

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-sixth day of the One Hundred Ninth Legislature, Second Session. Our chaplain for today is Pastor Johnny Walker, West First Chapel, Trenton, Nebraska, in Senator Ibach's district. Please rise.

JOHNNY WALKER: Thank you for standing. And let's pray. Father, as this day opens and the things that are important are on the desks in front of us, we ask for your help. Father, as people who serve people, oftentimes you overlook the fact that they need hope. They need somebody to care for. So today, as business is conducted, give us the understanding that we are people's servants, that we're here to account for their best interests. Father, as life unfolds, you give us many opportunities-- opportunities to use our judgment, to make decisions, to let our influence be exerted in the right ways. Father, every person in this Chamber today has an opportunity for another day to live and experience life. What a blessing it is. Help us not to overlook the significance of another day to breathe and to be evolved. Now, Father, it's all about eternity. Some of the short-term solutions we find will ultimately find the resolution in your presence, so we just help-- that you will somehow intervene in our lives. Help us to see things from a bigger perspective. Father, I do pray for all the people here, the people that listen in this morning, the people that count on us to do a right job. I pray that you might encourage them today, with some of the frustrations, the indecisions, the complications that they find themselves in. Now, Father, for each one of these legislators who have been elected to represent people, I pray that you would give them an intuition and understanding beyond themselves, that they might not be swayed by prejudice, but they might have a clear conscience before you, of right decision-making methods. Thank you for this beautiful day, the spring that's approaching. Thank you, Father, that you have shown your son to us this last weekend, at the Resurrection. Father, thank you for reminding us that the utmost important thing is to keep you first in our lives and to serve you, faithfully. I pray for this long day, the schedule that's set, that you might honor people's choices. In Jesus' name. Amen.

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

DeKAY: Colleagues, please join me in honoring our great country by saying the Pledge of Allegiance. 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-sixth day of the One Hundred Ninth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

KELLY: Are there any corrections for the Journal?

ASSISTANT CLERK: I have no corrections for the Journal.

KELLY: Any messages, reports, or announcements?

ASSISTANT CLERK: Mr. President, Committee on Enrollment and Review has reviewed and examined LB958, (LB958A), LB762, LB1032, LB1032A, LB965, LB803A, LB1075A, LB1187, LB966, LB929, LB962, and, and placed all of those on Select File. That's all I have, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Bosn would like to recognize the physician of the day, Dr. Joe Miller of Lincoln. Please stand and be recognized by the Nebraska Legislature. Senator Quick would like to recognize a guest under the north balcony, his brother-in-law, Robert Turek of Lincoln Please stand and be recognized. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR485. Mr. Speaker, you're recognized for a message.

ARCH: Thank you, Mr. President. Colleagues, I ask that you would please bear with me a little bit. This is kind of a lengthy announcement, but I want you to understand all the variables that we're facing in this, in this last week of our session, and how you can impact them, and, and what the implications may be as, as we go forward. First and more-- most importantly, I, I want to let the body know that the need for us to meet next week on April 17 for the 60th day is a strong possibility, and I will explain why here in just a second. So please do not make plans for next Friday, other than attending the final day of the legislative session. If this changes in the next couple of days, I'll let you know. But as of right now, it looks like we will need to meet on the scheduled 60th day to complete our work for this session. As everyone is acutely aware, we spent a great

deal of time on the budget this year. And as a result of that and the failure to adopt the cloture motion twice on that budget on Select, this led us to be about 4 days past the deadline required by our rules, of passing the budget by the 50th day in the short session. The time we lost by spending that additional time now has implications for this week. It took away time we would have been using to debate priority bills, both on General and Select File. So here's the preview of, of this week. I scheduled the 60th day a week following the 59th day, in order to ensure that there were no pocket vetoes. This means that all bills need to complete Final Reading by the end of Day 59, which is this Friday, to avoid a pocket veto. Now, backing up from that last day. For any bill to read on Final Reading on Day 59, it needs to be correctly engrossed by the Bill Drafter's Office by the end of Day 57, so Wednesday night. And the layover day will be Day 58. The Bill Drafters need to review each bill and reformat it into its Final Reading copy and then physically deliver the Final Reading copy to the Clerk of the Legislature prior to adjournment on Wednesday. So what I would anticipate on Wednesday is that while we, we may not continue debate, we will stand at ease as long as necessary, perhaps even to midnight, until we give Bill Drafters the chance to bring those bills down. The process the Bill Drafters follow to correctly engross each bill advanced from Select File is a detail-oriented proofing process to ensure the laws we pass are technically correct. For a short bill with no amendments added on Select File, it can take up to 45 minutes to an hour to correctly engross a bill advanced from Select File. For a longer bill, it could take up to 3 or more hours to correctly engross, especially if, if there are different operative dates. Adding amendments to clean up the original bill adds time to the engrossment process, and adding one or more bills to a bill takes even longer. While the body may add a bill in a matter of minutes, it is adding a lot more time to the review process upstairs. Last Wednesday, the body added, via amendment, an additional 8 bills to the bills under debate in a very short time. On Thursday, one bill was added via amendment. To get us caught up, as we head into this morning, the Bill Drafter's Office spent the long weekend working to complete the Enrollment and Review Initial process for the 12 bills advanced from General File last week, and to correctly engross 40 bills advanced from Select File. To process those 52 day-- 52 bills, it took over 2 days. On today's agenda, we have 31 bills. While several are shorter A bills, some of the substantive bills are over 25 pages in length with different operative dates, and at least one bill is over 100 pages in length. So it's not just us

moving, it's Bill Drafters being able to respond, as well. That's the message. And here's the im-- impact of amendments. While I know members will be offering amendments to add bills via amendment to the bills on today and tomorrow's agenda, please know that every bill added increases the time for a bill to be correctly engrossed. The number of Bill Drafters who can work to correctly engross bills also depends on the number of requests for amendments. So if you're making requests for amendments now and asking them to draft that, it means they can't be working on, on processing the bills we've already passed. Please limit your amendment drafting requests to those you absolutely plan to introduce. Additionally, the longer it takes us to complete today's agenda will also slow down the process. Time spent debating amendments offered today will have a detrimental effect on how soon a bill will be advanced, and thus, how much time the Bill Drafter's Office will have to correctly engross each bill, prior to adjournment time tomorrow. So the key is tomorrow night, before adjournment. While the Bill Drafter's Office will work to correctly engross all bills advanced from Select File today and tomorrow, prior to adjournment tomorrow night, it may not be possible. In which case, some bills will need to be read on Final Reading on Day 60, and therefore some bills may be subject to a pocket veto. Another reason we may need to meet on Day 60 would be if the Governor needs additional time to consider vetoes for any of the bills read up to and including on Day 59. The next 2 days will determine whether or not we will need to meet for Day 60. However, to not need Day 60, we must at least complete all of today's Select File that you see on the agenda. That is absolutely necessary. It may not guarantee that we won't need Day 60, but it absolutely will require we need Day 60 if we don't complete that Select File. I plan to provide you with the decision on Thursday morning regarding Day 60. However, in the meantime, you will want to ensure you have set aside that day, April 17, for session day. Thank you, Mr. President.

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

CLERK: Mr. President, Select File, LB815A, from Senator Brandt. 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 LB815A be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. LB815A is advanced E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB838A. There's nothing on the bill, Senator.

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

GUERECA: Mr. President, I move LB838A be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. LB838A is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB912A. There's nothing on the bill, Senator.

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

GUERECA: Mr. President, I move LB912A be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say, say aye. All those opposed, say nay. LB912A is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB972A. There are no E&R amendments. Senator Fredrickson would move to amend with AM3100.

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

FREDRICKSON: Thank you, Mr. President. Good morning, colleagues. This amendment is the direct result of the Select File amendment of Senator Bostar's bill. So there is a cash fund transfer from, I believe it's the State Patrol Cash Fund, for the Back the Blue license plates. So no impact on the General Fund, but I ask for your support on AM3100. Thank you.

KELLY: Thank you, Senator Fredrickson. Seeing no one else in the queue, you're recognized to close and waive closing on the amendment. Senators, the question is the adoption of AM3100. 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: AM3100 is adopted. Mr. Clerk.

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

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

GUERECA: Mr. President, I move LB972A be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. LB972A is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB1126A. There are no E&R amendments. Senator Moser would move to amend with AM3074.

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

MOSER: Thank you, Mr. President. Good morning, colleagues. This amendment is the result of adding Senator Dorn's bill into the package, which would allow the PSC to adjust the amount of 911 fees assessed to cell phone accounts. And before, we didn't have a number, and now we do. So the amendment says: on page 3 [SIC], line 1, strike "\$1" and insert "\$675,000", and in line 2, strike "\$1" and insert "\$1,350,000". These are both enhancements to the 911 Fund, should the PSC decide to raise those amounts. And those amounts are to be used to help defray the costs of public service answering points throughout the state. I encourage your support for this bill since we've approved the-- or this-- yes, for this bill, because we approved the addition of Senator Dorn's bill before. And thank you for your consideration. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. And good morning, colleagues. I was hoping my friend, Senator Moser, might answer a few questions, in regards to this amendment.

KELLY: Senator Moser, would you yield to questions?

MOSER: Yes.

CONRAD: Thank you, Senator Moser. So this incorporates, then, the corresponding appropriation in regards to, I believe, my friend, Senator Dorn's amendment, that would remove the present approach and exclusion in regards these fees and surcharges and taxes for cell phone users in the city of Omaha, essentially. Is that right?

MOSER: Yes. Currently, the amount charged in Omaha on cell lines is less than the rest of the state.

CONRAD: OK.

MOSER: This would make them all the same, if, if they raised it, but--

CONRAD: Mm-hmm. So--

MOSER: More than likely they would.

CONRAD: I know that you hear about this probably a lot, as chair of the Transportation and Telecommunications Committee, but could you just maybe refresh my understanding or the body's recollection of how does Nebraska compare to many of our sister states, when it comes to taxes and fees on cell phones?

MOSER: I don't-- that's something I'd have to research. I would say Nebraska has a lot of geography to cover and we have a lot of need for 911 PSAPs.

CONRAD: Mm-hmm.

MOSER: And, and this is an effort to address that.

CONRAD: OK. Well, in all your time on Telecommunications and Transportation, you've never heard that Nebraska pays some of the highest fees and taxes for their cell service?

MOSER: Well, I've heard many, many things, and that's not one thing that I-- comes to the very top of my memory, but it very well could be a complaint. Nobody likes to pay tax. Me, either

CONRAD: Sure. But I'm just talking about comparatively, in terms of how Nebraska compares to our sister states.

MOSER: Yeah. We live in Nebraska and we've got our own needs, and we just need to address them, you know?

CONRAD: But for this instance, we would be increasing taxes and fees and on urban residents to pay for rural 911 service. Is that right?

MOSER: Well, PSAPs, wherever. I, I think they make grants toward the cost of it. And those people from Omaha drive out into the state, out on the interstate. You know, they may need 911 service in North Platte or Chadron, someday. I called 911 here, 3 weeks ago, when a wheelbarrow tried to fly through my windshield. And she answered right away. And I couldn't tell where I was because my phone was screwed up, and she figured it all out, so I'm grateful.

CONRAD: Well, I, I think we can all extend our gratitude to the incredible dispatchers and first responders that are part of our 911 system. But did you hold any interim studies, or otherwise, that demonstrates that our 911 services funding is incomplete or inadequate?

MOSER: Well, we had testimony at the hearings about the needs for PSAPs. Senator Dorn might be a better person to ask about the particulars of that, because his, his bill brought out a lot of testifiers.

CONRAD: Mm-hmm. And then, did you examine any other solutions to ensure adequacy for 911 services?

MOSER: I'm sorry, I couldn't hear your question. They're talking around me.

CONRAD: Yeah, there's a lot of chatter. Everybody's excited to come back after the holiday weekend. Did you explore any other solutions to ensure adequate funding for our 911 services?

MOSER: That's a question for Senator Dorn. This is his bill.

CONRAD: You are chair of the committee though, yes?

MOSER: Yeah. Yes, I am.

CONRAD: OK.

MOSER: But again, I'm not hell-bent on opposing every fee. You got to raise fees once in a while when costs go up. Otherwise, you're just ignoring reality. And you know, I'm not in this business to posture for future elections. I'm here to do the business that the state needs to do. And it's very likely one of our members will be on the PSC. And if that happens, that person would be able to vote to control the public service fees.

CONRAD: OK. I'm not quite sure of the relevance of that response, but thank you, Senator Moser.

MOSER: Thank you.

KELLY: Thank you, Senators Conrad and Moser. Seeing no one else in the queue, Senator Moser, you're recognized to close on AM3074 and waive. Senators, the question is the adoption of AM3074. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 7 nays on adoption of the amendment, Mr. President.

KELLY: AM3074 is adopted. Mr. Clerk.

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 LB1126A be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. LB1126A is advanced to E&R Engrossing. Senator Holdcroft would like to recognize a guest under the south balcony. It is Carol Langevin, mother of Kevin Langevin, legal counsel for General Affairs. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk.

CLERK: Mr. President, General File, LB962A from Senator McKinney. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out of the provisions of leg-- LB962. The bill was read for the first time on March 26 of this year and placed directly on General File.

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

McKINNEY: Thank you, Mr. President. LB962A is an A bill for LB962, working with the Department of Education to kill the fiscal note that they said they might need, just with a language, language change in the bill. This is just \$1, so just need you to vote green, and we can most likely IPP it on Select, if all things work out how they supposed to. Thank you.

KELLY: Thank you, Senator McKinney. Seeing no one else in the queue, you're recognized to close and waive closing. Senators, the question is advancement of ER-- of LB962A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB962A is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, Select File, LB1114. 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 LB1114 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 FA773 with a note that you withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator McKinney would move to amend with AM2838.

