais of the chamber and the room was packed. There was almost a fight. Senator Wayne could tell you about that. Somebody stepped to me a little bit, and Senator Wayne shot out of his chair so fast, ready to, you know, come tussle if need be. And I felt that the members of the committee

in 2019 were convinced. It didn't end up getting a priority for whatever reason, but I think about really how close we came. And I always think about our responsibility in here to carefully think about the institution that we want to be. Are we going to follow the political shifts in the national landscape, even when they move away from protecting vulnerable people, even when they move away from what we know is the standard of care or are we going to hold to the principles that guided us when we were closer to getting this right? Because I think our job is not just to mirror the moment, it's not just to reflect what the President is saying or reflect what they're saying on the news or, or whatever the political spirit is in the moment. It's to exercise judgment and recognize harm even if it's politically inconvenient to name that harm. And it's to protect people, especially those of us who face the most marginalization. And that's why this is relevant to this bill here today. I think we have to remember that the people who are most affected by our decisions are often the ones with the least power to influence them. And that's something I think we forget a lot. So today, thank you, thank you. Today on Trans Day of Visibility, I just want us to sit with that. And I want to say to the trans people of Nebraska, you know, I think that you should put your safety above everything else, especially in this state right now. If you know who you are on the inside, you have already done the hard work and self-examination that many people never do, and you should be very proud of that. What I know is that visibility without protection is not enough. It's nothing. What is it to be visible if, if, when you're visible, people, you know, try to remove your medical care, try to kick you out of your job, try to tell you what bathroom you're allowed to use? What's visibility then? What's that good for? Being seen does not mean being safe. And being acknowledged by a politician like me, it doesn't mean you're being supported either. I think that all of us should have the goal, whether we understand it or not, whether we, quote unquote, agree with it or not to improve the lives of all Nebraskans and reduce suffering as much as possible. So when I think back to 2019 and I think back to what happened in Colorado, which the Supreme Court has now sadly undone and who knows what ramifications this is going to have for the rest of the country. And who knows what ramifications this is going to have for health care in our country if now anything a doctor says is protected speech, and there's no longer any kind of legal reason for them to tell the truth about the care that they're recommending. But what I think about when I remember the time and the spirit we were living in when we almost did it, we got really, really close, is that progress is not inevitable, but neither is regression permanent. And

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it's all going to come back around, so that's what we keep fighting for. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Seeing no one else in the queue, Senator Bosn, you're recognized to close.

BOSN: OK. Sorry for the delay. I apologize. I-- I'm ultimately going to withdraw this amendment because I think we're going to have an amendment coming up that actually fixes this. But here's what I'm going to ask. You know, this is all-- these changes are being brought in good faith and I think the parties are working together well and the solution we have today sounds really great and that's part of the process. You hear these great solutions and then you sleep on it and the next day you wake up and you're like, that won't work. So if we wake up tomorrow, and this is a problem, I am going to hope that those who have worked in good faith, thus far, will continue doing so between now and Select. I think what we've got is a, a good plan, and so I would ask, ultimately, when that comes down, whenever that is, that we can proceed with that amendment. But at this time, Mr. President, I would move to withdraw AM3004.

KELLY: So ordered. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator John Cavanaugh would move to amend with AM3039.

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

J. CAVANAUGH: Thank you, Mr. President. I would echo what Senator Bosn just said. It's been frantic, if anybody's been watching, myself and Senator Bostar and Senator Bosn and Senator Conrad and Senator Dungan have been running around and Senator DeBoer have been running around trying to find a path forward to get to the spot that we all agree we want to get to. And so AM3039 is a, a path that I think gets us there for the time being. I agree with Senator Bosn that, you know, a, a more elegant solution could come forward later, but I do think this is a great step in the right direction. So what AM3039 does is it amends that bill we're talking about on the, the Giglio disclosures and it allows for-- first off, it ensures that the officers have the ability to have representation either through their lawyer or through their union representative at every stage of this determination. So if they-- if, if, if there's a potential to be included in this disclosure list, they have an opportunity to say, well, wait a minute, I'd like to be, you know, heard on this. And so they get to go to the

commission or this advisory council and present information. They get opportunity to be notified of the decision, and then they have an opportunity to appeal the advisory panel's recommendation. So I'll just read it to you: If the advisory committee recommends that disclosure is required, the officer may request a review of the recommendation by a three-judge panel appointed by the Supreme Court, comprised of three district judges from the judicial district in which the officer is employed. The request for review shall be submitted to the Supreme Court within 30 days after the officer receives the written notice under section 4(c)(iv) of this section. The request shall be submitted in a form and manner prescribed by the State Court Administrator; and then the advisory committee-- so-- well, inserted some cleanup language is the remainder of that. So, basically, what it does is it ensures that the officer has an opportunity to be represented, advised, present their case. And then they have an opportunity to appeal the decision of this panel to get an advisory opinion. So the, the ultimate-- original issue folks had with Section 25 of LB or of AM3014, is that the officer's opportunity to get in front of a judge was in someone else's criminal case where they had been an officer involved. And so what this does is it still gives an officer an opportunity to be heard by a three-judge panel, get an opinion about the requirement for disclosure, but it does it just on a stand-alone basis on the officer's rights, not on in a criminal case. So it is a more direct and, I think, clean path to finding out for the officer purposes and getting that opinion. So I'm happy to answer any questions. I think that pretty much sums it up, but I appreciate the work of everybody on this and, obviously, I, I really do think that everybody is trying to get to a place where we're ensuring, protecting the due process rights of both officers and defendants in criminal cases and we are ensuring that folks are not maligned wrongfully for doing their job as a law enforcement officer and ensuring that they have an opportunity to be heard, to appeal, to put up their own defense and protect their due process rights and their to be employed. So I encourage your green vote on AM3039. Thank you, Mr. President.

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

BOSTAR: Thank you, Mr. President. I rise in support of AM3039. I appreciate everyone working together to try to find a-- well, described as a path forward that accomplishes what is envisioned by the underlying bill in a manner that is agreeable to all parties. Obviously, as Senator Bosn mentioned, you know, if tomorrow we need to make adjustments, the expectation is everyone is still at the table.

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And so with that, I think that this is-- this represents a really good step forward for us tonight and, and I hope allows us to, to move forward in a broader sense with the underlying bill. With that, I would encourage your green vote. Thank you, Mr. President.

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

J. CAVANAUGH: Hello. Oh, there we go. Thank you, Mr. President. Thank you, Senator Bostar. Again, I appreciate everybody's work on this. I think this is a good compromise and, obviously, very much willing to continue the conversation as we move forward. But a green vote here and I think then we're going to be done on this bill and we can continue on with the agenda. So I encourage your green vote. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senators, the question is the adoption of AM3039. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM3039 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Conrad, I have MO472 and MO473, both with notes that you would withdraw.

KELLY: So ordered.

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

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

BOSN: Thank you, Mr. President, and thank you, colleagues. Just to kind of wrap up the discussion that we've had on this particular portion, I appreciate the good faith that everyone's worked on to try to come to some sort of a consensus. I think we do all have a shared common goal as far as providing some sort of process for how this is handled, and it may need some more work, and those conversations will continue between now and Select if that is, in fact, needs to be changed. But at this point, I think everyone is working in good faith, so I would ask for your green vote so we can continue those conversations on AM3014. Thank you, Mr. President.

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KELLY: Thank you, Senator Bosn. Senators, the question is the adoption of AM3014. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 5 nays on the adoption of the amendment, Mr. President.

KELLY: AM3014 is adopted. Seeing no one else at the queue, Senator Bostar, you're recognized to close on the bill.

BOSTAR: Thank you, Mr. President, and thank you all, colleagues, for your hours of conversation we've had since 1 p.m. I think it actually has been very constructive. I appreciated the fact that we were able to work through all of the elements of the bill sequentially. I think that that was offered the opportunity for focusing our attention on what was in front of us, and I think we've ended in a better place than we started because of it. And so with that, I appreciate you all and I'd request your green vote on the underlying bill. Thank you.

KELLY: Thank you, Senator Bostar. Senators, the question is the advancement of LB965 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: LB965 is advanced to E&R Initial. Mr. Clerk, items for the record.

CLERK: Thank you, Mr. President. Amendments to be printed from Senator John Cavanaugh to LB933, as well as a new LR, LR489 from Senator Hardin. That'll be laid over. That's all I have at this time.

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

CLERK: Mr. President, Select File, LB1237. First of all, there are E&R amendments, Senator.

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

GUERECA: Mr. President, I move that the E&R amendments to LB1237 be adopted.

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

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CLERK: Mr. President, Senator Conrad, I have FA10-- excuse me, Senator Kauth, I have FA897 with a note that you would withdraw.

KELLY: So ordered.

CLERK: Mr. President, Senator Conrad, I have FA1018 with a note that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Conrad would move to amend with FA1020.

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

CONRAD: Thank you, Mr. President. Good evening, colleagues. I filed this amendment some time ago, I believe shortly after our General File debate on this measure, which I remain opposed to. I think I even flagged my intention to file an amendment like this during that debate, if memory serves. If not, I'll have to go back and check the tape. But I have had an opportunity to visit about this amendment with my friend Senator Hansen and looking at the bill itself, looking at the floor amendment, and looking at the existing relevant statutes, it seems to me that there is some agreement that property and resources utilized by capitol security are meant to be utilized for law enforcement purposes, for security purposes, for public purposes, and not for campaign purposes. So it's my understanding that this amendment may be redundant in terms of our current understanding and approach to these issues, and I, I will plan to go ahead and withdraw the amendment. Thank you.

KELLY: So ordered. Mr. Clerk.

CLERK: Mr. President, Senator Hansen would move to amend with AM2306.

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

HANSEN: Thank you, Mr. President. All right, AM2306 nails the definition of what constitutes a weapon for purposes of what will be prohibited from being brought into the Capitol. Colleagues, this is what we talked about on General File about the idea of striking weapons such as brass, iron knuckles, pepper spray, tasers, stun guns, the more nonlethal weapons and not including that in this bill. That, that was a concern I know of some colleagues here and so we ended up taking that part out. And it does strike the broader definition of the

committee amendment and replaces it with the following: Weapon means any firearm or a knife with a blade over three and one-half inches in length, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury. And from my understanding, legally, that is, that is a term that they use for a deadly weapon when it comes to a knife. The change focuses prohibition on the most dangerous items while avoiding an overly broad ban that would affect nonlethal defense tools along with common everyday carry items many Nebraskans have for legitimate purposes. Such as a pocket knife, such as, you know, some of, some of the gals who might carry the pepper spray in their purse. We don't want them to have them to kind of go back out to their car and return those, so those will be left off the bill. So with that, colleagues, I will urge you to adopt AM2306 and advance LB1237. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. And you're next in the queue, Senator Hansen.