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

McKINNEY: Thank you, Mr. President. AM2838 is an amendment that we're bringing after some discussions with Omaha Housing Authority, representatives from the city of Omaha, and individuals from port authorities. What it does is, one, clarifies some stuff around community revenue bonds and revenue bonds that inland port authorities may be able to use. We're also-- there, there will be some subsequent-- a subsequent amendment from Senator Hallstrom, to strike Section 95 out of this, and I believe another section, but it's not-- for some reason, I'm forgetting it right now. Then in Section 96 introduces a law-- a, a change requiring the housing authority in the city of a metropolitan class to submit annual reports to the Urban Affairs Committee, including key data on evictions, pest control efforts, tenant complaints, and occupancy rates, strengthening transparency and legislative oversight. Housing agencies will be required to submit any reports to the Urban Affairs Committee, includ-- and I just stated that. It also empowers municipalities to enforce housing codes, conduct complaint-based inspections, and require property registration, impose penalties for violations, and require regular reporting to city councils, including updates on pest control and mitigation efforts. Together, these provisions ensure greater transparency and accountability in local oversight of public housing systems. With that, I ask for your green vote. Thank you.

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

STORER: Thank you, Mr. President. Would Senator McKinney yield to, excuse me, some questions?

KELLY: Senator McKinney, would you yield to questions?

McKINNEY: Yes.

STORER: Thank you, Senator McKinney. I just wanted a little more information on the inland port authority provision of this package of bills. At the hearing, or-- what, what was really the basis-- your understanding of the basis for the need to expand this from 5 to 8, given where we're at in the states, since those were put into place?

McKINNEY: So the basis, from Senator Lippincott, because this was his bill, was mainly because there were some cities across the state that-- one was Grand Island-- that was basically on the border of getting a port authority, but didn't end up getting one. And they had approached, I think, Senator Lippincott, about introducing legislation to expand the availability for them to be allowed to get a, a inland port authority. Then, through the committee process, there was other municipalities that wanted to-- wanted the ability to possibly apply to get a inland port authority. I believe it, it was Grand Island, something is, is-- I don't-- slipping my mind, but there was like at least 3 more, so that's why we took it from 5 to 8. The committee thought it was a good idea, especially to try to, you know, focus more on economic development efforts across the state, because most of the ports currently, are on the eastern side.

STORER: One other, I guess, additional question, or, or maybe more of a comment. So this was originally put into place, I believe, back in 2021. Do you know, to date, how much revenue or how successful any of those 5 that have been allowed have been?

McKINNEY: I think they're all at different stages. So North Platte is maybe further ahead than most. And then you have Fremont. They're, they're moving. South Sioux City, Omaha is making some progress, as well. That didn't get established until 2014, I believe. 2014, 20-- yeah, 20-- 2024. I'm sorry. Not 2014. So they're all at different stages. Some are making some efforts, and some are-- they're all at different stages.

STORER: OK. Thank you. I guess I would just add a couple of my own observations or information that I've gathered up to this point. And to my knowledge, of those 5 that we provide for or allow up to this point, I believe only one, at this time, has developed contracts or is moving forward in any meaningful way, given the fact that there has been dedicated over \$150 million, to this point. It is, it is still unclear to me why we would continue to expand the inland port authorities when we have not yet seen evidence of the return on investment to the state of Nebraska and the success of those that have been in place or been put in place since the creation of the inland port authorities. So I just wanna be on record as being unclear and not, not supportive of expanding that until we see if this structure is actually returning dollars to the state of Nebraska and creating true economic development. Thank you.

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

CLERK: Mr. President, Senator Hallstrom would move to amend with FA1142.

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

HALLSTROM: Thank you, Mr. President, members. I rise to withdraw FA1142, and I believe I have the next amendment up to replace this.

CLERK: Mr. President, Senator Hallstrom, my understanding is you would withdraw FA1142.

KELLY: So ordered.

CLERK: In that case, Senator Hallstrom would move to amend with AM3082.

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

HALLSTROM: Thank you, Mr. President. This is a friendly amendment that Senator McKinney and I have agreed upon. The Omaha Housing Agency had raised some concerns, along with some other folks, with regard to a couple of provisions in Senator McKenney's amendment that's pending. One of them was to remove Section 95. This is more of a technical issue. The provisions would have provided that a tenant's claim based on contract would be excluded from the Political Subdivisions Tort Claim Act. Since it is a contract-based action, there should be no need to exclude it from the Political Subdivision Tort Claims Act, so we are removing Section 95. Amendment 3, which is on page 12 of Senator McKinney's amendment, was also somewhat controversial, in terms of his interest in allowing a tenant who was dissatisfied with a complaint resolution to immediately bring an action, which is in conflict with another existing statute. We weren't sure whether that immediate action would be effective, in light of the existing statute. So we're also removing Amendment 3 from his pending amendment, and I would ask that you vote green on the amendment. Thank you.

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

BOSN: Thank you, Mr. President. I wondered if Senator McKinney would yield to a few additional questions.

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

McKINNEY: Yes.

BOSN: Thank you, Senator McKinney. I don't sit on the Urban Affairs Committee, and so I'm trying to catch up with some of these amendments. But I'm looking kind of back to AM2838, specifically as it relates to Section 74. That seems to be additional language, but the section references to a bill that you brought, which is LB981. Is that correct?

McKINNEY: LB981 was the housing agency bill, if I remember right.

BOSN: Right. So if you look at your adopted amendment from the last round of floor debate, on page 87, that's where LB981 is referenced, and that required housing authority in a city of the metropolitan class to comply with any city rental inspection and registration ordinance, code enforcement, and inspection of residential rental properties. That seems to be the only change in Section 74 of the original committee priority package. Is that right?

McKINNEY: Oh, in general, yes.

BOSN: And so now, the amendment, AM2838, is a substantial change to Section 74, and talks about an inland port authorities may designate a portion of any bond issuance as a community revenue bond for the purposes of facilitating investment by residents and stakeholders. So nothing in the original LB981 talked about bonding authority or issuance as originally, the, the bill would have been heard. Is that fair to say?

McKINNEY: LB981? But the bill-- so there was a housing agency bill, there was bills also that dealt with the inland port authorities, and they're all combined.

BOSN: But did anything ever deal with their bonding authority? I, I guess my-- here's where I'm going with this. I'm not sure that I can support something that didn't have a hearing, and my concern is that the bonding issuance-- the bonding authority portion of this amendment never actually had a hearing.

McKINNEY: So we did have a hearing about bonding in-- but-- yeah, we had, we had a hearing-- so there was another bill that came to our committee that dealt with bonding.

BOSN: And is that-- can you tell me what bill that is?

McKINNEY: Let me see. Which one is that? So that was LB1168 that came to our committee, but it didn't-- it's amended into our other committee bill.

BOSN: LB1168 is your bill that had a bonding.

McKINNEY: No, it's not my bill. What I'm saying-- yeah.

BOSN: OK. The bill that went to Urban Affairs is what I'm-- sorry.

McKINNEY: Yeah, and it got amended into our other committee package.

BOSN: OK, and what's that committee package number?

McKINNEY: LB1135.

BOSN: OK. And so--

McKINNEY: That dealt with conduit bonding.

BOSN: If that bill had a hearing and then it got added into another committee priority package, I'm still equally confused how this bill is addressing bonding authority in a different manner in this package that never had a hearing.

McKINNEY: We were clarifying some stuff and adding some stuff about bonding, so that's why we did it that way.

BOSN: OK. Maybe I'll come touch base with you when we get off the mic. But colleagues, that-- and, and I'm not trying to put Senator McKinney on the spot, so much as figuring out what we're adding into this package and whether or not it had a hearing, so that I can know who supported it, and who opposed it, and whether or not this is something we should be doing. So I rise with those concerns, but I will continue my conversation with Senator McKenney off the mic. Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. Senator Sanders would like to recognize a guest under the south balcony, former Senator, Colonel Tom Brewer. Please stand and be recognized by the Nebraska Legislature. Senator Andersen, you're recognized to speak.

ANDERSEN: Thank you, Mr. President. Would Senator McKinney answer a question?

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

McKINNEY: Sure.

ANDERSEN: Thank you, Senator McKinney. Does 28-- there's a lot in that, right? There's a lot of changes. Does it change the number of inland port authorities that are being authorized?

McKINNEY: No. It's--

ANDERSEN: So it stays at 8. Is that correct?

McKINNEY: 8. Yeah. Yep.

ANDERSEN: OK. All right. Thank you. Thank you, Mr President.

McKINNEY: No problem.

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

STORER: Thank you, Mr. President. Just a couple additional questions. And I realize this is actually Senator Lippincott's portion of the package-- the bill on inland port authorities. So I wonder if Senator Lippincott would yield to a couple questions.

KELLY: Senator Lippincott, would you yield to questions?

LIPPINCOTT: Yes.

STORER: Thank you, Senator Lippincott. I'm just wondering if you could give a little bit of background for the premise to expand, given the fact that we currently allow 5, only 2 of those have been allocated any dollars, and only one of those 5 have currently, in the last 5 years, signed any contracts or been

able to move forward with executing really, the need, or the purpose of the inland port authority.

LIPPINCOTT: Yeah. Thanks for the question. Kind of the background on this, Grand Island did apply for an inland port authority a number of years ago, and it failed to meet the criteria that inland port locations require. And one of those is having a four-lane highway that would be accessible to the inland port area. And since then, they have completed the four-lane highway on U.S. Highway 30, westbound out of Grand Island, so that was one of the holdups for Grand Island qualifying as an inland port. Now, there are, are also some additional towns here in Nebraska that are trying to vie for a inland port. Nebraska City is interested. Also, at our hearing regarding that bill, Omaha was also wanting to get a second location in that area. And then, it's also been brought to my attention that the city of Blair, Nebraska, would also be interested in competing for an inland port location.

STORER: Thank you, Senator Lippincott. I guess part of my, again, overall concern about expanding these so rapidly when we haven't had time to see if that structure is actually working as it should, is they were intended in statute to be those key points of-- that are home to critical rail highway and infrastructure for, you know, transportation. And it-- I'm just concerned that we continue to expand these, which will lead to allocation of more dollars from the state, and really sort of water down the overall purpose of what inland port authorities were intended to do. If we have now 8, maybe someday 10, they no longer become key points of transportation, and-- where, where we merge together the, the rail highway and infrastructure. So I just have some-- continue to have some concerns that we're creating programs that will be eligible for state allocations and we haven't had time to see if that structure even works, at this point. Again, given the 5 that have applied, only 2 have been allocated dollars, or up to the point to be allocated dollars. And of those, only one has any contracts even signed to fulfill the purpose of an inland port authority. So I do remain very cautious and very concerned about the expansion, given, given the lack of time to, to see if these are actually returning dollars and growing the state's economy. Thank you.

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

ARMENDARIZ: Thank you, Mr. President. I just wanted to get up and, and express where I was at. I read here, authorized community improvement districts to lever-- levy property taxes. Just for that reason, I'm not going to vote for this. I see this as another line item on your property tax statement. Regardless of if it's 50% of people that vote, it's not everybody, and they can raise the money in these communities on their own if they want to make improvements. I don't want to add another line to your property tax statement. Thank you, Mr. President.

KELLY: Thank you, Senator Armendariz. Seeing no one else in the queue, Senator Hallstrom, you're recognized to close on the amendment, and waive. Senators, the question is the adoption of AM3082. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 1 nay to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Dungan, please return to the Chamber and record your presence. The house is under call. Senator Dungan, please return to the Chamber and record your presence. The house is under call. Senator Hallstrom, Senator Dungan is the-- missing, and Senator Hallstrom says to proceed. The vote was underway. Senator Hallstrom, will you accept call-ins? Mr. Clerk.

CLERK: Senator Storer voting yes. Senator McKinney voting yes. Senator Rountree voting yes. Senator Lonowski voting yes. Senator Storm voting yes. Senator DeKay voting yes.

KELLY: Record, Mr. Clerk.

CLERK: The vote is 25 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: AM3082 is adopted. I raise the call. Mr. Clerk.

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

KELLY: Senator McKinney, you're authorized to close on the amendment.

McKINNEY: So this is amendment that we have worked on, from General to Select, to clarify some things, but also to address some issues that were raised by the city of Omaha and the Housing Authority. Senator Hallstrom's amendment took out some things that I was OK with removing, after some further conversations. So with that, I'll ask for your green vote.

KELLY: Thank you, Senator McKinney. Senators, the question is the adoption of AM2838. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 1 nay to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house under call. Senator Dungan, please return to the Chamber and record your presence. The house is under call. All unexcused senators are present. A vote was underway. Senator McKinney, how do you wish to proceed? Will you accept call-ins? Request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting no. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting yes. Senator Bosn voting no. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting yes. Senator DeBoer voting yes. Senator DeKay not voting. Senator Dorn not voting. Senator Dover voting no. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting yes. Senator Hansen not voting. Senator Hardin voting no. Senator Holdcroft not voting. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach not voting. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting no. Senator Lippincott voting yes. Senator Lonowski voting no. Senator McKinney not voting. Senator Fred Meyer voting yes. Senator Glen Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop voting yes. Senator

Quick voting yes. Senator Raybould voting yes. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders not voting. Senator Sorrentino not voting. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper not voting. Vote is 21 ayes, 18 nays, Mr. President.

KELLY: The amendment is not adopted. I raise the call.

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

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

McKINNEY: Thank you, Mr. President. So I'm assuming you all voted no because of Section 74. So I have a floor amendment to just strike that from the AM, but we need to vote to reconsider to do that. So hopefully, if that was your opposition and why you voted no, I have a floor amendment to strike it from the AM. But we need the reconsider to get to the floor amendment, so I, I would hope, if that was your opposition, then vote to reconsider, we strike it out, and we move forward. Thank you.

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

HANSEN: Thank you, Mr. President. Senator McKinney, yield to a couple questions, please?

KELLY: Senator McKinney, would you yield to questions?

McKINNEY: Yes.

HANSEN: OK. So it seems like there's some confusion about what the amendment does. And so, it-- the increasing of the ability to have an inland port authority from 5 to 8 is not in this amendment, right? That's already in the bill?

McKINNEY: We did that on General.

HANSEN: Yes. So that's, that's in the bill already, the LB1114, right? That's not being included in AM2838?

McKINNEY: No. No. That has nothing to do with the amendment.

HANSEN: OK. All right. I think there's maybe a little confusion about like that's what that was about.

McKINNEY: Yeah.

HANSEN: So the amendment that you're saying your-- your floor amendment would strike?