HANSEN: Thank you, Mr. President. I was, because I was going to comment on the previous bill, but you forgot about me again. But that's OK. I'm getting used to it today. So with that, I'll, I'll answer any questions the best I can if people have them. So thank you.

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

M. CAVANAUGH: Thank you, Mr. President. Senator Hansen, I didn't forget about you. I wanted to speak to the amendment that was withdrawn, FA1020. I appreciate Senator Conrad bringing forth the amendment. I know that she and Senator Hansen had conversations over whether or not it was necessary. And I had-- have a concern, it's an ongoing concern from the incident that I think everybody recalls from the first day of session, there was security footage leaked on the Governor's social media platforms on the same day that the security footage was taken and I have asked the Lieutenant or the Colonel of the State Patrol to tell me how that happened. I asked for that information in January. I am still waiting to be informed as to how security footage in this building could be leaked immediately onto public social media platforms by the executive branch. And I hope to have an answer to that. It sounds like if Senator Conrad's amendment is not necessary because it already is prohibited, then it should be dealt with, maybe a little bit more timely than it is being dealt with, but it should be dealt with. It is very concerning to me, and I know that colleagues may disagree with me on a lot of things, but it

should be disconcerting to everyone to have security footage in this building so easily leaked on public platforms. And we should have stronger guardrails on that to ensure that that does not happen because anybody could get access then, apparently, and post things that they want of anyone here because there are security cameras all throughout this building and I guess I would just say that you all should beware if you are cool with just because it's good for me doesn't mean it's good for you. So you might want to think about that. And, yeah, I just hope that the Colonel of the State Patrol will respond to my request to explain how this could have happened, especially since it appears, appears to be prohibited. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. I wonder, would Senator Hansen yield to a quick question?

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

HANSEN: Yes.

SPIVEY: Thank you. Sorry I did not give you a heads up. It is cold in here and I was under my blanket waiting for this moment. So I apologize for not giving you a heads up on this. But I was wondering how did you arrive with the definition compared to what some of the other buildings or like government entities are doing? Like I know in Douglas County, for example, for City Hall, they don't allow and define weapons as anything that's like a metal tip or that could stab. And so if you have a metal comb or a pick, you can't bring it in or something of that sort. So I just was wondering how this definition compared to other government buildings and how you arrived kind of at this place for this definition?

HANSEN: It's straight out of the language of prohibited persons and what they can or cannot carry. And, again, trying to stick with more kind of the legal terminology of which I referenced before in one of my other talks that we didn't want to be too prescriptive, I think. So when somebody does come in with a comb or come in something that might be-- they might construe as a deadly weapon, I didn't, I didn't want people having to go back to the car all the time to have return items. And so I think we wanted to be specific with the knife portion, I

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think. And then kind of being congruent with what maybe the legal terminology is for that, according to a deadly weapon.

SPIVEY: OK. Thank you, Senator. I just was wondering. I know it, it feels like a long time ago that we've had this discussion about this bill and I just brought up before around going to, like, City Hall and other places what you're able to take in or not. So just wanted to know how you arrived at the definition in this place, so.

HANSEN: Yeah, and I think-- and, again, if we see instances or problems, I think in the future that might be what the Legislature can bring up in the future, per the recommendation of the State Patrol, so. But I think we'd just kind of start off again--

SPIVEY: Like this is a starting place.

HANSEN: Yes. Yeah.

SPIVEY: OK. Thank you, Senator Hansen. Thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Seeing no one else in the queue, Senator Hansen waives closing on AM2306. The question is the adoption of AM2306. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 35 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: AM2306 is adopted. Mr. Clerk.

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

KELLY: Senator Hansen, you're recognized to-- Senator Guereca, you're recognized for a motion. Senator Ballard, you're recognized for a motion.

BALLARD: I move LB20-- LB1237 to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. There was a request for a machine vote. All in favor vote aye; all opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 3 nays on advancement of the bill, Mr. President.

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

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CLERK: Mr. President, Select File, LB1237A. There are no E&R amendments. Senator Hansen would move to amend with AM2641.

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

HANSEN: Thank you, Mr. President. Again, colleagues, this is the A bill to LB1237, we passed that earlier, but this is something I think my colleagues might appreciate, that they messed up on the numbers and they superimposed two numbers. A 91 is actually supposed to be a 19, so we are saving \$80 with this amendment. So with that, this will correct the A bill and make sure we are appropriating the amount of funds for this. So thank you, Mr.-- I encourage your green vote for AM2641. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Seeing no one else in the queue, the question is the adoption of AM2641. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM2641 is adopted.

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

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

GUERECA: Mr. President, I move that LB1237A be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. LB1237A is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, consistent with the Speaker's agenda, Select File, LB839 from Senator Rountree. When the Legislature left the bill this morning, pending was the bill itself as well as FA1134, which was a division originally of a Senator Rountree amendment, as well as FA1133 from Senator Dover.

KELLY: Seeing no one in the queue, Senator Dover, you're recognized to close on FA1133.

DOVER: OK. I remain opposed to FA1134. It is a mandate that will increase building costs. However, I'm willing to work with Senator Rountree to pursue an incentive-based approach within the Affordable

Housing Trust Fund application scoring system, providing additional points to applicants who choose to include a percentage of accessible units for individuals with disabilities. This is how government should work, a carrot not a stick. I do not support-- I do support the reporting requirements included in FA1135 and FA1136. This is the approach, the appropriate approach. We need to collect accurate data from communities across the state to better understand the current availability of accessible housing. And so, again, what my floor amendment does, it removes the mandate of including a percentage of accessible housing units for affordable housing trust funds. And what do people who are involved in building affordable housing in Nebraska say? I talked with Ashlee Hendrickson, the Government Affairs Director of Nebraska Realtors Association. She told me that they oppose LB840, which Senator Rountree is amending into this bill, and my floor amendment attempts to strike. I spoke with Barbie Byrd and Mike Gray of the Nebraska Home Builders Association, and they oppose any mandates on the Affordable Housing Trust Fund, and will be sending a letter of opposition. It just was short notice. I spoke with Roger Nadrchal, who is probably the most respected person in nonprofits in the state of Nebraska. He's the CEO of NeighborWorks Northeast Nebraska, who opposes any mandates on the Affordable Housing Trust Fund, and he will be also sending a letter. Other nonprofits in Nebraska have reached out. But when asked if they would send a letter, they said no. They did not want to upset anyone, but did want their position to be known. At a time when federal government is attempting to remove red tape and obstacles to building affordable housing, and we as a state are doing all we can to make housing more affordable, this is a step in the wrong direction. I would ask you for a green vote on FA1133. Thank you.

KELLY: Thank you, Senator Dover. Senators, the question is the adoption of FA1133. All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

CLERK: 28 ayes, 10 nays on adoption of the amendment, Mr. President.

KELLY: FA1133 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Rountree would move to amend with FA1137.

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

CLERK: Mr. President, my understanding is Senator Rountree would withdraw that amendment.

KELLY: So ordered.

CLERK: In that case, I have nothing further at this time.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, just to be clear, Senator Dover was not acting in good faith. Senator Rountree worked with the Association out there, with their lobbyists, had a compromise amendment. That's what he just withdrew. But he's a better man than I am. So he's not going to call out Senator Dover's bad behavior. But I will. Senator Dover misled this body on that amendment. There was an agreement, there was an agreement with all of those people that he was talking about, and he knew that because the lobbyists told him and asked him to pull his amendment, but he refused to do that. And he refused to acknowledge it. And he just let you all be little followers like he knew you would be, good little soldiers, just push your button green because you don't care as long as it's not a Democrat's amendment. It's ridiculous, it's disgusting. The compromise amendment mirrors federal language. It was agreed to by the parties that he was supposedly advocating for, but then he got on the mic and he misled all of you. But none of you cared enough to know or to talk to Senator Rountree. Instead, you just follow the bully of the Legislature who earlier today got up on the mic and was belligerent to our colleagues. Belligerent. And you thought it was a good idea to follow him. How disappointing. How disappointing. How disappointing, Senator Dover, for misleading this Legislature. Where's the integrity? All passionate about homeowners and real estate, but the reality is that you just lied. You just got on the microphone and pretended like this was an alternative reality when you should have been on the up and up and said you rejected, you rejected the compromise amendment that Senator Rountree brought to you. You could have been forthcoming and said Senator Rountree has filed a compromise amendment. I have rejected it, please vote for my amendment. But, no, instead, you sang us a song, woe is me, and all of these other interested parties who agreed to Senator Rountree's compromise amendment. Shame on you, and shame on all of you for not paying attention and asking questions and actually thinking for yourselves. You voted for a bully who was belligerent to your colleague. Good work. Thank you, Mr. President.

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

ROUNTREE: Thank you so much, Mr. President. When Senator Dover came to me first thing this morning and said he was going to oppose because he had gotten a call from a nonprofit, and that nonprofit still remains anonymous. However, he and I have had good conversation. And so I went to Senator Dover-- I've reached out to a couple of the lobbyists that represent builders. And in the spirit of protecting and operating within the institution, the institution and collegiality, I went to Senator Dover and I told him that I would move from 10 and 4 down to 5 and 2 to mirror the federal language. Asked if he would pull his amendment, and I would offer the next amendment that I just withdrew to bring that down to 5 and 2. So I reached out to a couple of the lobbyists that represent other builders and, and our Nebraska Housing Developers Association, which I want to stress that they are neutral, not in favor, but in neutral position, said we welcome the reduction of the requirement to 5 and 2% and would be comfortable with this further amendment from Senator Rountree, this amendment that I just pulled. That was the information that we wanted to put on the floor that Senator Dover and I have had deep conversation. Also, working with Senator Kauth, let her know that this is what I was working and see how we felt about the remainder of the bills. Once we determine kind of what the pecking order is, you kind of know who you might want to go to. So it would have been nice to have it stated on the mic from my good colleague that, yes, we did have this conversation and he chose not to withdraw the amendment and I did offer this. So I just want to put this on the record that in our senatorial training, Mr. Metzler and all of those that taught us in that time last year, year before, we talked about collegiality and the institution. And so I try to operate within the collegiality and the institution. I still don't know who the other nonprofit was that came in to start with said, hey, listen, we don't like this. But as I stated in everything, collaboration, communication, and discussion is what allows us to get our best work, as evidenced by the last amendment that came through from Senator Bostar's bill. A lot of work, but we got something. If we sleep on it tonight and it's not good, come back and work tomorrow. So that's what I would have stated had I gotten the opportunity to get there first. I would have asked the body to vote no on Senator Dover's amendment, vote yes on my upcoming amendment, and the bill as a whole. But we didn't get an opportunity, so it's all right where we are. This is not a hill I'm going to die on. I went to war back in 2001 for this nation. We have been attacked. A lot of how I live my life, and

nobody's going to die by the legislation I pass or don't pass, and I don't think anybody's going to to die here, this is not a hill I'm going to die on. So we can have all of our shenanigans, we can do, maneuver, do whatever you want to do, I'm fine with that. But one thing I won't do, I won't lower myself to that. I came in here with my integrity. When I leave, I'm taking it with me. Taking it with me. So with that, LB840 may pass, it may die, that's fine. We'll move on to the next division. Thank you, Mr. President.