McKINNEY: And then, Senator Bosn raised the issue about some language around bonding that I'm cool with just striking out. I'm cool with that. That's why I'm asking for the reconsider, to do the floor amendment to just strike it out.

HANSEN: OK. OK. All right. All right. I'm fine with that, too. OK. Thanks.

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

ANDERSEN: Thank you, Mr. President. Senator McKinney, would you yield to a question?

KELLY: Senator McKinney, would you yield a question?

McKINNEY: Sure.

ANDERSEN: Thank you, Senator McKinney. Just for background on the inland port authority, can you explain to me briefly what it does, what the benefit is, and how they generate revenue?

McKINNEY: So inland-- the job of inland port authorities are to focus on economic development and job creation in, in the areas in which they're created. So they're tasked with getting land ready for, you know, businesses, recruiting businesses to the area, and developing areas that may not have had the opportunity for development, if not for the inland port authorities. They can apply for different state funding and different grants and those type of things, to try to bring jobs, bring investment into an area.

ANDERSEN: So it's really unbounded, but all in the principle of economic development, in whatever shape or form that it ends up being.

McKINNEY: Yes.

ANDERSEN: OK. How do they generate revenue?

McKINNEY: So they could generate revenue from, I, I think, different ways. So if they-- let's say they-- the inland port authority purchases some land, they can lease out the land to a company to use to bring their business, so that's a way to generate revenue. They could also generate revenue by-- yeah, by leasing out spaces and those types of things, rent-- its-- I think that the, the options are kind of endless. Because if they use their funding to purchase property or make land shovel-ready, they could sell the, sell the land, and that could be some revenue as well. If they develop the land and then they sell it back to a business that wants to come to an area, that's another way to generate revenue.

ANDERSEN: OK. How much funding is actually appropriated at this point?

McKINNEY: In this bill? Nothing.

ANDERSEN: No. In general. The inland port authorities, how do they, they-- they get state dollars, from what?

McKINNEY: So they, so they have the option to apply for the Inland Port Authority Grant Funds. I think it's in DD. I forget how much that is. Last year, I remember it was like \$750,000 in there. I don't think anything got appropriated this year. Yeah. I don't-- I, I forget how much is in the actual fund that they could apply for, but they could apply for some state funding. But they also have the option to apply for federal fundings, and those type of things, too.

ANDERSEN: OK. Yeah. That's, that's kind of what I'd heard, you know, when they were talking about the objection of going from 5 to 8. Well, then you would split the pot of money, you know, 8 ways instead of 5 ways. That was one of the concerns, until I found out that there's nothing in the pot of money. There's no money there, so you're not dividing zero by 8 or zero by 5. It doesn't really matter.

McKINNEY: Yeah.

ANDERSEN: So I guess that brings me to one of my other concerns, is when you talk about issuing bonds in your amendment, if you issue a bond, at some point, you got to pay the bill. Right? And

how do you, how do you expect to pay the bill for the bond that you issue, if you don't have a revenue source? And that's my point, is if-- and my question is, if you don't have a solid, established revenue source, how can you repay a bond?

McKINNEY: That's what they're working on. So currently, even my lang-- the language I had, I felt clarified some things, which people, whether like or don't like-- but in current law, inland port authorities can issue bonds. The revenue piece is they're all new, and they're all at different stages in the process of growth. So maybe not now the ability to issue bonds makes sense for, for everybody, but maybe for some. But the bonds also allow for more investment in economic growth, which is the purpose of the ports.

ANDERSEN: OK. Well, thank you for your time. Thank you, Mr. President.

McKINNEY: No problem.

KELLY: Thank you, Senator Andersen. Senator Glen Meyer would like to recognize guests under the north balcony. They are Lorie Meyer, his wife, and Linda Prinz, his sister-in-law. Please stand and be recognized by the Nebraska Legislature. Senator Clouse, you're recognized to speak.

CLOUSE: Thank you, Mr. President. And good morning, colleagues. Would Senator McKinney answer a question, please?

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

McKINNEY: Yes.

CLOUSE: Thank you, Senator McKinney. We talked, in Urban Affairs, about the revenue conduit bonds, which we have, as amended, the committee amendment, in LB1135.

McKINNEY: Yep.

CLOUSE: Can you tell me how that is different than-- the conduit bonds versus the community revenue bonds?

McKINNEY: Conduit-- the conduit bonds more so focus on having businesses invest, I guess, in a sense. Community would allow for that, what, community individuals to invest in projects to

help the port authorities. That's what the biggest difference is.

CLOUSE: OK. And I guess another question, we still have that bill on General, I think. Would it be more appropriate to put this amendment with that one to address those?

McKINNEY: Maybe so, but because the bill amends in this port authority bill, we just were like, maybe we should kind of pair it with this instead of the other bill. Maybe it was the wrong decision. But again, I am OK with striking it out if people have questions, so--

CLOUSE: OK.

McKINNEY: You don't got to worry about it.

CLOUSE: OK. Thank you, Senator McKinney. Thank you.

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

JACOBSON: Thank you, Mr. President. There, there seems to be some confusion over the difference between a rail park and an inland port authority. Anybody that wants to build a rail park, knock yourself out. Build a rail park. OK? You need a railroad nearby, and you can build a rail park. And at that rail park, you can gather manufacturers, you can gather materials, you can transload it from, from whatever transporta-- from whatever source it comes in, or if it's manufactured there, and load it on a rail car. That's a rail park. An inland port authority is secure, is set up to where you can do import and export business. You would be the port of first entry in the United States, and you would be a source of exporting goods outside the United States. That's the power you get with an inland port. How many of those do we need? Do we need one in every town that's got a railroad? I don't think so. That is why I adamantly was opposed to expanding the number from 5-- which, we started with one. And actually, it was 3, then went to 5, now we're going to 8. I don't know, maybe we're going to go to 50. I, I still oppose expanding the number of inland ports, because we do not have enough goods in Uni-- in Nebraska to support that many inland ports. Rail parks are something different. We need to understand that. So again, I'm still opposed to the bill as it relates to expanding the number of inland ports, because it's

unnecessary. You had an opportunity to apply. If you weren't ready, so sorry, so sad, but let's move on and let the ones that we've designated to be successful first, before we add more, and know that we have the critical mass. It's not any different than limiting the number of casinos, limiting the number of race tracks. It's, it's, it's a matter of, of volume, critical mass. So that's what the differences are. Thank you

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

FREDRICKSON: Thank you, Mr. President. Good morning, colleagues. And good morning, Nebraskans. I actually was just reviewing the amendment that we had just adopted, AM3082, from Senator Hallstrom. And I, I see that the first line of that says, strike Amendment 3. And that's, that's just a bit of language I'm not familiar with. And I see this was drafted by Bill Drafters, and so I, I thought I might take this opportunity-- I, I think we should maybe just build legislative record here, so that it's, it's clear what we meant by Amendment 3. So I'm, I'm just wondering, would Senator Hallstrom be willing to yield to a quick question?

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

HALLSTROM: Certainly.

FREDRICKSON: Thank you, Senator Hallstrom. So I, I-- the amendment that we just adopted on the floor, I see it was drafted by Bill Drafters. That first part of there says, "strike amendment 3." Can you just clarify specifically, what, what is meant by amendment 3?

HALLSTROM: Yes. Thank you, Senator Fredrickson. The original amendment, I believe, said on page 12, lines 22-29, that those would be stricken. Bill Drafters, I, I presume and believe, streamlined the process by simply saying that amendment 3, which consisted exclusively of lines 22-29 on page 12, becomes the, the operative language, and accomplishes the same purpose.

FREDRICKSON: OK. I understand. So, so, so by striking amendment 3, page 12, lines 22-29 are, are stricken. Is that correct?

HALLSTROM: Yes.

FREDRICKSON: OK. Thank you for clarifying that, Senator Hallstrom. So, yeah. I, I wanted to just jump in there, because I just wanted to build that legislative record a bit, because I, I, I had not seen language like that in an amendment before. So thank you, Mr. President.

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

MOSER: Thank you, Mr. President. I was wondering if Senator Bosn would respond to a question.

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

BOSN: Yes.

MOSER: Senator Bosn, have you looked at Senator McKinney's MO565?

BOSN: I have not looked at what the actual language of the motion is, but I heard him speak on it on the mic, so I'm familiar with his plan here.

MOSER: Yeah. He, he-- I believe he said that it takes out the bonding portion of the amendment.

BOSN: Correct. So my understanding is he's asking us to reconsider the vote we just took so the amendment would be back before us, and he's going to then have a floor amendment that strikes Section 74 of AM2838. And if we strike Section 74 of that amendment, which was my concern, just that that portion did not actually have a hearing, that the remainder of that amendment would then go forward and attach to the bill, and I am in support of that plan.

MOSER: So that removes your objection, at least?

BOSN: Yes.

MOSER: OK. Thank you. I appreciate your explaining that. Thank you, Mr. President.

KELLY: Thank you, Senators Moser and Bosn. Seeing no one else in the queue, Senator McKinney, you're recognized to close on your amendment.

McKINNEY: Thank you, Mr. President. Again, I ask for your green vote to reconsider so we could get the floor amendment up, so we could strike out that section and move forward with our day. Thank you.

KELLY: Thank you, Senator McKinney. Senators, the question is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 2 nays on the motion to reconsider.

KELLY: The motion is adopted. Mr. Clerk.

CLERK: Mr. President, Senator McKinney would move to amend with AM2838.

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

McKINNEY: This is the amendment. I have a floor amendment that will strike Section 74 out of this. Thank you.

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

CLERK: Mr. President, Senator McKinney would move to amend with FA1178.

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

McKINNEY: Thank you, Mr. President. FA1178 addresses the concerns of Senator Bosn and possibly others. So if you want this out, please vote green. Thank you.

KELLY: Thank you, Senator McKinney. Seeing no one else in the queue, Senators, the question is the adoption of FA1178. 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: FA1178 is adopted. Seeing no one else in the queue, Senator McKinney, you're recognized and waive closing. Senators,

the question is the adoption of AM2838. 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: AM2838 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Ballard would move to amend with AM2913.

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

BALLARD: Thank you, Mr. President. And thank you, Senator McKinney, for allowing me to amend LB11-- LB1114 with AM2913. And thank you, Senator Spivey, for her co-sponsorship. AM2913 amends the version of LB1152 which creates a new Taxpayer Recruitment Grant Act, which seeks to attack 2 critical challenges in Nebraska: nearly 50,000 jobs and continued population decline in 96 of our 63 [SIC] counties. The bill would provide a vehicle for local governments to recruit new, highly skilled employees from outside the state to relocate to Nebraska. By offering program incentives for relocation, we aim to revitalize our rural communities, fill key job vacancies, and stimulate statewide economic growth. The Department of Economic Development will, will administer grants through the 840 Program to local governments, which would focus on economic workforce and community development. Application for those grants must be detailed program plan, costs, and anticipated economic impact. Applicants must put forth at least 20-- 20% of the program's total costs. This is through local funding and in-kind donations. Funding may come through the state through the 840 Program, through federal funds, and through private funding. The maximum grant for an applicant is \$250,000 per fiscal year. Half of those grants will be distributed upon reward, and the other half will be distributed when recipients meet half of their recruitment goals. Grant recipients may provide incentives for households currently residing in Nebraska. Recipients will all-- will be required to submit semiannual reports for their program outcomes, including data about the number of households attracted and incentive distributions. LB1152 came out of committee on a 7-0 vote. I ask for your green light on AM2913 and advancement of LB1114. 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 adoption of AM2913. 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: AM2913 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator McKinney would move to amend with FA1145.

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

McKINNEY: I would like to pull this. Thank you.

KELLY: So ordered.

CLERK: In that case, 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 LB1114 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. LB1114 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB921 from Senator Ibach. 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 LB921 be adopted.

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

CLERK: Mr. President, Senator Kauth, I have FA580 with a note that you withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Machaela Cavanaugh would move to amend with FA1144.

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

M. CAVANAUGH: Thank you, Mr. President. This amendment is to strike the bill that we debated previously on general file. I did file this last week, and I was going to talk about it. But we got a lot of chaos happening today, so I'm just going to go ahead and withdraw. Thank you.

KELLY: So ordered. Mr. Clerk.

CLERK: Mr. President, Senator Sorrentino would move to amend with AM3061.

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

SORRENTINO: Thank you, Mr. President. Good morning, colleagues. AM3061 makes a focused, practical update to Nebraska's employment security law concerning marketplace network contractors. The amendment's purpose is straightforward: to modernize the definition so it accurately reflects how today's app-based and platform-based work arrangements function. The amended language narrows the scope of the amendment to apply specifically to Omaha and Lincoln markets, a change made to address concerns raised by the Nebraska Grocers Association. We've also worked closely with the Nebraska Department of Labor to resolve any concerns they once had. By clarifying this framework, AM3061 will help attract new investment and services, such as DoorDash's potential DashMart facility in only Omaha and Lincoln, bringing greater convenience to consumers and creating more earnings opportunities for both local independent contractors, as well as common law W-2 employees, providing services within their brick-and-mortar locations. I ask for your green vote on AM3061. Thank you.

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

GUERECA: Thank you, Mr. President. So we're-- just kind of looking at the amendment now. You know, obviously, the, the, the biggest concern is, you know, the, the structure of the-- of

these marketplace apps. They're for specific, specific tasks. I think there are inherent protections that come with a brick-and-mortar location. So, I think, just for me, I want to really think through, you know, what the implications are, what does that mean, how-- and obviously, the, the biggest thing I want to look for is the potential for abuse, ensure that, you know, workers are protected, that they're not being taken advantage of, and while the, the, the change may just seem innocuous, I want to make sure that, that again, it's not-- it can't be weaponized in a way that hurts the worker. I know, initially, the Grocers Association and other folks were opposed to this piece of legislation because of the impact that it would have on our, you know, our, our grocery stores, our local grocers. And of course, it just got narrowed down to the large cities, and somehow, it becomes OK again. Definitely want to take some time to think through it, so I will-- looks like we got some folks in the queue. I'll read through it. I might have some questions for the introducer, and-- but yeah. Look forward to the conversation. Thank you, Mr. President.

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

SORRENTINO: Thank you, Mr. President. I just wanted to add to my opening and perhaps address Senator Guereca's concerns. I know there were some concerns about rural areas and having other entities build similar, similar types of facilities-- I'll call them depots-- where they could pick up certain products and deliver them. And that's why we narrowed it down. To the extent that we were talking about rights of employees, last year, we adjudicated for lack of a better word, the Uber-Lyft bill, and made a decision to move forward that they were-- continue to be independent contractors. To be very clear, what would happen is these DoorDash drivers could stop at brick-and-mortar facilities owned by DoorDash. Of course, they're also making stops at all the other normal places they do. But in some cases, they could pick up products that DoorDash would choose to, to stock-- things that are very likely to be ordered through a DoorDash app. They continue to meet all of the concerns of an independent contractor, all the indicia, including the six-factor test for the IRS. There's also a six-factor test that is used by the Department of Labor. These drivers are not given instructions of exactly what to do, there's no training involved. They can actually subcontract out some of their work. There's no permanence. They can come and go as they please, and of course,

their automobiles belong to them. They pay their licensing fees, they pay the insurance. It's not dissimilar, in some ways, as we, as Nebraska State Senators, experience. Most recently, here we are in tax week. Probably a good time to talk about that. We all receive W-2s for our salary. We also receive 1099 Miscellaneous, as we are all independent contractors. Why are we independent contractors? Because unlike most people, we're actually paid to drive to work. That wasn't added to our W-2s. It was as an independent contractor. If any of you-- and I'm sure you all have and I do all the time. If I stop at a meeting in a Nebraska State Office Building, maybe 1522 K Street over in the mall, and I go to a meeting on my way to the Capitol, I do not cease to give up my independent contractor status. I'm still an independent contractor. It's reportable on your 1040. You're part of what's called an accountable plan. It doesn't interrupt your independent contractor status. So I want to make sure that if anybody is thinking that merely having a bricks-and-mortar depot where certain products can pick up interrupts that status, it clearly does not. There's no statute violation, there's no cases on point that would say so, and practicality and accounting would tell you that's not the case. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans. I stand in opposition to this amendment from Senator Sorrentino, primarily because it does deal with DoorDash and their brick-and-mortar location. The main concern is that we talked about this in Business and Labor. I'm a member of the Business and Labor Committee. We didn't feel comfortable with this piece of legislation, introduced by Senator Bostar, only because there was no sense of urgency on this. There was no real transaction or negotiation or locations being complicate-- contemplated at this point in time. And as a, a person who voted in support of recognizing independent contractors for Uber and Lyft, when we saw that they are anticipating a brick-and-mortar store with individual employees of DoorDash that act as pickers for products that their DoorDash deliverers convey to customers, we felt like it was a bridge too far. Those individuals that are the pickers, are actual employees of DoorDash and are recognized as, as such, but the drivers are not. Even though they are DoorDash-specified drivers, they're not offered that same eligibility for

employment, even though they may be exclusively doing deliveries for the DoorDash brick-and-mortar store. And so, that was our, our-- my primary concern. And several on the Business and Labor also had those same concerns and objections. You have a brick-and-mortar store, you have individuals inside the store that are, are your employees, but those that are doing your deliveries are not. And I can speak for and on behalf of several grocers who have raised that concern as well, along with the Nebraska Grocery Industry Association. They, they have concerns that-- what is going to happen in the future? Are we going to look at-- are other grocery operators-- other retailers are going to look at those individuals that work in their brick-and-mortar store-- oh, we're going to call those independent contractors. That, I think, is a bridge too far, when it comes to protecting our workforce and laborers. And so, I'm hoping that Senator Bostar might yield to a few questions.

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

BOSTAR: Yes.

RAYBOULD: Thank you, Senator Bostar. Could you tell us a little bit more about this amendment, like who brought this to you, and are there any, any-- is there any urgency? That's why the Business and Labor thought we could just pass on it for this year, because there was some contention on it, even though we pushed it out of the Business and Labor as a professional courtesy.

BOSTAR: Sure. So this provision was-- well, I think there was a desire last year, to have this correction be made in the underlying bill that Senator Hallstrom brought last year. That ultimately wasn't possible. And so, at that time, I had agreed to bring this then-- what was then the following year and now this year, as a bill to, to bring that fix that was contemplated last year, but again, for a number of reasons was, was impossible to actually get on. And so, that's why it's here in front of us.

RAYBOULD: So was it a continuation of Senator Hallstrom's bill, or was it a, a new initiative from DoorDash?

BOSTAR: Again, it was in the drafting of Senator Hallstrom's bill, last year. It was structured in a way that unintentionally, from my conversations with the parties

involved, created a prohibition on this specific business activity. And so, the bill I brought and is what is represented in AM3061, introduced by Sorrentino-- Senator Sorrentino, would fix that.

RAYBOULD: OK. Thank you. Thank you, Senator Bostar. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I do rise, I guess, listening to the conversation about AM3061, to make sure I fully understand what this change is. Just to put it out there, and I guess, to be, to be blunt, it seems to me that this is a, a very large, significant change being sort of couched as a small modification or amendment. I'll be honest. I'm not obviously as up on the underlying bill as maybe some others are who were on the committee, so I appreciate Senator Raybould talking about maybe why the committee advanced it, but some of the hesitations that people have now. But I pulled up the bill, which I believe is LB813, introduced by Senator Bostar, to look at the committee hearing. The only proponent that I see on the committee statement is DoorDash. And then I see opposition from Carpenters. I also see opposition, it looks like, in written testimony from the Grocery Association, as well as the Nebraska Petroleum Marketers and Convenience Store Association. And I'm reading through some of these oppositions, and it really does seem like there's a disconnect here, between what people had tried to do last year, with regards to independent contractor status versus employee status and this further carve-out. Zooming out, I objected last year to us putting our thumb on the scale of determining who is an independent contractor versus an employee. I understand Senator Sorrentino obviously has a lot of expertise and background in this, and has discussed on the microphone some of the determinations that go into whether or not somebody's an independent contractor or an employee. Certainly, I will say that there are some-- in my research, I found some discrepancy or dispute between whether or not the factors that are looked at, with regards to employee versus independent contractor, do go one way or the other in these kind of cases. Certainly, as markets evolve and as we become a more technologically-based society that uses apps and things like this, a lot of the standards that have historically applied to the determination of

independent contractor versus employee change. And there are statutes and pieces of ballot initiatives and legislation that we've seen in other states pertaining to this issue. I would argue that the various facets that are looked at to determine whether or not somebody is an independent contractor or an employee actually lean towards employee for a DoorDasher or an UberEats driver. But certainly, they bend more towards employee, if we build these stores. If DoorDash is permitted or if any other service-- I don't mean to single out DoorDash. I use DoorDash on a regular basis. Not saying DoorDash is a bad business. But if DoorDash is permitted to build these brick-and-mortars, where if I order, you know, toilet paper and paper towels and, you know, various things that I would normally get from Hy-Vee, and the DoorDasher then goes to that brick-and-mortar, specifically, and then comes and brings it to me, that changes the analysis of employee versus independent contractor. So last year, we made the argument-- many of us in this body made an argument that the determination that this Legislature made that a driver for a delivery app is an independent contractor was one step towards this unbalanced, and frankly, I think, problematic determination that they are independent-- or that they are independent contractors and not employees. We were told not to worry about it, and that this was just a clarification of the law. Here, with this amendment, we see yet another step in a certain direction, a further weight being put on the scale towards those employers over the employees. And so, by clarifying in the law that a DoorDasher or another driver is still an independent contractor, even if they go to this brick-and-mortar, specifically for the things that are ordered, it is the Legislature, yet again, putting its thumb on the scale as to what the courts do or don't determine. We have, at least in other parts in this Legislature, this last year, refused to get involved in some of those disputes and conversations. And I think that that is, frankly, what we should do here, is we should allow the courts and other entities who make these decisions to make these determinations. Because if we pass AM3061, my concern is that it is a slow creep towards us completely upending or usurping the court's ability to make that determination as to who is an independent contractor or an employee. Again, I don't believe it's 100% settled law. Certainly, there is precedent for, I think, both sides-- independent contractor or employee-- for these drivers. But if we carve out this additional exception, I do think it is problematic for those drivers who seek to have those protections. In addition to that, I think it's also potentially problematic in the workplace and generally, the economy in

general, if certain companies are exempt from certain requirements then, that they have to provide their employees. Whereas other companies, like our grocery stores that have been here for a long time, or gas stations, are not exempt from those protections. So I just think that this is a very large change being couched in a relatively small amendment, and I would encourage, at this juncture, your red vote on AM3061. I am still listening to the debate. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. Hope everybody had a good Easter weekend. So yeah. I-- I'm like everybody else, catching up on this, considering that I wasn't expecting this amendment at this moment. And I opposed the bill last year as well, for all the reasons Senator Dungan talked about, and I did view at least the limitation on physical locations as sort of a compromise and reasonable step. And so now, less than a-- well, about a year later, we're walking that back. And one of my concerns is, just reading this-- my understanding is this-- DoorDash wants to build physical locations, warehouses, or whatever they're calling them, for people to come to. And reading this, my understanding would be that they can build them in Omaha and Lincoln, and still have the drivers as independent contractors. But I, I do wonder if my reading of this is right, but it looks like they could also have the folks who work in the brick-and-mortar store be independent contractors. So I wonder if Senator Sorrentino would yield to a question.

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

SORRENTINO: Sure.

J. CAVANAUGH: So I, I assume you were just listening to what I said.

SORRENTINO: Yep.

J. CAVANAUGH: But my question is-- the exception here is-- it goes through all the-- they have to meet these-- all of these requirements, and then it says except for such-- when such physical location is in a city of the metropolitan class or primary class, which is Omaha and Lincoln. So am I reading this

right, that the folks who work at this warehouse, or store, or whatever they're calling it, could also be independent contractors?

SORRENTINO: No. That is, that is not the intention. The folks that work inside the store-- some, I think, maybe, perhaps, perhaps Senator Raybould may have referred to them as pickers. But for lack of a better word, they're common law W-2 employees. And these drivers who may or may not stop at these bricks-and-mortar are continuing to be independent contractors. And I think, to your point, it's very important to note that these drivers may not ever stop, but they might stop there twice a day, they might not stop there at all tomorrow, and they might stop there a lot of times the next day. They continue their duties to get merchandise to deliver from other facilities, but those employees inside would be W-2 employees.

J. CAVANAUGH: So I didn't hear you say that the pickers, as Senator Raybould called them, are common law employees. Is that what you said?

SORRENTINO: Common law W-2 employees. Yes.

J. CAVANAUGH: So common law would be superseded by statutory law, though?

SORRENTINO: They would-- at, at-- they are under the direction of, in this case, DoorDash. They receive their instruction from them, they are eligible for benefits, and they would have their wages reported on a Form W-2, as opposed to a Form 1099.

J. CAVANAUGH: So, I guess, where in this statute would that exception to ensure that they-- that this is clear, that they remain common law W-2 employees?

SORRENTINO: It-- in this amendment, I think if you look at page 5, paragraph 5, what it does is re-- not redefine but clarify the definition of independent contractor. It doesn't go into clarifying exactly what a common law W-2 employee does. I, I suppose it does, but that's not the thrust of the amendment. The thrust of the amendment is to assure that the drivers are not reclassified as common law employees.

J. CAVANAUGH: OK. So-- well, page 5, paragraph 5 would still-- is, is already the law, that's not the amendment. That's just restating the current law.

SORRENTINO: Well, yeah-- clarify.

J. CAVANAUGH: The amendment is only a change on page 11 that accepts out physical locations in the city of the metropolitan and primary class.

SORRENTINO: Right. Correct.

J. CAVANAUGH: Is there any other change in this amendment?

SORRENTINO: No.

J. CAVANAUGH: OK. So reading this: a marketplace network contractor means a person who meets all of the following apply: has a written agreement with a marketplace network perform--and performs digital network to connect with individuals or entities seeking such services or offers in marketplace network contractor; such person performs services for individuals or entities through marketplace network platform's digital network in exchange for compensation or payment; and such person does not perform such services in a physical location; and then we except out physical location in Omaha and Lincoln. So I, I think that there-- my concern is, reading this, I think there is an interpretation where you-- they could get gig workers on, on the service, you could sign up to go work in the, in the warehouse, doing picking as a shift for DoorDash. I think the, the clearly, plain reading of this would say that's something that's now allowable in Omaha and Lincoln.

SORRENTINO: I, I dis-- I disagree. We can have that conversation, but.

J. CAVANAUGH: OK. Well, it seems to me like maybe that's a conversation to be had in committee, at a different time, and not on the floor, on the 11th hour, trying to jump onto another bill. This seems like this is a vast overreach of what was proposed in the bill last year, and that this is really going to cause a problem. And I think there's other concerns to be had, but I'm opposed to AM3061. Thank you, Mr. President.

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

GUERECA: Thank you, Mr. President. Sorry. We were just getting clarification. Again, obviously, the, the concern is less with sort of the, you know, the, the company that is bringing forth, that it's sort of spurring the idea-- and I know their business model would be that the picker, the, the ones that are fulfilling the orders, are W-2 employees. I think on my end, my concern is if we ever get to a point where the ones fulfilling the orders are-- somehow become 1099 employees and lose the protection of the W-2 status. That has my biggest concern. Would Senator Raybould yield to a question?

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

RAYBOULD: Yes. I would be happy to.

GUERECA: Thank you, Senator Raybould. So it's your understanding that right now, the, the pickers would work for the store, but the drivers would be hired through the Marketplace app.

RAYBOULD: That is correct, that the, the pickers or the order fulfillment individuals would be actual employees of, I think it's called DashMart, and that the drivers would be independent contractors. However, many locations, many retailers who offer the delivery service use individuals who are actual employees, or there are applications, other apps, that allow and-- for independent contractors. So we, we felt that this was a conflict, and that we felt that the language was so broad that it could be misinterpreted by other retailers or other supermarkets, to say, OK, well, I guess maybe our cashier could be an independent contractor as well, or any, any number of the other work performed inside a store, or even delivery drivers that work-- that are actual employees of a store. I just felt that with the language being so general and broad, it could be subject to a lot of misinterpretation, and that some retailers and other operators might take advantage of that.