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

ANDERSEN: Thank you, Mr. President. Would Senator Rountree yield to a question?

KELLY: Senator Rountree, would you yield to some questions?

ROUNTREE: I most certainly will.

ANDERSEN: Thank you, Senator Rountree. I'm a free market guy and I think the free market should prevail. In creating artificialities, why, why are we doing that? And usually when you, when you manipulate the market, when you create artificialities there's an additional cost.

ROUNTREE: There is a cost that's being generated now. The free market has been manipulated by the war that's over in Iran, supposedly. Look at the market. Look at the oil. Look at up and down. Total manipulation every day. We do so much manipulating in here, look at LB1165 manipulation. We talked last night about letting the free market take care of childcare and not using tax dollars for childcare. But we also put in that LB1165, a bill for employee incentives to retain employees and help to develop employees with tax dollars. If it's a free market, employees or employers are able to take care of that on their own, Senator Andersen. So, yes, it's a capital market, but it's being manipulated daily.

ANDERSEN: OK. Since FA1133 passed, I don't have as great of concerns about the, the mandate for ADA-compliant housing. Thank you, Senator Rountree, I appreciate your, your questions [SIC].

ROUNTREE: I thought I was giving answers there, Senator Andersen, but I appreciate you asking the same questions over and over and over again. And when you ask the same questions over and over again, we get the same answers.

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ANDERSEN: Well, to be clear, I haven't got any answers, but I appreciate your attention.

ROUNTREE: But clearly, if you asked the right questions, you might get the right answers. Thank you so much.

KELLY: Senator Andersen, it's still your time.

ANDERSEN: I'll yield.

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

McKINNEY: Oh, thank you. So this conversation about the free market is very interesting. I'm going back to check that vote on LB1165 and a bunch of other bills, because you care about the free market on one hand when it deals with housing. And if we really care about free market, why isn't there legislation introduced to get rid of the Affordable Housing Trust Fund? Why are these housing agencies coming to the state asking for dollars if we care about the free market because it's not allowing the free market to actually do its work. It's manipulating the free market so it's, it's very interesting that people care about the free market for some things and not others. And I'm definitely going to check that vote on LB1165 which is a \$50 million tax credit for corporations and if the free market is the free market we shouldn't give them tax credits, they should just function how they function. If they can't survive, they can't survive. So it's-- I think it's funny that people care about the free market when they want to. I do find, like, I have a lot of words to say, but Pastor Rountree, Senator Rountree, kind of summed it up, but I think it's clear that there's a lot of disingenuous people in here. He acted in good faith. Worked with the individuals who were supposedly opposed to the bill to come to a compromise, and, still, this body elected to go with a hostile amendment, which is not acting in good faith, not acting collegial. Then we go to the vote on LB1165. Senator Andersen voted for it, but he cares about the free market. If you care about the free market, why are we giving the corporations tax credits? Why did you vote for that if you care about the free market? Because if the free market was a free market, they should be able to live and die on their own. They shouldn't need taxpayer dollars or taxpayer credits to stand up their billion-dollar corporation to attract people to the state. Why are we giving them incentives? Why can't the free market work how it's supposed to? But where's that paper? Senator Kauth gave me a paper about hypocrisy, and it's real-- it's, it's really real in this place almost every day, if not every day. But it's, it's clear

that people refuse to be consistent when they say things on the mic and choose to elect to ask questions in an attempt to catch people up or to make somebody look not prepared to answer questions. But Senator Rountree held his own. He did a great job and he's been a great man in his body since I met him. And he's the most patient and humble person in here because his, his zen or whatever that is, I wish I had it. I'm trying to work on it, I'm better than I was, but his ability to navigate a lot of this is commendable because I don't know if I'd be there all the time and, you know, I have to shut my mouth every once in a while because I am liable to say some things I probably shouldn't say. But it's clear, people don't care about the free market. You voted for Senator Dover's hostile amendment, although there was supposed to be an agreement and a compromise. So it's, it's clear. And then there'll probably be an attempt to come and bring it back and say, I'm sorry, but sorry doesn't make up for the mistake. Sorry doesn't make up for the lack of just respect in his body. That will be forever. That's on the record. That's in the archives. It'll be here longer than us. And it'll show in time. Thank you.

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

SPIVEY: Thank you, Mr. President. I know that there's some conversations happening off the mic, so just jumping in to take a little bit of time to see if there will be some other decisions or, or things filed. But I wanted to stand up in support of LB839 and really commend Senator Rountree for the work that he has done in this body around this housing bill. I think, again, we have divided the question on a number of bills. And so when this was divided, I think it allowed for intentional debate. I thought the, the bills-- I mean, there were only three, they were aligned in subject and made sense, came out of committee 6-1, but here we are debating them. And I appreciate the way that Senator Rountree has role modeled negotiations, working across the aisle, finding a solution. And, and he's right, when we went to what they call senator school or orientation, we talked a lot about how you don't get everything you want and you have to really compromise in what does that look like, especially moving in the pace of government that you start to chip away at things and so I appreciate what was role modeled today and how we work together. I think Senator Bostar and Cavanaugh and Bosn on the previous bill that had a lot of tension and folks had a lot of heartburn also demonstrated that and so we can show up with decorum and respect for each other and have different viewpoints and feel-- and still find a solution forward. And, you know, we only have our word. That was told

to me so many times during my campaign coming in here, you only have your word. And what we say in read into the record needs to be fact. And if we find out that we were wrong, we correct ourselves on the record. We try to hold spaces of integrity. And so I appreciate Senator Rountree as my colleague coming in in this freshman class, you're always doing that. You have the utmost grace and respect. And I just wanted to underscore what Senator McKinney said. And I'm proud to serve alongside you. And you continue to push me, and I think others, in how we show up. And so that deserves to be in the record. That deserves time on the mic tonight. And I know that there will be lots more debate on the bills in front of us. We have really late nights. Some of our colleagues won't be here, and we have to continue to work. And I, and I hope folks take some of those key components that make the institution what it is. If we do not keep our word, and keep our integrity, and work across the aisle, then we don't have-- we're not preserving the institution that was worked so hard to be built. And so I appreciate you and the conversation tonight. I look forward to the rest of the parts of the division and hopefully getting LB839 to a place that honors the compromise, the work that was put into it, and that we can continue to actually talk about the, the facts of the negotiations and lead from that perspective. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. I was inspired by Senator Spivey's words to also say that I have worked with Senator Rountree this year and last year because we're both on the Judiciary Committee. And I have seen him and there are several of us, Senator Rountree, who sit in the back and say we do not deserve you, because it is true. You are an exceptional senator and an even better person, and I appreciate the work that you have done on this bill. I appreciate your heart in this bill, and I appreciate what you're trying to do here. And I just want you to know that I think the way you have handled negotiating this bill and talking to all the parties, it's what I would have done in my 8th year and you're already there in your second year. So congratulations on some gold star work. Thank you, Mr. President.

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

HOLDCROFT: Thank you, Mr. President. I think there's been a lot of maneuvering going around and I, and I just wanted to make sure everyone understands where we are here with LB840 and how, how--

where-- its current status. So we divided the question. LB839 had two bills inside-- included in it that was LB840 and LB1041. So the first division was FA1134 and that represented bill LB840. And then Senator Dover brought FA1133 which took out of FA1134, the provisions about the 10% and the, and the 4% mandates. And so, so, so, in other words, they took out-- FA1134 now represents LB840 without the 10% and 4% mandates. So if we pass FA1134, then you will pass LB840 with essentially just definitions. And if you-- if we vote down FA1134, then LB840 then is, is defeated as part of the, as part of the, the bill package. So will Senator Rountree answer, answer some questions?

KELLY: Senator Rountree, would you yield to some questions?

ROUNTREE: Yes, sir, Mr. President.

HOLDCROFT: So is that how you understand the current situation here, FA1134 is LB840, but without the 10% and 4% mandates?

ROUNTREE: Without the 10% and the 4% standard, which I would have hoped to have amended from 10 and 4 down to 5 and 2.

HOLDCROFT: OK, will you be bringing then another amendment to add back in to this FA1134, or how will you do that?

ROUNTREE: I do not plan to do that. The body voted that they did not want percentages in there, at least not in that particular area. If that amendment had fallen, I would have brought then this amendment, FA1137, to strike 10 and insert 5, strike 4, and insert 2. But since that portion is now out of this particular bill, I don't have room to bring this amendment because it's no longer there. It's been stricken.

HOLDCROFT: OK. Thank you, Senator Rountree.

ROUNTREE: Thank you.