GUERECA: Yeah. And could you potentially, potentially see that escalate to not just grocery stores, but also office buildings, and really a lot of other industries, right, as long as there's a physical brick-and-mortar location. It's pretty broad in the way that it's read, that it could escalate beyond just the groceries, the delivery scene, right?

RAYBOULD: So that, that answer to that question is yes. And that was some of the discussions that we had-- held in Business and Labor. We didn't see an urgency to move this forward, but we did, as a courtesy, because we did not-- we made a very conscious decision not to attach it to this bill, in particular, because we wanted it to stand on its own merits and to have more discussion, but not necessarily on the floor, so that it would have still been on General File for a continued discussion, either this year-- and that it didn't come up on General File, just because of the, the restrictions on time, or that--

GUERECA: Sure.

RAYBOULD: It could come back next year or the next year. But I do think that there needs to be more hearings on this matter. And I think we really need to tighten the language, so that there is no misinterpretation of it by other operators.

GUERECA: Right. And you know, certainly-- thank you, Senator Raybould. Again, I don't want to stand in the way of innovation. Certainly, I appreciate companies getting creative. But I think, to me, that's, that's a real concern. You know, I'm going to keep talking with, with the, you know, the, the company that's bringing this model and with other stakeholders to make sure that that potential for abuse doesn't escalate. And again, I'm not saying the company who's, who's spurring this on-- but again, it's about the bad actors down the road that we need a safeguard. We need to make sure, again, that if you're doing business here in Nebraska, you're not taking advantage of our hardworking Nebraskans. And again, that's taking a little extra time to make sure that that cannot happen, that the language is tight. Again, we allow for innovation, we allow for expansion of business, but not at the sake of our Nebraskans, not at the sake of them foregoing their W-2 protections for the sake of, you know, lining the pockets of corporations. Thank you, Mr. President.

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

SORRENTINO: Thank you, Mr. President. I want to push back a little bit on Senator Raybould's statement about the committee. I am on that committee. I'm the vice chair of that committee. At no time was this bill passed as a quote unquote, professional

courtesy. This vote was passed because we agreed to move it on. I don't remember those words ever being used. It certainly wasn't the reason I voted for it, and a lot of others. So it was passed so we could legislate it here on the floor. Secondly, we've talked about the carpenters and the grocers having a problem with it. I will note that both of them have backed off of their opposition. That doesn't mean they support it, but they are also not opposing it here today. Finally, Senator Cavanaugh mentioned-- Senator John Cavanaugh, 11(A), and that is an important part of the amendment, but a closer reading of it, the drivers in question, the DoorDash drivers, aren't delivering food to the employees of that, we'll call it a mini mart or a, or a depot. Those people are employees. They're picking them up. They don't have any ownership in the building. They don't have any indicia of what I think we really need to pay attention to, the IRS and the DOL. And by the way, we talked to the Nebraska DOL about this, at great length. We talked about the indicia, they don't meet the tests of all of a sudden magically being reclassified as employees because now their car, their own personal car that they pay taxes on, they fill with gas, and they also ensure stops at a location owned by a third party, who might be making 1099 wages. There's a lot of stretch going on here in an Internal Revenue Service Code. Again, I'll reiterate, that would put-- turn into question of all 49 of us, are we really independent contractors? Every one of you, including me, has stopped at a state office building on the way to work and had a meeting. All of a sudden, we don't not get 1099s from the state of Nebraska and they add it to our W-2. In fact, for what it's worth, I'll give some tax advice. All that money you get on your 1099 Miscellaneous, that's subject to self-employment tax, because you are an independent contractor. If you ask a DoorDash driver if they have their tax return done, they don't put that as wages, and they pay 15.3% self-employment tax on that, rather than sharing that liability with their employer. Hopefully all of us are in compliance there. But that should-- if nothing else, that should negate the argument of turning these independent contractors to employees. Thank you, Mr. President.

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

HANSEN: Thank you, Mr. President. So I kind of want to get at the heart of what I think Senator Sorrentino is trying to accomplish here, and the, and the point. So basically, we're

talking about Door-- DashMarts. And I'm sure Senator Sorrentino later, can correct me on this in his closing. We're talking about DashMarts. And so, if people are unfamiliar with DashMarts, these are brick-and-mortar facilities that house items, such as groceries, and then a DoorDash driver comes and, after somebody places an order-- as opposed to maybe a grocery store, they're going through these DashMarts now, who may have one employee or no employees. And they load up these items with, with the dash-- the DoorDash driver and deliver them to the household. And so, yes, that is, I think, as maybe Senator Guereca and others have mentioned that this is innovation in the marketplace. And so, I think that's what Senator Sorrentino is trying to accomplish here. He's trying to kind of maybe not stifle innovation, and allow for some of these facilities to take place. And let me tell you the direct result of why we have these now, and why the market is going this direction. And I know this may not, this may not be the most popular thing to say for people in Nebraska, but this is probably, probably due to the last 2 ballot initiatives that we've had. When you increase the minimum wage to \$15 an hour, and then every year based on interest, or 1.5%, what Senator Raybould was trying to accomplish, you mandate employers now give paid family leave for various reasons-- the more government mandates that we put on employers, such as those, the more likely we're going to see the marketplace go towards a place where we have less employees, more automated services. And I know I see that on, on Facebook pages about why we don't have employees at Walmart anymore. Why do I have to check out myself? And that's just the-- that's, that's how the world works, when you force employers to pay employees a certain wage, significantly higher than maybe our surrounding states, maybe what the marketplace or the market is not counting for. When you force them to provide benefits, and I'm not saying that benefits are bad. They're good. I provide paid time off and, and-- for my employees, other various benefits. I assume and I-- you know, and I hope that most other employers are doing the same thing. The statistics tell us they are. When you start mandating stuff, you're going to see more of this happening. And so you have proponents of increasing the minimum wage, you have proponents of mandating paid family leave, and then they come on here on the microphone and say, well, we're going to-- we, we don't-- we got to stop these kind of innovations from happening. Now, you want to talk about self-destruction in economy. That's the perfect way to do it. Stop innovation, stop businesses from trying to find a solution to these overburdensome regulations, and then force other employers to pay exuberant amounts of money because you feel it's better.

Those 2 things do not meld well. So we also then, in the same likeness, if we're in favor of paid family leave, mandating it, and we're favor of a high minimum wage, then we also have to open ourselves up to the idea that let the market then decide or figure out how then they can best accomplish their business, based on the-- now, the new rules we put in place for them. So I'm in favor of what Senator Sorrentino's trying to do, and actually the language, from my understanding, that he has in here has taken away a lot of the opposition from the grocers, which is good. That's good compromise. Like, that's a way we can-- way to find things work here. And so, colleagues, and even people listening at home, I have a feeling we're going to see more and more bills like this in the future, allowing for automation, which they should be able to do now, but we also make sure that we don't put-- we stop them from doing that. But we're going to see the marketplace go that direction. And it's unfortunate, very unfortunate. So I just want to make sure that we have-- as, as we keep an open mind to these other regulations, we have to also keep an open mind to letting the marketplace figure out a solution. And that's what Senator Sorrentino is trying to do here. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Senator Lippincott would like to recognize some guests in the north balcony. They are fourth graders from High Plains Community School in Clarks. Please stand and be recognized by the Nebraska Legislature. Returning to the queue, Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I was hoping that my friend, Senator Sorrentino, might help me get a better understanding of his amendment, if he'd please yield to a few questions.

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

CONRAD: If he's available. There he is. OK. You might not have heard. If Senator Sorrentino would please yield.

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

SORRENTINO: Yes.

CONRAD: Thank you, Senator. So I'm just trying to get up to speed on this new aspect of employment, in regards to certain aspects of mark-- the marketplace. So for these DashMarts or

whatever they might be, can individual customers go there to shop?

SORRENTINO: To the best of my knowledge, Senator, no.

CONRAD: OK. That's my understanding as well. OK. And so, the people who work at the DashMart, do they set their own schedule?

SORRENTINO: The people who are inside of the DashMart arranging the stock, et cetera, I would imagine that they do not set their own schedule--

CONRAD: OK.

SORRENTINO: --being common law employees. I would, I would guess not.

CONRAD: Right. Do they utilize their own tools to conduct their work?

SORRENTINO: Well, I'm not aware of what tools one would use inside, but again, I would guess not, if they're employees.

CONRAD: OK. Does the company control the training and instructions for the people who work at the DashMart, or does the individual control that?

SORRENTINO: Again, my, my supposition would be that, in this case, the DashMart gives them training as to what exactly they're supposed to do.

CONRAD: OK. So the company sets their schedule, is responsible for their training, provides all the tools of the trade, so I think you probably know, with your experience, Senator Sorrentino, where I'm headed here-- figuring out the right to control test, in regards to whether or not somebody is appropriately classified as an independent contractor or an employee. It sounds like, from your understanding of this model, that it, it points towards an employee status, rather than an independent contractor, working through those various factors of assessment.

SORRENTINO: For those people who work inside of the DashMart, yeah.

CONRAD: OK. That's right. So it's my understanding that people are working on perhaps a clarifying amendment to ensure that the people who do work in that brick and martyr or DashMart, as we're calling it, will be considered employees, rather than independent contractors. Is that right?

SORRENTINO: That is my understanding, as well.

CONRAD: And you would be supportive of that?

SORRENTINO: Yes, I would.

CONRAD: Very good. Thank you so much, Senator. Thank you, Mr. President.

SORRENTINO: Thank you.

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

RAYBOULD: Thank you, Mr. President. You know, I just want to clarify for the record, some of us on the Business and Labor Committee, including myself, I made the statement that I will pass on this bill so that it goes on General File. And I-- I'd like to ask Senator Sorrentino a couple of questions, if he would yield to them.

KELLY: Senator Sorrentino, would you yield to questions?

SORRENTINO: Yes.

RAYBOULD: Senator Sorrentino, is it fair to say you're on the Business and Labor Committee?

SORRENTINO: Yes, it is fair to say that.

RAYBOULD: OK. All right. The next question is, were you in the meeting when we talked about Senator Bostar's bill that is now your amendment?

SORRENTINO: Yes, I have-- was-- am.

RAYBOULD: OK. And were you in the committee when we were talking about building the packages for Business and Labor, particularly for LB921?

SORRENTINO: I believe I was. I rarely miss, but.

RAYBOULD: I know. You're--

SORRENTINO: I'd say with some surety I was.

RAYBOULD: I, I would say you were there for, for the facts. The one question is when we were deliberating on building the package for LB921, don't you think it's fair to say that we were very intentional about not including this bill-- Senator Bostar's bill that is now your amendment?

SORRENTINO: I don't recall that specifically. We had quite a bit of debate on it. Not necessarily the, the intent of the law, but where to put it. Perhaps we have--

RAYBOULD: OK.

SORRENTINO: --as some will know that there's more than one committee bill.

RAYBOULD: Thank you, thank you. That's kind of a lawyer-- lawyerly response. But I can say, and I think other Business and Labor members might be able to stand up and verify that we were very intentional about omitting Senator Bostar's bill from the package. We passed it out of committee-- and I was very clear-- as a professional courtesy to Senator Bostar, with the understanding that it would be on General File and that it would have to rise or, or fall on its own merits, without attaching it to any other Business and Labor packages. So it sounds like your recollection is different than my recollection. But I know that we've had some other conversations with some of the other Business and Labor members, and that, that their recollection is my recollection. And the other thing I wanted to say is I'm, I'm actually disappointed that if you're part of Business and Labor, that was the conversation. And yet, we are now wasting precious time adding it back into this bill that we were very intentional about omitting it from the bill. And I am asking Senator Sorrentino, will you consider to please withdraw it?

SORRENTINO: I will not withdraw it. Thank you.

RAYBOULD: All right. So I ask my colleagues that you vote no on AM3061, as it wasn't the intention of Business and Labor. It was all approved and acknowledged that AM3061, which is Senator

Bostar bill, would not be attached to LB921. Thank you, Mr. President.

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

GUERECA: Thank you, Mr. President. So I believe that folks are working on the language to the amendment, so we'll just talk a little bit to give them time to finish writing the language, walk over, introduce the amendment-- again, yeah. You know, the-- again, the, the, the issue here is making sure that, you know, we're not, we're not stifling innovation, we're not trying to disrupt a new business model, but at the same time, ensuring safeguards for the folks, you know, working in the building. Because again, it's not-- it's never about, you know, that, that first innovator. It's about that, that first group, that first company that wants to use the structures and, and find a way to get one up on workers, to abuse the, the leniency that has been given to promote innovation and use it in a way that hurts Nebraskans. So it's the duty of this body to really flush things out to ensure that the laws that we pass here aren't hurting Nebraskans at every corner of the state. Of course, in this amendment, it'll just be in Lincoln and Omaha. But hey, I guess we're the, we're the testing ground for new ideas. But like I had said, the-- my biggest concern, and not necessarily with the business model that's being proposed, sort of a centralized distribution center, but the potential escalation of are we getting it to a point where every person in a grocery store is an independent contractor. Could that be escalated, could that be abused to where every single employee in an office building is an independent contractor? So all these are concerns that-- my understanding, there is a amendment forthcoming that will clarify and ease a lot of our concerns. But yeah, I think that, that extra time being taken to make sure that there isn't that potential of abuse, because Nebraskans, they're, they're hardworking. They-- had a great conversation on Thursday with a group of, of young entrepreneurs, and we talked a little bit about, you know, my experiences on the campaign trail, and that-- the message of Nebraskans just want that fair shot. They want the opportunity to work hard. They want the opportunity to be able to provide for their families a little better than they were given. They're not asking for a lot. My, my message was, if you work hard, you deserve a shot at your version of the American dream. And I think that it's not a lot to ask for, that little bit of dignity. So. It, it was a message that-- all

across my district. And I know it's a message that will resonate with folks all across Nebraska that people just want to be OK. And at a time where we're seeing record-high rent, record-high gasoline, you know, commodities that are going to shoot up, we'll, we'll have to see what the fallout of the largest fires in the history of our state, what's that-- what is that going to do to beef prices-- regular Nebraskans are going to catch the brunt of it. Us taking a little time here to make sure that, you know, we get some good protections in place to, again, not stifle innovation, but certainly make sure the folks that put us here that work hard every single day, that they're OK. And that's why I'm taking time for it, because the amendment, I believe, is being discussed behind me, so hopefully here very soon. When we have that, we'll be able to vote on it, and we'll be able to move on to the pressing business of this Legislature, to hopefully deliver some good things for the people of Nebraska. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I know the parties are still working on perhaps some compromise or clarifying amendments. But I had a chance to go and pull the committee statement for LB813, which I believe is kind of the origin source in regards to my friend, Senator Sorrentino's amendment. And when you look at the committee statement, you can see there's one person who showed up to testify in support of that: a representative from DoorDash. And then, you can see that there was one person who showed up in person to oppose that, and that was a representative from the Carpenters Council. So if you then look to read the summary of proposed changes in regards to how this would modify Nebraska's employment security law, you can see, very, very clearly, much like in the legislative materials in regards to my friend, Senator Hallstrom's measure from last session, that was highly contentious in relation to the same issues, the, the legislative materials are written for one company. They name DoorDash multiple times. They talk about DashMarts as specifically what we are trying to modify our employment law in regards to. I'm just going to go ahead and note that I do think, from what I've heard thus far-- and I haven't had a chance to fully review the committee statement. But I do, I do think this lifts potential special legislation problems. I haven't heard anybody else talk about whether there are other companies utilizing this model, and if so, why this

wasn't perhaps written to address that, but literally was written by DoorDash for DoorDash, to potentially weaken employment protections. So colleagues, this was a hot topic many years ago. It hasn't been as hot recently, with the exception of Senator Hallstrom's controversial measure from last year. But the reason that employee classification and misclassification matters is because an employee has the benefit of critical employment protections, wage and hour protection, overtime protection, access to worker's comp, protection for non-discrimination, those kinds of key aspects in regards to guardrails and governance of the employment relationship. And when workers are misclassified, not only does the employee lose the essential protection of those key aspects of our labor law, but it impermissibly reduces tax revenue and it creates an unfair playing field, wherein responsible employers are undercut by, in some instances, those who are bending the rules, in terms of worker classification. So ensuring that we have clarity about who is actually an independent contractor and who is actually an employee is important for both-- for treating both the business and the employee fairly, and ensuring that those structures and protections are in place to govern the relationship and to guard the public interest. I guess another question I have about this is perhaps in relation to blurring of the lines. So could a person be employed as an independent contractor-- Dasher, so to speak, but then also work in the brick-and-mortar store? And then, how is that documented or clarified, in regards to how this works, or is that prohibited, or I suppose, perhaps delineated upon the hours or engagement for each of those separate and disparate activities, one, if you're acting as an independent contractor-driver, and the other if you are working in the DashMart, I guess? Is there overlap or bleed between those functions?

KELLY: That's your time, Senator.

CONRAD: How is that contemplated? Thank you, Mr. President.

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

ANDERSEN: Thank you, Mr. President. It seems like we may be overthinking this. When you look at the amendment, it's actually a 13-page amendment, and the only change to the amendment is over 16 words. So for clarity, I'd like to see if Senator Sorrentino would yield to a couple questions.

KELLY: Senator Sorrentino, would you yield to questions?

Yes.

ANDERSEN: Thank you, Senator Sorrentino. In, in reviewing your amendment and changes, it-- all it seems to do-- and I would appreciate it if you just cross-check and make sure I understand this correctly-- that it has a-- there must be a contract with people seeking services, they use a marketplace network digital platform, does not work at a business physical location in Nebraska, except for Omaha and Lincoln. It seems like it's really that, that foundational, that simple, that uncomplicated. So, so what am I missing?

SORRENTINO: You're not really missing anything. The intent of the amendment is to simply simplify and draw some parameters around what the drivers-- DoorDash drivers, do and do not do, where they do it, how they do it, and who, if anybody, is instructing them. So your suggestions are right on. It is a fairly simple amendment. I know that we have talked about, on the mic, just for the last couple of minutes, about an amendment. And I am expecting an amendment. The intent of this will be to clarify, not so much the drivers, but to clarify those who work inside of the DoorDash facilities, who are, as Senator Conrad asked a few moments ago, are under the direction of DoorDash. They don't use their own tools or equipment, they are driving there as their common law employees, and they have some training. So I think the lines, as suggested, have been a little bit blurred. And I think a simple amendment, in this case, could clear up the fact that we-- what we're really seeking is clarification, as we did in the last session, about drivers, and-- which is the new way that we do business on, on app-based situations, that their duties as drivers haven't changed. And they continue to be able to come and go as they please, responsible for their own equipment, responsible for their, their entire amount, which is 15.3% of self-employment tax. That gets overlooked in these situations. As I think we all learned, at one point in time: follow the money. If the money says that person is paying self-employment tax, people don't do that just for the heck of it. It's double what we would pay as employees. So anything that we add to that, that would typically turn them into employees would actually be in their favor, yet these drivers demand, and rightfully so, to stay independent contractors, so that their status can be preserved.

ANDERSEN: Thank you. It seems like this is really a, a free market business operation, is what it is. Some people have been kind of not so kind about DoorDash, and acting as if they're trying to get a carve-out, when I'd actually submit maybe they're just the first to market-- that they are the trailblazers. They are the ones that are actually being innovative and entrepreneurial, and this simply will allow them to run in the free market. Wouldn't-- would you agree with that assessment?

SORRENTINO: I would agree that the marketplace and the way we access and deliver goods is changing, in retail as well as, as we've talked about in healthcare. We have, we have telehealth, and we have all kinds of drive up, what I call "doc-in-a-box." But in this particular case, these are services and they will only carry products that are in their top 50 of in demand. They're not carrying specialized food or spices, or any kind of merchandise. These are convenience items. And they-- it isn't-- they're not infringing on the local grocers. They're not infringing on Uber and Lyft. It is innovation, and I, and I think in the state of Nebraska, we need to support innovation.

ANDERSEN: Thank you, Senator Sorrentino. And I rise to support AM3061 and LB921. Thank you Mr. President.

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

F. MEYER: Thank you, Mr. Chairman. And I, too, rise in support of AM3061 and LB921. These don't affect my district at all right now, but I do strongly believe that someday they might. I am a firm believer in the independence of people to do work and get paid for it, so I will yield the rest of my time to Senator Sorrentino.

KELLY: Senator Sorrentino, 4 minutes, 38 seconds.

SORRENTINO: Thank you, Senator Meyer. We've, we've kind of batted this, you know, back and forth a little bit, and I appreciate the concerns that all of our senators have. I want to reiterate, not really as a close, but as, as, as a summary of where we're at on this bill. We're not in any way, shape, or form trying to reclassify what is now a common law W-2 employee. I think we all understand, as common law employees in the state of Nebraska, what those requirements are. We happen to be in a

unique position, probably unique in the entire state of Nebraska, to be both. We are common law employees, and we understand that. We are also independent contractors. In this particular amendment to the bill, DoorDash also wants to recognize the clear delineation between employees and independent contractors. And they're merely stating in this amendment, that we are carrying, on their behalf and others-- there could be other app-driven entities that take advantage of this-- that we need guidance and we need parameters of where that line is. And we want to stay within the lines that the IRS and the Department of Labor have done. If it can be clear, great. I'm all for it being clear if that makes this more amenable. But in-- at the end of the day, we're not trying to reclassify it. This is an economic development bill. We're trying to bring more business. I understand that it's probably not where we want to be in the rural parts of the state, where there's less competition, but this is a game changer for Omaha and Lincoln, and it's not a negative. It is a positive. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. If my friend, Senator Sorrentino, would yield to a question. Or two?

KELLY: Senator Sorrentino, would you yield to questions?

SORRENTINO: Yes, I will.

CONRAD: I don't want to prematurely limit myself.

SORRENTINO: I'm getting my work out.

CONRAD: OK. Senator Sorrentino, so looking at the amendment-- and I appreciate legislation has to be changed through our process to try and minimize opposition and, and move through the deliberative process. But I see that this has a carve-out for one business or one specific type of business, but it also has a geographical carve-out. I'm not familiar with any other model that exists in state law, where we say, for purposes of this employment relationship, only in these 2 communities, we treat it as such. What is the model that this is derived from?

SORRENTINO: Well, thank you for the question, Senator Conrad. And as you knew-- as I knew where you were going-- I know where you're going-- we have this thing in the state of Nebraska called specialized legislation. And we certainly want to avoid that, because, frankly, I think that's not a good idea. The word DoorDash, and it's not a secret, has, has been bandied about because they have an intent that they want to do this in the state of Nebraska. I want to be clear that there could be other models, similar models, just not DoorDash. It-- I want to be clear that it's not exclusive to them, and the only reason we are narrowing the demographics to Omaha and Lincoln was frankly, to accommodate concerns by the Nebraska Grocers Association, which I understand. The market for merchandise delivery in Burwell, Nebraska, is not the same as it is in Elkhorn, Nebraska. But I don't-- I would appreciate it if you don't read into the fact that we call this the DoorDash bill. Any-- [INAUDIBLE]-- because it is open to anybody, but thank you for the question.

CONRAD: OK. Yes. I appreciate that additional explanation. And again, it's, it's not my characterization. I mean, I'm literally reading the committee statement that refers to DoorDash and DashMart, so. But just to follow up there, and perhaps put a finer point on it, because I appreciate the response but I'm not sure it was-- necessarily got to the heart of what I was asking. Are there other models in Nebraska employment law where we say, for this business, only in these two communities we're classifying employees as such?

SORRENTINO: It's a good question. And I have to tell you, I don't know the answer to that.

CONRAD: Fair, fair enough, Senator. And I'm, I'm not familiar with a carve-out or a model like that. I guess my question is, if this is sound policy for Lincoln and Omaha, why is it not sound policy for North Platte or Grand Island?

SORRENTINO: Another good question. And actually, as it was originally drafted, we wanted it to be statewide. And while I would support it being statewide, again, we have to listen to our constituents. And if they view this as anti-competitive because of the demographics of their market versus a, a more urban committee of-- or community of a million people or 500,000 people, we're just trying to do the best we can.

CONRAD: Sure. I, I, I understand that, but does DoorDash not operate outside of Lincoln and Omaha?

SORRENTINO: It's my understanding that they do.

CONRAD: Right.

SORRENTINO: I'm a resident of Omaha, so I, I couldn't say that for sure

CONRAD: OK. That, that, I think, is confusing, and kind of points to the fact that this is an arbitrary classification. Because if the company, number one, again, we're doing this for a specific company and giving them sort of some special franchise or exclusive privilege. But they operate statewide and then we're only changing the governance surrounding the employment relationship in two communities, in Lincoln and Omaha. So doesn't-- how is that not arbitrary?

SORRENTINO: I believe the-- we could even go arbitrary, capricious, and unreasonable. Back to our--

CONRAD: There you go. I agree. We found consensus, Senator.

SORRENTINO: Back to our torts class.

CONRAD: Thank you for the admission.

SORRENTINO: Yeah.

CONRAD: Thank you, Senator.

SORRENTINO: Thank you.

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

HUNT: Thank you, Mr. President. I became activated in this conversation by the exchange between Senator Sorrentino and Senator Andersen, of the breathless admiration of companies like DoorDash, and how they represent innovation and entrepreneurship and the future of work, and they were first to market, and how can we hate on them just because they thought of it first and all of this stuff? Colleagues, not everything new is innovation. And just because we're calling something entrepreneurship or

whatever, it doesn't mean it's creating opportunities for anybody. Delivery is not new. People have been delivering food for decades. What changed isn't the service, not that people are getting delivery, but the structure of how they're doing it: by exploiting workers, by putting all of the burden of the risk onto the worker, and now, increasingly, onto the state, onto the government, onto taxpayers. I don't admire the entrepreneurship of these companies because they didn't invent delivery. They didn't invent the thing that they're providing, in terms of a service. They built a system that reclassifies the people who are doing the work so that they can avoid any responsibility for taking care of them as employees, which they are and should be. Under this model, the worker supplies everything-- the car, the gas, the insurance, the maintenance, the time spent waiting between orders, the anger of the customers, who, who sometimes receive a wrong order based on no fault of the delivery driver. The company supplies the app, and the algorithm that determines who gets paid what, when, what the cost is going to be. None of that is up to the driver or the workers. And through this model, all of the risk is pushed down from the companies, like DoorDash, onto the workers, and again, increasingly onto the state. And these companies, which pay a lot of money for lobbyists, are always able to find willing senators in the Nebraska Legislature, who are willing to take their bill through here, and say, no, I'm not going to withdraw the amendment on day whatever-- 46 [SIC]. No, I'm standing firm because we have to protect and support DoorDash. Imagine saying something like that. It could never be me. I will not carry water for a corporation like that, that's pushing all of the risk and pain and trouble down to their workers, instead of taking responsibility for their own business and running it without help of the government. I'm not supportive of this business model, because it depends on workers absorbing the instability of the business so that the company doesn't have to. What kind of entrepreneur doesn't set their own prices or control demand or they can just get deactivated at the drop of a hat without any warning, without any appeal through these apps? What kind of entrepreneur has their business managed by an algorithm that they can't see, they can't manage, they can't respond to? These drivers are not entrepreneurs, and to my mind, the people who run DoorDash aren't either. They're just exploiting people, like everybody else. I don't support this model that is subsidized not by the company, but by the worker, and increasingly, by the state. And so, I wanted to get up and share that view. I don't like these bills that we see more and more that are nothing more than a present to corporations, thanks to the taxpayer, thanks

to the people who are, are in here, willing to carry the water. And I think that if these companies want to run, they should just do so, without the help of government like us. I think that the market should be able to support that. So I'm going to be a no on this amendment, and this is just a view that I hadn't heard shared, so I wanted to get it into the record. I've been very consistent about this view, about these, like, side-hustle companies, and what do you call it, the gig economy-- these gig economy things, whether you're talking about Airbnbs and how that's affecting the hotel industry, or about DoorDash and how that's affected restaurants, who used to have delivery drivers of their own, but now they can't compete with that. It's not entrepreneurship, colleagues, when it's a monopoly. And it's not entrepreneurship when the state is willing to put its thumb down on the business model to create that monopoly. So that's not something I'm going to be complicit in with my vote that I have here on this floor. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. I stand in opposition to this amendment of-- by Senator Sorrentino, even if there is another modification to it. Typically-- when DoorDash gave their presentation about their DashMarts, they typically do not locate in rural communities only because they need a certain amount of population to be successful. Currently, DashMarts are in larger metropolitan cities, where it makes it profitable for them and their operations. The other-- and I, I do applaud Senator Hunt's comments. I do feel that, again, the language in it is, is somewhat open to interpretation. And Senator Hansen's words were pretty prophetic. He said, well, can you really blame a brick-and-mortar store with having to pay for paid sick leave and increases in minimum wage for them to think that this would be a good model to operate on, to reduce your number of employees, paid employees that you're obligated to provide benefits for. And so, I think we need to think long and hard about this. We know that the DashMart lobbyists have been really pushing this with our legislatures. My-- it was my understanding that if you wanted this amendment onto this bill, you should have showed that you have at least 33 votes. I know we will not take it to cloture. And I'm, I'm really sorry that I have to get up for the third time to speak on this. But I think there is some concern that this could be a business model that will be readily adopted in other operations and other industries, without the

appropriate guardrails and protection for labor. At this point, I'm kind-- I'm really kind of regretting my vote on allowing Uber and Lyft to be independent contractors, because I feel like it's just opened a floodgate that probably shouldn't have been opened in the beginning. And so for that reason, I ask for your no vote on this amendment, so that we can move on to the substantive part of this legislative bill that does so much good. Thank you, Mr. President.