HOLDCROFT: Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I just hadn't had an opportunity to speak on this bill. I'm on the Urban Affairs Committee. I sat through the hearing on these bills from Senator Rountree and appreciate the folks who came and testified in favor of LB839 and LB840, and appreciate Senator Rountree's work and compromise to get

this done. And what we heard at that hearing were folks who were concerned about finding suitable housing accommodations, and, of course, having to pay more and be further away. And we had some-- I don't know what the right word would be-- less than enlightened perspective on maybe we should just make everybody live in one place, which I think would be a violation of people's rights. But anyway, the hearing was very compelling, and there was, I think, some legitimate concern from the folks who build these facilities, who build apartments and houses and things, and, and concern about requirements. And Senator Rountree did work with those folks to find a compromise that was something that could be livable with for them that with which they could live. And, and so I, I do think that-- I offered to do a reconsider, I missed the vote on this, and I'm not doing that at the moment. We're going to move forward. But I encourage your support of the remainder of LB39 [SIC] and FA1134. It is-- I appreciate the work Senator Rountree has put into this to make sure that folks who have different challenges in life, have the opportunity to live in a safe, comfortable home. And I appreciate that he's continued to be focused on serving the community. And, and so I, I support that effort and support his compromise to try and help as many people as he possibly can. So encourage your vote. Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I'm taking some time. I think Senator Rountree might be working on something. So I give him some time here. Again, you know, I support LB839 and I supported all the amendments that was in LB839. And contrary to popular belief, I do not think it was a Christmas tree bill. I view Christmas tree bills as bills with five-plus bills in it. So I didn't understand those comments. The bills that were being attached came out of committee 6-1, based on amendments that Senator Rountree worked out with various stakeholders. So the nature of the opposition was odd in a sense. Even the fact that Senator Rountree worked with, worked with stakeholders to come to a compromise, which we all have to, to pass bills in this place. It's very-- you know, it's, it's hard to pass a bill without coming to a compromise. There's very few bills that get introduced that stay the introduced copy. It's, it's very-- the percentage is low because you have to work with people to get things done in here. And that's what Senator Rountree did. And, and, and usually people respect that, honestly. If you come to a compromise on your bill, and the people outside that glass or wherever else they're at, you know, say we found a compromise, usually people live with it. But today, we saw

an example of that not occurring. Just on the last bill, a compromise was made. Everybody didn't love that compromise. I think some people, you know, you get what you get, but they found a compromise, and the bill still moved forward on Senator Bostar's bill. But it's very convenient with Senator Rountree's bill that that didn't happen. And that is the problem with this place. You pick and choose when you want to be consistent, or you're not even-- you can't even pick and choose to be consistent because you're not consistent. So I take that back. You just pick and choose when you want to apply different standards and rules to what you're doing. And that is my fundamental problem with this place almost all the time, is that the level of hypocrisy from the day I walked in. I think it was actually January 6, 2021. That was a very-- that, that is an infamous day in the history of America. It was January 6, 2021, and from the day I came in today-- till today, I've just seen a constant decline in the consistency, and I saw an increase in the level of hypocrisy on this floor. Maybe that's because of term limits, and maybe we do need to have people in here for 3 years. Maybe we do. Something needs to change, because I'm honestly saying it has-- this place has become worse over time. And I wish I was exaggerating. But we have, I think, I don't know how many days left, about 8, 7, 8 days left. Maybe a miracle will happen by the last day and things will change. And I think we all will hope for that. But I think we need to learn lessons in what occurs on this floor and start operating differently. Whether you dislike somebody, whether you oppose something, or whatever, just be consistent. If you're consistent, I think people-- I would, I'd be like, all right, at least Senator X is consistent. I might not agree with him all the time, but I can't argue with consistency. That's all I'm saying, be consistent. I try to be, maybe you'll say I'm not consistent, but I attempt to be as much as possible and, and that's, and that's all we could do as senators. So somebody might stand up and point out where I haven't been consistent and might find an example, but I try and I think we all should try. None of us are perfect. But what was shown today on this floor was not a level of consistency and it's clear. And this is not a Christmas tree bill. Christmas trees are five or more, in my opinion. Thank you.

KELLY: Thank you, Senator McKinney. Mr. Clerk, for an amendment.

CLERK: Mr. President, Senator Rountree would move to amend FA1134 with FA1139.

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

ROUNTREE: Good evening. Thank you, Mr. President, and thank you, colleagues. I just want to say thank you. We do have collegiality in the house, and I do appreciate that. And I rise just to introduce this FA1139. FA1139 amends FA1134 and it does-- it reinstates the exact language that was stricken out with the exception of 5% has been reduced to-- what did we do on that one? We did 10 to 5, that's it, 10 to 5 and then in the second session was 4 to 2. And that's what we were originally going to do so we reinstated that language, the same which we just struck out 10 and inserted 5 and struck out 4 and inserted 2. And so with that, Mr. President, I would ask for a green vote on this amendment as we continue to move forward tonight.

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

DUNGAN: Thank you, Mr. President. I do rise in favor of FA1139. I just briefly wanted to emphasize that I think that this is a true compromise amendment. Commend Senator Rountree for his work on this. I understand that we're kind of bouncing between things earlier in the day and today. The day's gone on, at least in the night, but I think throughout the day, my understanding from Senator Rountree and talking with other members of the industry that this impacts with regards to affordable housing is that the amendment that's being proposed of the 5% and the 2% is a compromise and does just simply mirror the federal requirements with regards to those credits. And so I spoke previously on this bill about the importance of ensuring that folks who are differently abled or have special needs have access to dwelling units. And I won't go into all those details again, but, colleagues, this is vitally important. I received a text from somebody that I know, I'm friends with after we spoke about this earlier this morning, who's in a wheelchair. And he appreciated we were having this conversation and said that he has a video of the lack of accessibility of his apartment and that he was willing to share that with me so I could share it with fellow colleagues to better understand how difficult it is to get around in a wheelchair in a lot of the housing units we're talking about. I think with all of these conversations, it's a balancing act. We do not want to put so many regulations and rules in place that it's impossible to build housing because we know that more housing means cheaper housing. But we also have to ensure that we are providing living units that are accessible because if we don't take that into consideration, we may end up accidentally ostracizing an entire population of people in our community who deserve to have housing as well. So Senator Rountree has done a spectacular job here today. I want to thank him for his leadership. I think we could all learn

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something from Senator Rountree's demeanor here today and I personally am honored to get to serve with him and call him a friend and a colleague. So with that, I would encourage your green vote on FA1139.

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

VON GILLERN: Thank you, Mr. President. I rise in favor of FA1139. Senator Rountree did meet with me over dinner. We had a good conversation. He shared with me that this was a proposed compromise that he had-- that he was going to bring. My thought-- I thought the chain of events as we went through them, we were going to vote on the original amendment, and then this was going to come up, which now favorably is the sequence of events that we're, that we're seeing. I'm in favor of FA39 [SIC] because it mirrors the federal regulations, as Senator Dungan had said, and my resistance over the original bill was the fact that it was in excess of current, current policy and per current regulation. So I do rise in favor of FA1139 and ask for your green vote. Thank you, Mr. President.

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

ANDERSEN: Thank you, Mr. President. I wonder if Senator Rountree would yield to a couple of questions?

KELLY: Senator Rountree, would you yield to questions?

ROUNTREE: I most certainly will, Mr. President.

ANDERSEN: Thank you, Senator Rountree. How did you come up with the number of 5% and 2%? What's that based on? What's that requirement based on?

ROUNTREE: Federal regulation. That is the federal requirement. My proposition for the amendment was, as I talked to Senator Dover this morning, was that we would mirror what the federal requirement is. Instead of being in excess, then we would do exactly what the federal requirement was at 5 and 2%.

ANDERSEN: OK, so you're, you're taking the federal requirement for federal funding. That's where the 5 and the 2 comes from, right?

ROUNTREE: Yes, according to the Fair Housing Act and the federal Section 504.

ANDERSEN: OK. So you're applying-- you want to apply the federal standard and federal mandate to the Affordable Housing Trust Fund, which is actually a state-level thing. Right?

ROUNTREE: It most certainly is, Senator Andersen. We apply federal standards to state standards all the time. If you look at some of Senator Bostar's bills, and especially one we just did, in that bill he put a state statute in which mirrors a federal statute. So we do that all the time here in this body.

ANDERSEN: OK, I'm just wondering what the numbers are. [INAUDIBLE]

ROUNTREE: I'm telling you what the numbers are, Senator Andersen.

ANDERSEN: Hold on.

ROUNTREE: I'm telling you what the numbers are. And when we do that and we research it, we'll find out what it is. So when we look at Section 504 of the Rehabilitation Act of 1973, Section 504 requires a minimum percentage of units to be accessible. This means for federally assisted housing, 5% of units must be accessible to people with mobility impairments and 2% of units--

ANDERSEN: OK. Thank you.

ROUNTREE: --with a minimum of one. No, I'm going to finish reading. You've got me out here, so give me my time. I have the mic. Must be accessible to people with hearing or vision impairments. Also, the programs must provide reasonable accommodations, the policies and services must be nondiscriminatory, and common areas must be accessible. The requirements apply to new construction and substantial rehabilitation.

ANDERSEN: Is that it?

ROUNTREE: I'm waiting on you, sir.

ANDERSEN: Thank you. Whatever that is, I appreciate you reading that. How much does it cost to make a home ADA compliant? What's the additional cost? I mean, Senator Raybould mentioned earlier, I think what she had said was affordable ADA housing shortfall, right? So if we're talking about ADA compliant and affordable, those two don't necessarily go together, because making them ADA compliant costs more money. Is that right?

ROUNTREE: It depends upon how the builder develops the home. So those numbers would be within his matrix and what he does to make a home ADA compliant or accessible.

ANDERSEN: OK, so actually during the hearing we had a builder that talked about building ADA-compliant housing, right? I don't know if you remember or not, but--

ROUNTREE: Oh, I do remember, remember very well.

ANDERSEN: OK, so the, the amount he said was \$5,000 per unit, and that's basically on an apartment, right? Now, if you look at a house, say a ranch, for example, you're talking more like \$45,000 per domicile. So when we're trying to find affordable housing, making-- having mandates for ADA compliance is actually raising the cost of these houses anywhere from \$5,000 to \$45,000. So who's going to pay the difference?

ROUNTREE: Builders have opportunities when they begin to stack their funds and they can build a number of units that would enable them to have some success in savings and some, some propensities for dealing with more homes. So that's normally going to be in theirs. Builders have their own basis as to how they build their homes, what their cost is going to be, and so that's going to be [INAUDIBLE].

ANDERSEN: Right, they just-- they pass the cost on to the person buying the, the house, right? So we're increasing the cost of housing again.

ROUNTREE: It may, it may increase or it may not, Senator Andersen.

ANDERSEN: All right. I just--

ROUNTREE: It may or may not.

ANDERSEN: The 5 and 2% is not based on Nebraska. It's a federal statute. I yield back my time, Mr. President.

ROUNTREE: Before you go, Senator Andersen-- would Senator Andersen yield to a question?

KELLY: He can only-- he's, he's got the time, Senator. Thank you. Seeing no one else in the queue, Senator-- Senator Rountree, you're in the queue and you're recognized to speak.

ROUNTREE: Thank you so much, Mr. President. Would Senator Andersen yield to a question?

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

ANDERSEN: Absolutely.

ROUNTREE: Senator Andersen, are you aware of any other legislation that we have enacted and passed in this particular body where we have applied a federal standard to a state standard?

ANDERSEN: Am I aware of any statute that we've applied a federal standard to the state?

ROUNTREE: Any other legislation that we have passed in this body that has applied a federal standard to a state standard or a state standard that follows a federal standard?

ANDERSEN: I can certainly see about researching that and getting it back to you.

ROUNTREE: I appreciate it. Thanks so much.

KELLY: Thank you, Senator. Seeing no one else in the queue, Senator Rountree, you're recognized to close on FA1139.