KELLY: Thank you, Senator Raybould. Senator Conrad, Senator Conrad, you had spoke 3 times on this amendment. Mr. Clerk, for an amendment.

ASSISTANT CLERK: Thank you, Mr. President. Senator Bostar would move to amend with FA1184.

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

BOSTAR: Thank you, Mr. President. This floor amendment offers some of the clarification that was previously discussed on the underlying Sorrentino amendment. It would-- it, it, it states that for the brick-and-mortar physical location provisions in the bill, that it wouldn't apply. The way it's written is for that section, it wouldn't apply to the subsection (7) of the legislation, which is the trigger for independent contractors. So the idea here is to provide that extra clarification that those individuals working in the brick-and-mortar physical locations would not be independent contractors, and they would be employees. So I would encourage your green vote on FA1184. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. Trying to assess whether or not this amendment is helpful to clarifying. It's written pretty clunky and kind of a double negative. So I, I understand-- I think Senator Bostar's trying to head in the right direction here. But again, this is kind of being put together on the fly, which is unusual, considering this issue was-- there was a lot of murmurs and rumbling about this last week, and so I'm not exactly sure why it wasn't addressed or fixed before the amendment got filed this morning. And now, we're scrambling to try and work through it, but we'll do the best that we can. I'm going to try to read the amendment

more carefully, but do have continued skepticism about my friend, Senator Sorrentino's amendment, both from a process and substance perspective. I, I guess I just want to put a finer point on what the agenda looks like today, friends. And if you look here now, we have this amendment to LB921, a corporate giveaway for DoorDash. If you look a little bit further down the agenda, you can see that Senator Bostar has LB1096. And that's, I believe, also a fix for corporate Nebraska, about unintended consequences in relation to LB644 that frustrated the ability of 50 major firms to draw down corporate welfare. If that's the wrong fix-it from Senator Bostar, I apologize, but I, I think it's contained in that one. And then, if you look just a few bills farther after that, you can see LB1165, which is the massive new corporate welfare package and giveaway to Union Pacific. So that's where this Legislature's attention is in the waning days of our work together on behalf of the people of Nebraska. It is a run on the state house to insert more richer and special privileges on the biggest corporations. It's a party in a punch bowl for the biggest corporations in Nebraska that's driving our agenda today-- or not even in Nebraska, sometimes even beyond. Big corporations outside of Nebraska, who want special privileges and exclusive rights in regards to employment classifications, who need rushed legislative fixes because their corporate welfare programs are at risk, even though they knew about those bills moving through and couldn't care less to step forward and oppose them or raise those concerns. And then, we have probably one of the biggest pieces of special legislation in the history of the Nebraska Legislature just a few bills after that, LB1165. So it is striking to me, looking at the agenda, feeling the chaos around this particular amendment and consternation. It's not grounded in any other model for employment purposes in Nebraska, according to Senator Sorrentino's admission. Everybody was talking about this potential amendment last week, knew what the concerns were, knew it was going to cause chaos, but didn't fix the concerns until we're on the fly here on the floor, which sometimes happens in the remaining days of session and sometimes you need to have a measure on the board to bring people together, but it's striking. The last few days of our legislative session are going to be focused on a run on the state house by the largest corporations to get special treatment and more corporate welfare payments. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Mr. Speaker [SIC], for items.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB455, LB525, LB596, LB737, LB764, LB781, LB815, LB820, LB820A, LB826, LB839, LB852, LB867, LB888, LB905, LB912, LB935, LB952, LB955, LB972, LB986, LB998, LB1010, LB1029, LB1048, LB1057, LB1087, LB1086, LB1091, LB1108, LB1126, LB1135, LB1181A, LB1212, LB1216, LB1237, LB1237A, LB1256, LB1261, LB1261A to Final Reading-- as correctly engrossed and placed on Final Reading. Your Committee on Health and Human Services, chaired by Senator Hardin, reports LB701 to General File with committee amendments. Amendments to be printed: from Senator Conrad, to LB965; Senator Murman, to LB1050A; Senator Dungan, to LB1075. New LRs: LR495, from Senator Juarez; LR496, from Senator Hughes; LR497, from Senator DeKay; LR498, from Senator McKinney; and LR499, from Senator Bostar. Those will all be laid over. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. Seeing no one else in the queue, Senator Bostar, you're recognized to close on FA1184 and waive. Senators, the question is the adoption of FA1184. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 1 nay on adoption of the floor amendment, Mr. President.

KELLY: FA1184 is adopted. Mr. Clerk.

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

KELLY: Senator Sorrentino, you're recognized to close on the amendment, and waive. Senators, the question is the adoption of AM3061. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 8 nays on adoption of the amendment, Mr. President.

KELLY: AM3061 is adopted. Mr. Clerk.

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 LB921 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion, and there's been a request for a machine vote. Mr.-- all those in favor vote aye; all those opposed vote nay to advance LB921 to E&R engrossing. Record, Mr. Clerk.

CLERK: 34 ayes, 9 nays on advancement of the bill, Mr. President.

KELLY: LB921 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB937. 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 LB937 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 Conrad would move to bracket the bill with MO438.

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

CONRAD: Thank you, Mr. President. I'd like to withdraw my motion so we can get to the substantive amendments.

KELLY: So ordered. Mr. Clerk.

CLERK: Mr. President, Senator Conrad, I also have MO439, with a note that you'd withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Kauth, I have FA554, with a note that you'd withdraw.

KELLY: So ordered.

CLERK: Mr. President, Senator Murman would move to withdraw FA-- Senator Murman, I have FA556, with a note that you'd withdraw and sub AM3084.

KELLY: So ordered. Senator Murman, you're recognized open on AM3084.

MURMAN: Thank you, Mr. Lieutenant Governor. LB937, as you know, is the Education Committee priority bill package that addresses a number of areas where we have heard from schools, administrators, and stakeholders that updates and clarifications are needed. AM3084 makes a few targeted cleanup changes to LB937 to ensure the bill works as intended. First, the active investigation language amends the provisions in LB937 that were originally from LB1224, and came from DHHS. The prior version was tied to substantiated reports, which only occur at the end of an investigation, after findings have already been made. That creates delay and confusion, and could allow a student to be transferred before the department has finished its work. This amendment also clarifies the notification process, recognizing that DHHS may not always know a student's current school, while the resident school district does, ensuring the right parties are notified and the policy can be carried out. Second, the amendment regarding LB1164, after discussion with stakeholders at the university, removes the fiscal note by modifying the reporting requirements and moves the timeline to a biennial data collection structure and pushes back implementation of the analysis and reporting requirements by one year, to allow institutions additional time to comply. Next, the extracurricular provision amends the language in LB937 that came from LB1243. Under prior law, activities not regulated by the NSAA had no standard at all, which created uneven treatment from schools, depending on the type of activity. This amendment allows schools to apply the same reasonable five-credit or one-class standard across the board so students maintain a basic connection to the school while still preserving flexibility for districts and not overburdening students who want to participate. The final change amends the provisions in LB937 that originated from LB1241. As previously drafted, there were concerns that the bill could interfere with current teacher contract negotiations or create uncertainty for districts in the middle of that process. The amendment pushes back the implementation by one year. It makes clear that the bill applies to school employees, not independent contractors. Finally, it updates terminology from Board of Education to governing activity, so the language properly aligns across both public and private schools. Overall, these are practical fixes. They don't change the intent of the bill. They just make it clearer, more workable, and easier to implement for schools across the state. I would ask for your green vote on AM3084 and LB937. Thank you.

KELLY: Thank you, Senator Murman. Seeing no one else in the queue, you're recognized to close on the amendment and waive. Senators, the question is the adoption of AM3084. All those in favor vote aye; all those opposed vote nay. Senator Dungan, for what purpose do you rise?

DUNGAN: My understanding is there might be amendments to this amendment that haven't been considered yet, prior to us getting to a vote on this?

KELLY: It's my understanding, Senator Dungan, if the Legislature adopts this amendment, you can go to the next amendment next.

DUNGAN: OK. I assumed we would have taken the floor amendment up first, after they opened on that. But if we've already gone to a vote on this, I guess the floor amendment will come up then, after AM3084?

KELLY: Yes. That's correct.

DUNGAN: OK. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Has everyone voted who cares to, on AM3084? Record, Mr. Clerk.

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

KELLY: AM3084 is adopted. Mr Clerk.

CLERK: Mr. President, Senator Lonowski would move to amend with FA1177.

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

LONOWSKI: Thank you, Mr. President. And thank you, Senator Murman, for adding the language to remove the fiscal note from the university. In doing so, we inadvertently deleted a very important part of this bill, which my floor amendment would reinstate. With the adoption of this amendment, we will reinstate the phrase with the approval of the commission, which goes to the intent of the bill. And we're talking about the Coordinating Commission for Postsecondary Education. Importantly, we are still removing the reporting requirements

that the university felt would cause an additional expense. Thank you, and I urge your green vote.

KELLY: Thank you, Senator Lonowski. Seeing no one else in the queue, you're recognized to close on the floor amendment and waive. Senators, the question is the adoption of FA1177. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays on adoption of the floor amendment, Mr. President.

KELLY: FA1177 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Kauth would move to amend with FA1180.

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

KAUTH: Thank you, Mr. President. This is an amendment addressing the truancy portion of the LB937 bill. And I appreciate Senator Conrad sitting down and working through the language. One of the concerns I had was the way it was written. It was pretty broad-based, as far as a doctor's note would suffice for whatever, whenever, and could go on for, for as long as a parent would want to use one doctor's note. So this is just putting on some constraints on the use of the doctor's note. The new amendment says absences excused by a parent, guardian, or educational decisionmaker-- as defined in Section 79-530-- of the child for a physical or mental illness, and as documented by a credentialed health professional, provided that supports such absence. So you can't have a doctor's note for a broken leg, and then have a parent call you out and say, well, you know what, they have a headache today. In the instance of chronic illness, documentation shall be reviewed every semester. And that's because there are kids who are dealing with serious-- as the PANS and PANDA kids, you know, kids who have something chronic, but we do still want to have a check on that, to make sure that that chronic illness is, is still in effect, they're still getting treatment, and still under a doctor's care, and that the doctor is substantiating the need for them to be absent. So we're looking at, at putting some constraints on it, but still allowing those school districts to, to work with the parents. So I would appreciate everyone's green vote on FA1180.

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

CONRAD: Thank you, Mr. President. Again, I'd like to thank my friend, Senator Kauth, for her collaboration and good work in regards to getting the language just right, in regards to updates to make our truancy laws and process work better. So since we have had this approach on the books, we started to hear almost immediately from families who were impacted by this approach, about how strong families with kids who are doing well in school and involved in extracurriculars or what have you, were, were impermissibly being ensnared-- or inappropriately being ensnared in the truancy system. We've heard, on the Education Committee, from a lot of different stakeholders, about how schools were not following the clear original intent of the law that stands today, and that this seeks to clarify. Illness was never meant to count for an unexcused absence for purpose of truancy. Yet we have case file, after case file, after case file, where parents in conjunction with licensed medical professionals, are documenting legitimate medical or mental health reasons why students are missing schools, yet they're still being counted unexcused and they're still being referred for purposes, purposes of a truancy case. We heard about this at the committee level this year. I firmly believe in parental rights and don't think we necessarily need to have significant documentation beyond that, but the committee felt otherwise. And they said, if a parent or guardian and a healthcare professional document a legitimate illness for purposes of counting as an excused absence, that shouldn't be a basis for a truancy referral. That's what emanated out of committee. And in talking with my friend, Senator Kauth, she wanted to make sure, in those instances where there is a chronic illness, that it's not never-ending, that there is a guardrail, that there is a time limitation and an opportunity for periodic review. I think that is a good-faith compromise, and I want to thank her, and Senator Murman, and others, for working on that with me, and I'd urge your favorable consideration. Thank you.