ROUNTREE: Thank you so much, Mr. President, and thank you, colleagues, for all of your work, the comments, for our collegiality, for walking within our institution that we have an honor to serve in as our constituents have voted us to come here at this time. We worked really hard over the summer with hearings regarding accessible housing, working with our disabled community. We had people that traveled near and far to come out and to share their stories, and we're still getting their stories. One of my senators said, why don't we just build a, a, a accessible place over here and put everybody over here together? Well, I want to say that with the Olmstead Plan, the Olmstead Plan mandates integration, integration, integration, not putting everybody off to the side. But integrating within communities, allowing people to age in place, allowing people that have homes and accessible homes where they can fulfill their God-given potential and live and exercise their God-given rights. So I thank you all for the encouragement to continue and put this 5 and 2 back in. Somebody said it would be here for perpetuity. Well, we're always adapting, we are always adjusting. And once we get LB869 passed-- LB839 passed, where we can determine how much accessible housing is out there, and then

determine how much we need to build, I think we can move all of these pieces together and meet the needs of our disabled community. So with that, Mr. President, I do ask for your green vote on FA1139, FA1134, and moving LB839 on as we go into the next division. Thank you, Mr. President.

KELLY: Thank you, Senator Rountree. Senators, the question is the adoption of FA1139. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 9 nays on adoption of the floor amendment, Mr. President.

KELLY: FA1139 is adopted. Mr. Clerk.

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

KELLY: Senator Rountree, you're recognized to open on FA-- close on FA1134. And waive. Senators, the question is the adoption of FA1134. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 6 nays on adoption of the amendment, Mr. President.

KELLY: FA1134 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Rountree would move to amend with FA1135, the second division of the original amendment.

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

ROUNTREE: Thank you so much, Mr. President. As we open on FA1135, which is my original LB1041. Again, throughout the time of the summer, we did a lot of hearings in the housing area. And we were requested by the-- one of the communities to bring forth LB1041 that deals with accessible dwelling units, and I should say accessory dwelling units. This requires the 10 largest cities to report in areas in the city that accessory dwelling units can be built on and what barriers there are to accessory dwelling units in the community. This bill also asks the cities to tell the state how we can partner on affordable housing. The League of Municipalities supports the amended version of LB1041. When we originally drafted this bill, we also got a lot of pushback from a lot of the communities and some of the opposition from communities. And, again, it was a top-down push that they were concerned about the state telling local municipalities how to do their

business. And we talked about local control, maintaining local control. We heard, we met, and we came up with this amendment that you see in front of you today, and that was agreeable with the League of Municipalities. As a matter of fact, they provided language to us that was the agreeable and that language allows for the municipalities to determine where they are in their accessory units and how they're going to build if-- like in the city of Kearney, Kearney does not have accessory dwelling units so in that particular area they said we don't have that. But at least that's the plan that they have, and state that other areas, if they put in their particular city policies, you know, where they can build their units, and also reach out to the state to tell us how we can support them in that particular endeavor. So that's LB1041. Thank you, Mr. President.

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

CLOUSE: Thank you, Mr. President. I rise in support of the amendment and LB1041. As Senator Rountree mentioned, we had a lot of discussion in committee and the changes I think were, were very important. And, again, one of the things that we talked about was the date and how far back do you go for a, for a look back? And I think this helps a lot that we can make that manageable and, again, the League of Municipalities supported it. For those that aren't aware, the League of Municipalities represents 528 municipalities around the state, 147 cities and 381 villages. So, generally, when they come behind a bill and support it, usually we hear from the League on the opposite side. So when they're supporting it, I think it's something that we need to pay attention to and allow them to work with the city so that we can make this happen. And, again, as we mentioned, Senator Rountree, in Kearney, we went through this study here a few years ago and just looked at our city, what our restrictions are, what our developers are doing, and zoning and codes and all those types of things. So the 10 largest cities should be doing something similar to that anyway. So I don't see this as anything that really is additional workload or cost to the cities. So I would encourage your vote on the amendment and then also the bill. Thank you.

KELLY: Thank you, Senator Clouse. Seeing no one else in the queue, Senator Rountree, you're recognized to close on FA1135.

ROUNTREE: Thank you so much, Mr. President. And, again, on the accessory dwelling units, we had a lot of good conversation on that. Our city of Lincoln, just a couple of days before we had-- after we

had the hearing, they pushed out their city policy dealing with accessory dwelling units. That was going to increase opportunity for a great number of accessory units to be built in the city. So we recognize, talking with Omaha, you know, their policies that are in place. We recognize that the best option was for municipalities to maintain their local control, but it also engages the state and they're telling us how we can best support their efforts and ensuring that we can get accessory dwelling units and increase housing for members in their communities. And with that, Mr. President, thank you.

KELLY: Thank you, Senator Rountree. Senators, the question is the adoption of FA1135. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: FA1135 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Rountree would move to amend with FA1136, the third and final division of the original amendment.

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

ROUNTREE: Thank you so much, Mr. President. This third and final amendment is my priority bill, LB839. And the LB839 requires the 10 largest cities to report the number of accessible, accessible housing units as part of the missing middle-housing income report. We had already passed this one on General File. It is now on the Select File, which I've amended these other two bills into. And with that, we had an original look back to back 1999. The cities told us that that was too far to go back. They didn't have records that would be able to-- they could search for that time frame. So in conjunction with collaborative efforts, we agreed to look back to 2021. Omaha said they did not have records that met this requirement. So we were able to amend with them to say you can start with where we are now and move forward. So not to make this on, on task prohibitive for anyone, but this is the part that Senator Andersen was asking about earlier this morning, how many disabled people do we have? And this report gets us on the path to determine how many accessible units that we do have available, and then we can start to work with the delta. So with that, I do ask for your green vote on FA1136, which is LB839. Thank you, Mr. President.

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KELLY: Thank you, Senator Rountree. Seeing no one else in the queue, you're recognized to close and waive closing. Senators, the question is the adoption of FA1136. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: FA1136 is adopted. Mr. Clerk.

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

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

GUERECA: Mr. President, I move that LB839 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. LB839 is advanced E&R Engrossing. Mr. Clerk, items for the record.

CLERK: Thank you, Mr. President. Some items: Your Committee on Enrollment Review reports LB753, LB829, LB904, LB1195, LB1253 as correctly engrossed and placed on Final Reading. Your Committee on Enrollment Review also reports LB525A, LB815A, LB838A, LB867A, LB937A, LB972A, LB1050A, LB1126A, LB1165A, LB1256, LB952, LB998, LB737, LB1108, LB1216 to Select File. LB1216 having E&R amendments. New LR, LR490 from Senator Storer, LR491 from Senator Storer. Those will both be laid over. As it concerns the agenda, Mr. President, Select File, LB1087. There are no E&R amendments. Senator Kauth, I have FA746 with a note you'd withdraw.

KELLY: So ordered.

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

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

GUERECA: Mr. President, I move that LB1087 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. All those opposed say nay. LB1087 is advanced to E&R Engrossing. Mr. Clerk.

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CLERK: Mr. President, Select File, LB972. First of all, Senator, there are E&R amendments.

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

GUERECA: Mr. President, I move that the E&R amendments to LB972 be adopted.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. The amendments are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Kauth, I have FA628 with a note that you'd withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Ballard would move to amend with AM2720.

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

BALLARD: Thank you, Mr. President. Good evening, colleagues. AM2720 was brought to me by the Motor Vehicle Licensing Board. It includes technical changes to help with the implementation of the new recreational vehicle franchise law. These changes have been agreed to by the Motor Vehicle Licensing Board, the New Car and Truck Dealers Association, and the RV manufacturers and dealers. Specifically on page 4, line 17 and 18, the language is stricken to make sure that sections do not apply to recreational vehicles. The section on motor vehicle franchise laws. We don't need the current motor vehicle franchising laws to apply to recreational vehicles because in LB972 we are putting new franchise laws for recreational vehicles. The same changes were made on page 6, line 25 and 26, and page 15, line 12 through 15. There is a change on page 1, line 3, that makes it clear that changes do not affect the current franchising agreement. Another change is updating the ANSI standard from the 2020 to 2025. The standard governs the safety, construction, plumbing, and electrical system for the park model recreational vehicle. The rest of the changes are technical in nature and were brought by the Motor Vehicle Licensing Board. I ask for your green light on AM2720. Thank you, Mr. President.

KELLY: Thank you, Senator Ballard. Seeing no one else in the queue, you're recognized and waive closing. Senators, the question is the

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adoption of AM2720. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: AM27 [SIC] is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Moser would move to amend with AM2844.

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

MOSER: Thank you, Mr. President. Good evening, colleagues. If I was on the ball I would have said that Ballard's amendment was considered a friendly amendment but looks like you figured that out anyway because it passed. Here we have another amendment that incorporates Senator Bostar's LB1092 into the Transportation and Telecommunications Committee DMV package bill. It adds two new license plates to the bill: the back the blue plates and blackout license plates. It also removes the option of a black background plate in the choice color plates. Back the blue license plates are designed to support law enforcement personnel in Nebraska. They are designed by the DMV in conjunction with a law enforcement agency in the state and will be available beginning January 1, 2027. Fees for the alphanumeric plates will be \$5, which will be directed to the new Back the Blue Cash Fund. Fees for the personalized plates will be \$40, with 25% going to the DMV Cash Fund and 75% going back to the Back the Blue Cash Fund. It is to be used to award grants to provide support to injured law enforcement personnel and their spouses and children. It will be administered by the Nebraska State Patrol. The blackout license plates are to be designed with a solid black background and white characters. The fee for these plates will be \$100, with 70% going to the DMV Cash Fund and 30% going to the new Developmental Disabilities Provider Capital and Equipment Maintenance Cash Fund. This fund would allow the Department of Health and Human Services to award grants to providers of Developmental Disability Services under contract with DHHS to improve their transportation fleets, their physical infrastructure, technology infrastructure, and to increase capacity for additional clients. AM2844 allows the state to improve the lives of injured law enforcement, their families, and Nebraskans with developmental disabilities. And I thank you. And I urge you to vote green on its adoption. Thank you, Mr. President.

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

BRANDT: Thank you, Mr. President. When we voted this out of committee the other day, I was the one guy that voted no, and I just wanted to let everybody know the reason why. How this is set up is they are going to charge \$100 for a solid black plate and then you can get a solid green plate or I think blue or the other colors and those are \$70. And originally when the bill came in it was \$70 for the black plate. And Senator Bostar wanted to use that black plate to raise money for DD providers. And I guess kind of the issue that I've got is we are using a state agency, the DMV, to raise money for another state agency, HHS, through the license plate program. And I, I guess I'm a little confused on this \$30 extra on this. I think it was originally going to private DD providers, and now I think they've changed it to some kind of a fund for equipment. And I just, I just don't think it's a good look to have. You know, if we're going to start funding other state agencies, pretty soon you're going to have all sorts of license plates out there doing this. So I am not opposed to DD. I will support that. But I am opposed to using this method to do that. Thank you, Mr. President.

STROMMEN: Senator Bostar, you are recognized to speak.

BOSTAR: Thank you, Mr. President, and good evening, colleagues. The underlying amendment brought by Senator Moser represents a compromise agreed to by the DMV and DD service providers on a distribution of funds that is-- that, that works for all parties. And so, I want to, I want to thank Director Lahm, the DMV, and members of the committee for working together and, and getting to this point. I appreciate it and I would encourage your green vote on the amendment and the underlying bill. Thank you.

STROMMEN: Senator Ballard, you are recognized to speak.

BALLARD: Thank you, Mr. President. Good evening, colleagues. I do rise in support of AM2844, as Senator Bostar said. The committee worked hard to find a compromise to, to, to try to find a funding source for DD services. I think it's important to note that states around the country have adopted similar legislation to help fund these initiatives. So far the most-- Colorado has done an incredible job raising millions of dollars for their DD services. So I think this is an important step in, in the black license plates for the state of Nebraska. I do rise in support of the AM and would like to thank Senator Bostar, Chairman Moser, and Director Lahm for all their hard work in finding this compromise. Thank you, Mr. President.

STROMMEN: Senator Moser, you are recognized to speak.

MOSER: Thank you, Mr. President. Good evening again, colleagues. So this bill, LB972, was a committee bill that Senator Fredrickson was kind enough to let us include our other bills into his, but we bumped up against the limit of how many bills you can add together into a committee priority so that's why we have these other amendments tacking these things on at the end. Some of the other license plates do have amounts of money that they contribute toward other causes. This plate, though, costs a lot more money than those and 30% of the \$100, so \$30 a plate will go to this DHHS grant fund. So on the one hand, Senator Brandt says this is the first time this has happened. It's not exactly the first time it's happened but it's what's happened before kind of on steroids I'd say. And I think this plate is going to be very popular. I could see us bringing in \$1 million with this license plate if they sell 10,000 of them and they sell for \$100, that's \$1 million, of which \$700,000 will go to the DMV Cash Fund and \$300,000 would go to this DHHS grant fund. So I kind of see what Senator Brandt is saying about it. It is innovative. It is a little bit different. But it's kind of what we did before, but amplified by a good measure. And I'm not as excited about the money going to the DHHS grant fund as I am the money going to the DMV because I think that's a, a good cause. The DMV is a cash-operated agency and I think that this is going to make them quite a bit of money. So that's why I'm supporting it, that's why I made the motion. And, hopefully, DHHS will make sure that we get the most mileage out of these grants and that we're buying things that give the maximum benefit to people with developmentally disabilities-- developmental disabilities, and, and not just to build some new headquarters some place for a provider. Thank you, Mr. President.

STROMMEN: Senator Moser, you're recognized to close on AM2844. Senator Moser waives. The question before the body is the adoption of AM2844. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 1 nay on adoption of the amendment, Mr. President.

STROMMEN: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Clouse would move to amend with AM2999.

STROMMEN: Senator Clouse, you are recognized to open on AM2999.

CLOUSE: Thank you, Mr. President, and good evening, colleagues. As was mentioned earlier, a lot of bills coming in at the last minute because the committee bills were, were stacked, and, and the bill that I'm presenting tonight so graciously offered up by Senator Fredrickson and Senator Moser, this bill is germane to the vehicles and it's LB1005. It builds upon Senator Storm's LB196 from last year, if you recall that bill, it permitted the operation of all terrain vehicles and utility type vehicles between sunset and sunrise for purposes of snow removal. Since that time, we've had other interests and other communities that have come forward and they would like to offer the ability to have ATVs and UTVs operated during the nighttime hours under local control and through ordinances, but they're not able to do that because of state statute. So these vehicles are permitted outside of the city, village, and unincorporated limits for ag purposes. But there are a couple of other things that this, this bill does. Number one, it creates standards for headlights and tail lights on these vehicles. Obviously, if you're going to be operating them at night, you want to have some standards for multiple beam headlights, and you also want to have standards for high beam, low beam, and also tail lights. So many rural towns and villages want to extend the operation of these vehicles until after dark to permit the residents to drive to the local high school for evening school events, typically during the winter hours, or evening church services when the daylight hours are shortened. And as I mentioned earlier, attempts to permit usage of ATVs and UTVs within city limits after dark had previously been roadblocked by state statutes. LB1005 simply states that ATVs and UTVs may be utilized after dark if, and it's a big if, local ordinances permit their usage within their boundaries. The bill was advanced from committee on a 7-0-1 present, not voting. Senator Brandt, he had expressed some concerns about the insurance piece of it, but that is also addressed later on in statute, and he and I had that discussion. There's no fiscal note. And the-- if you are really interested in an entertaining testimony, I would encourage you to listen to the testimony by the-- well, I'll mention her name, Karen Ramsey, I'll just go ahead and mention it, she came to the committee and testified that she likes to drive her Gator after dark and she wants to be able to do that. And in Falls City, they had changed an ordinance to allow that to happen. But then they found out they couldn't because of state statute. So this gives local control, provides all of the, the criteria and, and nothing has really changed as far as the use of ATVs and UTVs. It still provides local control and allows local communities to do that if they wish. So I would appreciate your green vote on this amendment which would empower local control for cities who wish to

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adopt an ordinance allowing this to happen. So I, I appreciate your green vote. Thank you.

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

MOSER: Would Senator Clouse respond to a question, please?

KELLY: Senator Clouse, would you respond to some questions?

CLOUSE: Yes, I will.

MOSER: Yeah, I didn't give you a heads up, sorry about that, but I think I know the answer already, so I wasn't worried about playing gotcha with you. This is enabling legislation, though it doesn't require counties to allow people to drive at night, right?

CLOUSE: No, this is-- you're absolutely right, this just gives them the ability, and I would tell you from a city perspective, the city of Kearney, we would not allow that. But if you have a small village, and they do it already, they have ATVs and they're running all over the place, but this just allows that to happen under local control with-- through ordinances.

MOSER: So in some of these small villages, they serve a purpose for people who otherwise can't or don't want to drive a car. They can use these to get around town, go get groceries or go to the, the Speedy Mart or whatever to get a Coke, right?

CLOUSE: Absolutely, and, and, in fact, one of the, the testimonies was, you know, maybe during the winter, if it's a little bit of snow, they'd rather drive their Gator than they'd take the car out.

MOSER: Yeah. OK. Thank you, Senator. I'd appreciate the-- our colleagues to support Senator Clouse's amendment. I consider it a friendly amendment. It allows local government to pass a law to allow UTVs to be used at night if they want to, if they don't it's their county they can do what they want. Thank you, Mr. President.

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

GUERECA: Will Senator Clouse yield to a question?

CLOUSE: Yes.

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GUERECA: Did the-- OK. Senator Clouse,--

KELLY: Senator Clouse.

GUERECA: --what was the name, what was the name of the woman who came to testify in support of this bill?

CLOUSE: Her name was Karen Ramsey.

GUERECA: Erin Ramsey?

CLOUSE: Karen Ramsey.

GUERECA: By far my favorite person that came in to testify in my entire career. She was certainly a character and expressed her point of view very clearly. So thank you for having her come in.

CLOUSE: She was very passionate, yes.

GUERECA: Yield back.

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

WORDEKEMPER: Thank you, Mr. President. I'd want to know if Senator Clouse would yield to a question? And I apologize I didn't get to you to warn you on this.

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

CLOUSE: Yes, I will.

WORDEKEMPER: Thank you, Senator Clouse. I just want to clarify, with your ordinance or what you're wanting to pass here, this is only for vehicles that will drive within city limits. They still are not permitted on county roads and don't need a license plate. Is that correct?

CLOUSE: No, they are allowed in counties-- on county roads. This just is dealing with within corporate limits, villages. And if the county has, like, a township or something like that, it gives them the opportunity to do that if they choose.

WORDEKEMPER: OK. I guess I misunderstood on that. I had a bill last year, and I believe Senator Lonowski had a bill last year, that we were trying to license these to allow them to drive outside of city

limits as long as they weren't on state highways. But from what you're saying, that's not the case. With the passage of this, they will be able to drive outside on county roads as long as they're not on state highways.

CLOUSE: This bill just strictly deals within the corporate limits of a community. They still cannot drive on the highways. You know, that's restricted in statute. So this would just be on city streets, village streets, things of that nature. Now as far as the licensing, I think there's some things that we can-- need to work on maybe even next year so that we can have some reciprocity or see how they license it in, in neighboring states. I think they're some things we need to work on there. But this just deals with the cities and villages allowing them, if they choose, to draft an ordinance and put-- they can even go more restrictive as to what their requirements are to allow these in their communities.

WORDEKEMPER: Thank you for that clarification.

CLOUSE: Mm-hmm.

KELLY: Thank you, Senators. Seeing no one else in the queue, Senator Clouse, you're recognized to close and waive. Senators, the question is the adoption of AM2999. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: AM2999 is adopted. Mr. Clerk.

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

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

GUERECA: Mr. President, I move that LB972 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. LB972 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB596. Senator, excuse me, first of all, there are E&R amendments.

KELLY: Senator Guereca, for a motion.

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GUERECA: Mr. President, I move that the E&R amendments to LB596 be adopted.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. The amendments are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Lonowski would move to amend with AM2730.

KELLY: Senator Lonowski, you're recognized open.

LONOWSKI: Thank you, Mr. President. I appreciate you allowing this friendly amendment, Senator Sanders. While previously offered as AM2405 and providing reasons for it, there were constitutional concerns expressed so I withdrew it. That was because we all take an oath to uphold and defend the Constitution of Nebraska. I want to thank Senator Sanders and the Government Committee office along with all my colleagues who collaborated, and especially Senator Conrad, who helped us out with the constitutional part. AM2730 addresses the concern expressed and would make this Hall of Fame proposal constitutional. It replaces a closed class, which was just for Tom Osborne, with an open class. It gives the Hall of Fame Commission the opportunity to consider living people. It leaves the final decision-making on this question to the Hall of Fame Commission. Thank you again to all my colleagues who cosponsored this LB1159. And I ask for your green vote on AM2730. Thank you, Mr. President.

KELLY: Thank you, Senator Lonowski. Seeing no one else in the queue, you're recognized to close on the amendment and waive. Senators, the question is the adoption of AM2730. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: AM2730 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Dover would move to amend with AM2987.

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

DOVER: Thank you, Mr. President. Good evening, colleagues. I spoke with Senator Sanders ahead, bringing this amendment, would like to thank her for welcoming the LB596. AM2987 is a simple cleanup bill originally brought forward at the request of the Nebraska Real Estate Commission as LB810, which came out of the Banking, Commerce and

Insurance Committee 8-0 with no opposition testimony. The first item on this bill seeks to rectify is the notice requirements for cease and desist orders. The Commission is charged with protecting the public and real estate transactions. One of the tools available to them is the ability to issue a cease and desist order when the individual engages in real estate activity without the required license. For many years, a director has issued cease and desist orders pursuant to Section 81-885.03, where nonlicensed individuals attempt to profit from activities that legally require a license-- licensure. However, in 2025 during issuance of one such order, it was discovered that there was conflicting procedural language between Section 81-885.03 and 81-885.25 regarding how those orders are handled. LB810 resolves that statutory conflict. The second component of LB810 addresses the deputy director position with the Commission. This position already exists in practice. However, it changes the state personal classification eliminating the prior classification tied to the statute. At the Commission's request, LB810 updates statute to formally recognize and protect the position for future hiring purposes. This change does not create a new position or carries no fiscal impact. Again, I would classify LB810 as a simple cleanup bill that ensures this portion of our state government can run smoothly. Thank you.

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

McKINNEY: Thank you, Mr. President. Would Senator Dover yield to a question?

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

DOVER: Yes.

McKINNEY: Thank you, Senator Dover. Can you further explain how the cease and desist process works?

DOVER: What my bill actually does is there was a-- there is a cease and desist process for-- let me find it here. For-- there's, there's two different processes for a cease and desist order. One is for ones that are on licensees that are not licensed, and the other one is for-- I was on the Real Estate Commission for 6 years-- the other one deals with-- we have the regulatory right to censure and suspend licenses. And so there are two different processes for notification. And what happened was, they found out in the, in the bill that they

were tied together accidentally, so this simply separates those two sections of statute.

McKINNEY: OK, well, I'm just trying to get an understanding of-- so how does the process work though? If they find out somebody is selling-- I think I'm hearing you right, where somebody is acting as if they're a real estate agent, but they're really not. So how does that work in practice? So somebody reports them, and then what's the process?

DOVER: So then-- well, when I was on the Nebraska Real Estate Commission, we actually found someone that was in California doing that did not have a Nebraska Real Estate License. So we sent a letter to them saying cease and desist. Because-- and stated that-- they just stated in statute they did not have the required real estate license in the state of Nebraska to do real estate transactions in the state of Nebraska.

McKINNEY: OK, so they're just not licensed in the state. So could somebody appeal that possibly?

DOVER: Yeah, they can go to court. In fact, we actually did, the person in California and they counter sued. And actually I, the Secretary of State, and the Real Estate Commissioner were actually listed in that counter suit. But we eventually won.

McKINNEY: OK, so what happens if the Commission says cease and desist and the person still continues to do so? Is there a fine or a penalty attached to it?

DOVER: We have an option, we can-- well, we, we can fine, we can [INAUDIBLE], but we would basically take them to court.

McKINNEY: OK, and last thing, how does that impact-- let's say you submitted the cease and desist, they continue to act like a real estate agent licensed in the state, they sell a property, how does that impact the person that purchased the property?

DOVER: You know, I don't know. I think a, a judge would probably decide that. We wouldn't decide that on the Real Estate Commission. That would be caught up in court. And so the court would provide the remedy. We would just active-- we would just put into action that they end up in the court. And then we, we have a law firm, I don't know who the current law firm is anymore, we contract with a law firm that represents and does all of our, our, our court work.

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McKINNEY: All right, thank you. Appreciate it.

DOVER: Thank you.

KELLY: Thank you, Senator McKinney. Senator Machaela Cavanaugh, you're recognized to speak. Oh, Senator Dungan, for what purpose do you rise?

DUNGAN: Thank you, Mr. President. I do object to this amendment being germane to the underlying package.

KELLY: Senator Dungan and Senator Dover, could you please approach, and Senator Sanders. The ruling of the Chair is that it is not germane. Mr. Clerk.

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

KELLY: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB596 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Debatable motion, to-- in the queue, Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I yield my time to the Chair.

KELLY: Thank you, Senator Cavanaugh. Senator Dungan, you're recognized to speak. Senators, you've heard the motion to advance to E&R Engrossing. All those in favor say aye. Those opposed say nay. LB596 is advanced for E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB912. First of all, Senator, Mr. President, there are E&R amendments.

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

GUERECA: Mr. President, I move that the E&R amendments to LB5-- to LB912 be adopted.

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

CLERK: Mr. President, Senator Kauth, I have FA572 with a note that you withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator DeKay would move to amend with AM2642.

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

DeKAY: Thank you, Mr. President. AM2642 would add into LB912, the provisions of LB796, as such bill was amended by AM2328. LB796 as amended by AM2328 was brought to the Health and Human Services Committee to address an issue that rose between DHHS and a rural pharmacy in my district regarding the authority of such pharmacy to permit patients to pick up their prescriptions in person at a third-party health care facility like a hospital. Specifically, AM2642 would clarify that individuals who are employed by a third-party health care facility where dispensed drugs and devices are delivered from a pharmacy to be picked up by a patient or caregiver as requested by the patient are not considered to be in the practice of pharmacy if the following specific criteria are met: (a) the drug or device has been prepaid by the patient or caregiver; (b) the dispensing pharmacist has offered patient counseling either prior to or at the time of dispensing; (c) the drugs or device is maintained in the packaging as received from the dispensing pharmacy and stored in accordance with the manufacturer's recommendations and kept in a separate area from other drugs or devices held by the health care facility like possibly in a clear designated secure cabinet or refrigerator; (d) the drug or device being delivered is not a controlled substance; (e) a drug or a device that is not picked up within 30 days after delivery is donated or destroyed by the health care facility or returned to the pharmacy and is not eligible for refund of any amount paid; (f) the health care facility has implemented a written policy related to the donation or destruction of a drug or device that is not picked up by a patient or caregiver within 30 days after delivery to the facility; and (g) the health care facility maintains a documentation of the delivery of a drugs or device under this subsection, including a date received, the name of the pharmacy, the name of the patient, the signature and printed name of the individual picking up the drug or device, the date it was picked up, and the date of donation, destruction, or return to pharmacy. The bill also makes clear that a health care facility other than a pharmacy acting in accordance with this bill shall not be eligible for the contents of a drug or device and be delivered to a patient. And that the decision to accept a drug or device for delivery to a patient rests solely within the receiving facility. DHHS, with

the recommendation of the Pharmacy Board, would then have the authority to promulgate rules and regulations to implement this bill. I want to close by noting that LB796, as amended by AM2328, was first heard by HHS Committee on February 27, was advanced on a unanimous 7-0 vote. However, since AM2328 added a substantial new substance that was not contained in LB796 as introduced, the amendment was only presented to HHS Committee and was not properly filed and read across by the Clerk at least a week prior to the hearing on LB796. The Speaker's Office recommended that these provisions receive a second hearing so that the public had an opportunity to review the amendment. Therefore, HHS Committee held a second public hearing on these provisions on March 19. At both hearings, the Nebraska Pharmacists Association testified in support of the bill while DHHS testified in the neutral capacity. There were no opponents at either hearing and no written comments submitted online. And I hope Senator John Cavanaugh is listening to this riveting opening. I would appreciate a green vote on AM2642. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Thank you, Senator DeKay, for waking me up at the end there. Senator DeKay did fill me in on this bill earlier. I rise in support of AM2642. I appreciate him making a point to remind me that we talked about it earlier. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator DeKay waives closing. Senators, the question is the adoption of AM2642. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: AM2642 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Hardin would move to amend with AM20-- excuse me, I'm sorry. Senator Riepe would move to amend first with AM2760.

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

RIEPE: Thank you, Mr. President. AM2760 to LB912 is an amendment requested by the Department of Health and Human Services to my LB1211, which was the bill authorizing pharmacists to use automated pickup

kiosks. First, it sets the operational date of the bill to May 1, 2027 to allow time for rules and regulations to be promulgated. And, second, it changes the fee structure from annually \$50 to a one-time initial payment of \$200 for a pharmacist to utilize an automated pharmacy pickup kiosk and \$50 for annual renewals thereafter. The \$200 is meant to better cover expenses related to initial inspections and authorizations of these kiosks. With that, I ask for your support on AM2760 and the underlying bill, LB912. Thank you, Mr. President.

KELLY: Thank you, Senator Riepe. Seeing no one else in the queue, Senator Riepe, you're recognized to close and waive closing. Members, the question is the adoption of AM2760. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM2760 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Hardin would move to amend with AM2833.

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

HARDIN: Thank you, Mr. President. AM23-- AM2833 adds my bill, LB914, into the committee package. This amendment repeals Section 38-2053 of Nebraska statute, which automatically holds physicians liable for every negligent act or omission of a physician assistant, regardless of the physician's involvement in the patient's care. This statute reflects an outdated model of physician assistant practice. Today, physician assistants, PAs in other words, are licensed professionals with their own malpractice coverage who routinely manage patients as part of modern team-based care. AM2833 provides that PAs are responsible for the care they personally provide while physicians and physicians' groups remain fully liable for their own actions under standard malpractice law. This does not reduce patient protections, change supervision requirements, or expand scope of practice. It removes an unnecessary legal deterrent that can discourage physician, PA collaboration, particularly in rural and underserved areas, and better aligns Nebraska law with how care is delivered today. This bill was supported by both the Nebraska Academy of Physician Assistants and the Nebraska Hospital Association and was advanced to General File with a 7-0 vote out of the Health and Human Services Committee. With that, I would appreciate your green vote on AM2833. Thank you, Mr. President.

KELLY: Thank you, Senator Hardin. Seeing no one else in the queue, you're recognized to close and waive closing. Senators, the question is the adoption of AM2833. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM2833 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Ballard would move to amend with AM2923.

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

BALLARD: Thank you, Mr. President. Good evening, colleagues. AM2923 to LB912 to incorporate provisions of LB825 legislation addressing domestic violence prevention through targeted training for mental health professionals. LB825 was heard in the, the Health and Human Services Committee on January 21 and was advanced to committee [SIC] on March 9. Importantly, no opponents testified at the hearing and the concerns that were raised in a follow-up letter were addressed in the committee amendment reflecting in the committee statement. The proposal stems from recommendations of the Nebraska Domestic Abuse Death Review Team housed in the Attorney General's Office. In reviewing recent domestic violence homicides, including murder-suicides, involved intimate partners, the team recommended focused training for mental health professionals that may encounter victims or perpetrators of domestic violence. The amendment requires 2 hours of domestic violence related continued education for mental health practitioners and licensed independent mental health practitioners during the licensing period. And 3 hours for training for individuals seeking initial licensure so new practitioners enter the field with fundamental knowledge in this area. At its core, this proposal is about prevention and preparedness, making sure professionals who may be in the position of recognizing warning signs have a baseline training necessary to respond appropriately. I appreciate the consideration and would ask for your green light on AM2923. Thank you, Mr. President.

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

QUICK: Thank you, Mr. President. And I was the no vote coming out of committee, so I wanted to explain that. And I had a-- I have a constituent in my district who was opposed to this. She is a

therapist. She does have, you know, concerns about certain portions of the bill. She supports victims of domestic violence. But one of the things-- I'll just name the three things that she was concerned about within the bill. And the one-- the first one was the mandatory training for a specific topic. So, you know, they go for their CEUs for continuing education and they, they can pick and choose the topics that they, that they-- within what, within what the clientele that they serve. And so I think her, and I know I also got an email from the Nebraska Board of Mental Health Practice, their concerns were that now there's, there's a requirement for them to take just a specific topic. That could lead to more topics not allowing them to maybe take training in the certain areas that they're specified in. So the mandatory training was the first one that they were really concerned about. The next part was the person that does the training. It would-- they felt like-- it's, it's going to be required that they have 3 years of experience working with domestic violence, and they felt like this would limit who could-- who they could receive the training from, if there would be enough trainers across, you know, the state for them to receive the type of training they wanted. It may cause them to have to travel to get their training. So those were-- that was the second concern. And then they had-- the third concern had to do with new graduates coming up. I do think the amendment maybe addresses that with moving the date back. But their concern was that they wouldn't have the required credits for domestic abuse training to obtain their license, and so it could delay them getting their license in the future. But I do think maybe the date change with the amendment would, would address that. But I wanted to get up and speak a little bit, you know, about my concerns for the bill and why I voted no coming out of committee, and although we do support victims of domestic violence and I want to make sure that they're getting the care that they need, their main concerns were over some of the mandatory requirements in there. With that, thank you, Mr. President.

KELLY: Thank you, Senator Quick. Seeing no one else in the queue, Senator Ballard waives closing. Senators, the question is the adoption of AM2923. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: AM2923 is adopted. Mr. Clerk.

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

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

GUERECA: Mr. President, I move LB912 advance to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. LB912 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB1010. First of all, Senator, there are E&R amendments.

KELLY: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB1010 be adopted.

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

CLERK: Mr. President, Senator Kauth, I have FA666, with a note that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Machaela Cavanaugh, would move to amend with AM2910.

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

M. CAVANAUGH: Thank you, Mr. President. AM2910 is a portion of LB1111 that was in the original bill. It's language that requires decommissioning costs to be borne by the data centers. It was not included in the original committee amendment on General File. It also puts that requirement-- it puts it into LB1010 along with an agreement between the data center and communities for a community benefit agreement to mitigate adverse community impacts. Under a community benefits agreement, the community or a coalition of communities commit to protect, support, or nonopposition for the project through the permitting and regulatory approval process. Additionally, a community benefits agreement can provide a framework for community and developers to work together through key issues of a project. What can be considered a benefit in the community benefits agreement depends on each community's unique concerns and priorities. Some communities may benefit from improved community infrastructure, such as community centers, green space, or service-- services such as childcare, which I know Senator Riepe is a big fan of, or transportation. Other

communities may, may prioritize energy efficiency upgrades, energy bill reduction, energy resiliency, or investments in training programs that serve residents of disadvantaged communities. This definition came from the U.S. Department of Energy website, so I just share that for clarification for the historical record of what the community benefits agreements are. The decommissioned requirements I can share if people would like, but I will yield the remainder of my time, and if people ask questions about the decommissioning, then I will answer them. Thank you.

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

JACOBSON: Thank you, Mr. President. Well, I don't have any problem with decommissioning costs, but this community, whatever it is, sounds like a shakedown. Can you-- I mean, can you tell me what-- I mean, what are they getting themselves into and what's the cost? And, I mean, it sounds like it's a lot of word salad, but I don't know what it really means. Could you give me a little more-- shed a little more light on what that really means?

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

M. CAVANAUGH: Yes, I would. I love word salads. Actually, I don't love word salads. Yes, so this definition was taken from the U.S. Department of Energy's website. This is the definition that they use for community benefits agreements. So my understanding, and I apologize, I am not an expert in this area, but my understanding is that when businesses go into a community when this is a requirement, it's-- then they have to work-- they have to bring the community to the table and they have to come to an agreement of if there's anything adverse that their, their business would cause the community, then they have to work with the community on how to mitigate that. So it's open-ended because every community is going to be different. But it's creating an agreement on how they are going to partner together in whatever the endeavor is.

JACOBSON: Well, thank you for that answer. I, I don't think I can vote for the AM because that's in there, because I don't know what salad dressing you would use on it, or whether you even use salad, maybe you have to use ketchup on something like this.

M. CAVANAUGH: It's a plain salad, there's no dressing.

JACOBSON: All right, thank you.

M. CAVANAUGH: Thank you.

KELLY: Thank you, Senators Jacobson and Cavanaugh. Senator Clouse, you're recognized to speak.

CLOUSE: Thank you, Mr. President. I would like to ask a couple of questions with Senator Brandt, if he would be willing?

KELLY: Senator Brandt, would you yield to questions?

BRANDT: Yes, I would.

CLOUSE: OK, Senator Brandt, thank you. The bill includes the definition for associated energy storage resource and briefly stated that that's a battery, correct? And is it co-located in association with a privately developed renewable energy facility? Is that correct?

BRANDT: Yep, that's correct.

CLOUSE: OK. And a private developed renewable facility does not have to go before the Power Review Board for approval. So it's associated battery that meets the definition of the bill. That would not have to go before the Power Review Board either, is that correct?

BRANDT: Yes, that's correct. In 2016, the Legislature approved a process where privately developed renewable energy facilities could be developed in Nebraska without having to go to the Power Review Board for approval. They only need to submit a written notice that includes certain certifications to the Board. Currently, the Power Review Board has interpreted existing law to allow battery storage facilities co-located with a privately developed renewable energy generation facility to be considered part of the private renewable facility.

CLOUSE: OK, thank you. And then the final question, with the definition of associated energy storage resource, it states that the associated facility can have a maximum limit of electricity output that aggregated with the co-located generation facility is collectively limited to the nameplate capacity of the generation facility. So can you just kind of go through that and see what that-- explain what that means?

BRANDT: All right, so what that means is if you have a battery system associated with a privately owned renewable generation facility, their

joint electricity output under the grid at any given time cannot exceed the nameplate capacity of the renewable energy project. So for example, if you have a 100 megawatt wind farm with a co-located 100 megawatt battery storage facility, you cannot put 200 megawatt of electricity back on the grid at any given moment. When the wind is not blowing or the sun is not shining, the battery can be used to fill in that gap, but you cannot have both facilities running at maximum output at the same time. Together, their output at any given moment is always limited to 100 megawatts. This mirrors the Power Review Board's interpretation of existing law as found in their guidance document 14.

CLOUSE: OK, thank you, Senator Brandt. And with that, I yield the rest of my time. Thank you, Mr. President.

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

BRANDT: Thank you, Mr. President. What we just did there is called a colloquy. And it was kind of a Q&A back and forth. And that was in lieu of doing an amendment. Senator Machaela Cavanaugh's bill is a very friendly amendment. I would encourage everybody to vote green on that. Thank you.

KELLY: Thank you, Senator Brandt. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized and waive closing. Senators, the question is the adoption of AM2910. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 2 nays on adoption of the amendment, Mr. President.

KELLY: AM2910 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator, that's all I have at this time.

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

GUERECA: Mr. President, I move LB1010 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. LB1010 is advanced to E&R Engrossing. Mr. Clerk.

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CLERK: Mr. President, Select File, LB820 introduced by the Nebraska Retirement Systems Committee. First of all, Senator, there are E&R amendments.

KELLY: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB820 be adopted.

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

CLERK: Mr. President, Senator Kauth, I have FA449 with a note that you withdraw.

KELLY: So ordered.

CLERK: Mr. President, Senator Sorrentino would move to amend with AM2736.

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

SORRENTINO: Thank you, Mr. President. AM2736 to LB820 is a portion of LB433 that I brought back in 2025 on behalf of the Department of Administrative Services to provide state agencies with more flexibility and stronger employment policies. In the original version of that bill, this bill excluded deputy directors and attorneys from the state personnel system, thus making them discretionary employees. That portion of the bill has been withdrawn and stricken based upon conversations with other stakeholders amid concerns that attorneys for the state would not be, would not be able to provide objective and honest legal opinions without fear of political retribution. So what remains of this amendment is this: it will benefit multiple agencies, particularly the Department of Veterans' Affairs, by allowing them to rehire former employees on a temporary basis without requiring the current 120-day waiting period for individuals contributing to retirement plans to return to state employment. The, the changes outlined in AM2736 are expected to better support the workforce needs and operational efficiency of state agencies. Under current law, the Department of Administrative Services is limited in its ability to quickly bring back experienced and skilled employees who may have stepped away to address education, family, or other life demands. Allowing a more timely return in temporary capacity will help maintain continuity and sustain agency operations. Eliminating the waiting period also creates opportunities to develop a part-time registered

nurse pool across agencies that require Medicare-- medical care, such as the Department of Veterans' Affairs and the Nebraska Department of Correctional Services. As it stands, current statute hinders practical and innovative solutions to ongoing workforce challenges. The Department of Administrative Services has worked collaboratively with the Nebraska Public Employees Retirement System to develop mutually agreeable language, first in LB433 and now reflected in AM2736. In summary, AM2736 allows former permanent employees to return as temporary employees without the 120-day break in service currently required under the state retirement system. I would ask for your green vote on AM2736 and on LB820. Thank you, Mr. President.

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

BALLARD: Thank you, Mr. President. I'll be very brief. I just want to thank Senator Sorrentino for his work on this amendment. As he said, it's a pared-down version of LB433. Working with the opposition, this amendment language eliminates the opposition from the Bar Association. So I want to thank him for his work, and I ask for your green vote on the Sorrentino amendment. Thank you, Mr. President.

KELLY: Thank you, Senator Ballard. Senator Sorrentino, you're recognized to close. And waive closing. Senators, the question is the adoption of AM2736. 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: AM2736 is adopted. Mr. Clerk.

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

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

GUERECA: Mr. President, I move LB820 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. LB820 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB820A, there are no E&R amendments. I have nothing on the bill, Senator.

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

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GUERECA: Mr. President, I move LB820A be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed say nay. LB820A is advanced to E&R Engrossing. Mr. Clerk, items for the record.

CLERK: Mr. President, new LR, LR492 from Senator John Cavanaugh. That will be laid over. Additionally, amendments to be printed from Senator Rountree to LB937, Senator Jacobson to LB1187. And a priority motion, Senator von Gillern would move to adjourn the body until Wednesday, April 1, at 9:00 a.m.

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