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

SPIVEY: Thank you, Mr. President. And good morning, colleagues. I just wanted to offer a couple of thoughts. This morning is very busy and as these amendments have kind of come up, trying to catch up, and so I, I appreciate the compromise that it

sounds like happened with Senator Kauth and Conrad, on the portion of truancy. I have been looking at truancy from the juvenile justice side, because you can see the tie-in from-- young people are students that are missing school, and how that relates to them being potentially system-impacted, if they're not already, but also just navigating very precarious home environments, because they are in already our child welfare system, which we are responsible for their care and well-being. And so I think-- I know a, a lot of folks have been working with the truancy over the years and, and trying to reform policy. And I, I still feel as I'm reading this and the intention that it feels like-- why, as the state government, we're requiring this in this way. It feels a little bit heavy-handed when districts do have policies that help to document-- and I know serious illnesses should not be included in truancy, and so I, I can understand that portion of the update. And I think, still, the overarching of having this documentation in this way feels like we don't trust you, parents. You have to have your doctor also provide. So I'll use my son as an example. He has severe asthma and allergies. And so, we actually did get a call around truancy, because when he has an asthma flare-up and he has so much inflammation, I have to give him steroids and a nebulizer over a period of days. And so why he might be OK to go to school and learn, because of the sharp takes of his breathing that I have to watch, I don't feel comfortable. So he stays home until his wheezing stops, until it's not labored, until he's almost done with his medicine so I can assure he can be successful at school and we won't have a rush to the emergency room. And so, he has-- at the beginning of the school year, I give his, his healthcare plan to the nurse. It has the medicine that he has, what does that look like, it's really clear that he has asthma and allergies, and the precautions. And so if he misses school and I call it in, does that mean that now I have to get another letter to say, oh, he actually had an asthma flare-up that day, when I've already put in information at the, the top of the school year? Does that mean if he has, you know, prolonged-- and this is cyclical, along with the season. So if that is happening cyclically, do I have to then say, hey, I need to call my doctor, which is another step for me on top of everything else I have, to make sure that you believe me, that my child is actually sick and it's a chronic illness. And so, again, I think, you know, we need to trust parents and why kids are missing school, that they're going to call in. And I think, in general, there are key indicators around truancy, how we define truancy, and what does it look like. And then we, as lawmakers, how do we go upstream to really address that? This doesn't feel

upstream in that same way. Again, I can understand some of the updates to the chronic illness and to help clarify for school districts so chronic illness is not considered, and we're still, we're still requiring additional burdensome documentation for families that feels unnecessary. And so, just wanted to make sure and put that on the record, as we continue to just add different amendments and, and have debate today. I, I don't, again, know the intention of all of the, the truancy bill. And I know that there was a bill put in around truancy in general, to try to go upstream, and so just wanted to offer that and some, some color to the conversation in, in a broader context for what we're passing today and talking about truancy. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. The text of this floor amendment reads-- it inserts-- it strikes line 1-6 on page 3 and inserts the following: "absences excused by a parent, guardian, or educational decision maker, as defined in Section 79-530, of the child for physical or mental illness and as documented by a credentialed health professional, provided that supports such absence, and in the instance of chronic illness documentation shall be reviewed each semester." I'm going to be opposed to this floor amendment, colleagues. I think that I trust parents to know when their kid is too sick to go to school. And I think in this day and age, requiring a doctor note for chronic illness, for mental health crisis, what have you, whatever reason the child may need to stay home-- a lot of these parents don't have a doctor. I didn't have a doctor until this year, in January, when I got health insurance on the Marketplace, for the first time in many, many years. And so, if this had been a requirement for my family that I have to bring a doctor note for my kid to be able to be home sick from school and not be counted truant, that would be a problem for my family, and I know that I'm not alone in that. There are many, many families in Nebraska who do not have a primary healthcare provider. And I think that this is too much of a burden, especially for families that are dealing with a sick kid, to have to get a doctor note, I think it's bureaucratic. And I think it's turning away from the principle in Nebraska that we trust families to raise their kids the right way, so I'll be a no on this one. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Seeing no one else in the queue, Senator Kauth, you're recognized to close on the floor amendment and waive. Senators, the question is the adoption of FA1180. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 35 ayes, 2 nays on adoption of the amendment, Mr. President.

KELLY: FA1180 is adopted. Mr. Clerk.

CLERK: Mr. President, a priority motion. Senator Spivey would move to recess the body until 1:00 p.m.

KELLY: Senators, the motion is to adjourn-- excuse me, to recess. The question is, shall the body go into recess? All those in favor vote aye; all those opposed vote nay. The Legislature is in recess.

[RECESS]

KELLY: 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 is a quorum present, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Hunt would like to recognize a guest under the south balcony: that's Reid Murdoch of New York, a brother of her LA, Hannah Murdoch. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk, please proceed to the next item on the agenda.

CLERK: Mr. President, resuming Select File debate on LB937. Senator Murman, I have FA558 with a note that you'd withdraw.

KELLY: So ordered.

CLERK: Senator Conrad would move to amend with FA1003.

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

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

KELLY: So ordered, Mr. Clerk.

CLERK: Senator Conrad, I have FA1004 with a note that you'd withdraw as well.

CONRAD: Yes, please.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator DeBoer would move to amend with AM2767.

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

DeBOER: Thank you, Mr. President. Hello, colleagues. Today, I'm opening on AM2767 to LB937. This amendment is my bill, LB599, which came out of Education Committee 7, 0, 1. But AM2767 is a very much pared-down version of that bill with a substantially-reduced fiscal note. My original bill was an attempt to be holistic in our approach to cybersecurity in our K-12 schools, not only to find out where they-- where we are now, but also to ensure protection for the future. The version of the bill before you today, however, is just the first step we need to take to ensure that our cool-- our schools, public and private, are protected from cyber threats. We know that our schools can be targeted by cyber criminals; they have a lot of important data on our children and families, and school operations increasingly rely upon the internet. Cyberattacks against schools risk disruptions to the students' learning, the inability to provide timely feedback to students and parents, and inhibits the ability of school administration to communicate with teachers and parents in emergency situations. AM2767 provides for the development of a cybersecurity assessment in order to understand where our schools are at. We know many schools already have basic elements of protection, but we have no ability to survey our school districts to truly understand in general where we are all at, and where the vulnerabilities might be. AM2767 utilizes unused lottery dollars, not general funds, to fund the initial assessment process. Following the process, the experts will work together to determine what next steps are needed, where investments need to be made, and will report back to the Legislature, hopefully by next year, so that we know what is truly needed to improve our-- the cybersecurity posture of our K-12 schools, both public and private. Implementation may include support from an ESU through coordination, facilitation,

technical assistance, or direct staff support. The level of involvement is to be determined locally by the school district and the ESU. The intent is that this work moves forward in collaboration with stakeholders including non-public schools, public schools, educational service units, the Office of the Chief Information Officer, the Nebraska Department of Education, and others with relevant expertise and responsibility. This is a bill to help us understand where the issues are now so we can make smart investments down the line, and this is a bill to protect all of our schools and all of our kids. I'll hope that you'll vote green on 2767. Happy to answer any questions you have. I will say, just because there's been some questions about the fiscal note, for clarity, the fiscal note is not general funds, but rather, there is an allowance that the ESUs and others who are working on this may apply for a grant from the unused lottery funds. And if the department grants them that grant, they can use it to facilitate this process. My understanding is that they will attempt to do this process regardless of the amount of that grant; it just will take a really long time if they don't get much, or if they get nothing. So, if they are able to get the amount that they need, then they're able to continue to work on it. Of course, if there is not enough funding in that unused lottery fund, fund, then they will not get any funding, and that's just what it would be. We've worked together with the department and others, the OCIO and others to put this in the form that you see it in front of us. It's really critical, colleagues, that we do know where our cybersecurity standing is right now with our K-12 schools. We do not have a good assessment of that across the state, and we are already starting to see some cyberattacks on Nebraska schools. So, I would urge your green vote. Thank you very much, Mr. President.

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

JACOBSON: Thank you, Mr. President. Although this AM sounds like it's a worthwhile AM, and I'm not saying it's not, but I do have a little experience with dealing with an organization that is subject to cyberattack. And I can tell you that no matter what organization you're with, the lion's overwhelming number of cyberattacks happen through email systems with your employees, and it really begins with training your employees to don't click on suspicious links. That's how cyberattacks occur. If you look at any big breach, it started with an email where somebody

clicked on a link that they shouldn't have, and it embedded malware or they got in through that way. So, a lot of this comes back to training, who has access to email, but I, I don't believe that-- I think this is something that through the Department of Education and through the superintendents' association, others, the school boards associations, they need to come back with a plan as to what they want to do. I don't believe that-- no matter what the funding source is, I always get a kick out of "this isn't coming out of general funds, it's coming out some other fund." Well, maybe that fund should be used for something else. So, I'm going to be opposed to the amendment. I'm, I'm going to be opposed to the bill, but-- as a whole, but I just think we need to recognize that throwing money at a problem doesn't necessarily fix it, OK? I think many people have dealt with cybersecurity and cyberattacks, and we know what generally causes them, and it's a training problem, and you can take cyber insurance to be able to get people in to help recover your data and so on. But whether it's sitting on a hospital board, or sitting on the board of the bank, or sitting on the board of the federal home loan bank system, they all have one common problem: cybersecurity begins with email attacks, people clicking on the wrong link. That's a training issue, a testing issue within your organization to make sure that people are not clicking on the wrong links. So, with that, thank you, Mr. President.

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

ANDERSEN: Thank you, Mr. President. I, I truly support cybersecurity. I'm well aware of it. What Senator Jacobson's referring to is called phishing or whaling, and it is exactly that. You get an email from somebody, you click a link, or it says, hey, if you don't click this link, you're going to get shut down, or whatever. That does exist, and training is a good way to, to stop that. But I would submit that there's a lot of IP-based attacks as well that you need to have the infrastructure, you need to have all the firewalls in place. A lot of times you end up with compromises due to a lack of patching, routers that are out-of-date, and things like that, just bad procedures. So, some of it's training, but there is an infrastructure issue above and beyond the phishing that Senator Jacobson's referring to. If Senator DeBoer would yield to a question--

KELLY: Senator DeBoer, would you yield to questions?

DeBOER: I'd be happy to.

ANDERSEN: Thanks, Senator DeBoer. So, I, I understand what you said about the, the funding coming from leftover revenue from lottery. Do you have an order of magnitude? I mean, do we know what the estimated bill is going to be? What--

DeBOER: Yeah. So, the statute-- or, the legislation would allow up to \$250,000. So, it could be less than that. It's kind of whatever the department would like to grant and whatever they have in that unused lottery fund. So, this is-- the lottery funds are apportioned off into various groups, and sometimes, for whatever reason, not all the funds get used for whatever allocations they have. So, there's these unused portions, and this would allow the ESUs and others to come together and ask the department for a grant for a portion of those funds that were not used elsewhere. Whatever it is that's left at that point, they can ask for a piece of that. The, the department can decide what amount to give them, up to \$250,000.

ANDERSEN: OK, it's \$250,000 per year for the state?

DeBOER: No, just one time.

ANDERSEN: Just one what?

DeBOER: Just one time.

ANDERSEN: Oh.

DeBOER: This is just a one-time assessment. So, this is not the whole thing.

ANDERSEN: Oh, OK.

DeBOER: I don't want to take all your time,--

ANDERSEN: No, that's fine.

DeBOER: --but this is a one-time assessment.

ANDERSEN: No, go ahead.

DeBOER: So, this is a one-time assessment, and it would include looking at things like Senator Jacobson mentioned, like, what are the policies of every school district in the state with respect to how do they teach their, their people about phishing emails? What kind of-- what kind of training do they currently have available? What do they have on-- you know, what kind of additional--

ANDERSEN: Thanks.

DeBOER: --what kind of additional programs, like you were talking about, if the routers are-- this is an assessment of all of that just to get a baseline of where we are so that you all, when you're here next year, can then say, OK, do we need to do something? What do we need to do? How much do we need to do all of that?

ANDERSEN: OK, great. I, I, I think it's a great first effort. I think unknowing what the funding is a challenge. But certainly, it's, it's a, it's a cause worth supporting. And this is only one bite at that apple, because the cybersecurity is critical in all phases. Everything's interconnected. So, you can't just look at one piece; you got to look at all pieces of it. But thank you, Senator DeBoer. Thank you, Mr. President.

KELLY: Thank you, Senator Anderson and DeBoer. Senator Armendariz, you're recognized to speak.

ARMENDARIZ: Thank you, Mr. President. Can I ask Senator DeBoer some questions, please?

KELLY: Senator DeBoer, would you yield to questions?

DeBOER: I would be happy to.

ARMENDARIZ: Thank you, Senator DeBoer. So, we've talked about this in extent. So originally, you did come to Appropriations asking for an appropriation of \$250,000 for the ESUs to conduct this analysis to clear up some questions. We are not appropriating the funds. The lottery distributes-- 44 percent, I believe, of lottery proceeds go to the education already. And so, the board will use those lottery funds they already receive up to \$250,000 to do this assessment. So, these are not going to be appropriated by the state. The lottery already dictates where

that money goes, they already have that money. They're going to fund it internal to the state Board of Ed. Is that correct?

DeBOER: With one small caveat: they have to ask for grant funding within the programs. That's--

ARMENDARIZ: But that's decided within their organization, within the Department of Ed.

DeBOER: It's decided within their, their organization. Yep.

ARMENDARIZ: It's a grant funding process within Department of Ed.

DeBOER: Yes.

ARMENDARIZ: They will not be coming back to the-- to Appropriations for an appropriation.

DeBOER: They will not be coming to us-- they will not come to Appropriations. And one thing I will correct you-- I originally brought this bill to the Education Committee, then I pared it down, brought that to you guys. Then, we're taking this piece and doing it through this process, through the Education Committee. So,--

ARMENDARIZ: Yeah.

DeBOER: --it's been a roundabout.

ARMENDARIZ: I-- and I appreciate that. You know that I was the stickler on the, the dollar amount. My, my premise was the CIOs of all the divisions already have this under their purview, and should be investigating what needs to be done as their job description already, especially cybersecurity, in today's time; that should be on the top of their list of job duty-- job duties. I will agree with both Senator Jacobson and Senator Andersen that there are a couple of different ways that folks can get attacked, oftentimes goes through emails, and you'll look at almost all the large organizations that have gotten hacked, it was somebody clicked on an email. But a lot of times, it hits their subcontractors. So, I know in healthcare, we got a lot of subcontractors that got hacked, not our institution. So, I'm imagining education will have a subcontractor for pay, pay stubs or something will get hacked. And then, they'll get

encumbered because of the hack. It-- I won't name any company names, just to not put them out there. But say their payment system software gets hacked and it spreads across the entire country, and then they would be impacted because they use that software. It wouldn't necessarily infiltrate their school, but it could get some data that they have at that software company, but not necessarily all the, the children's parents' names. Is that your understanding of how these hacks usually happen?

DeBOER: So, my understanding is that there are a great variety of ways that it could be done, and part of what we want to do with this assessment is determine whether or not there are those vulnerabilities based on subcontracting. Of course, we're talking about a large number of school districts throughout the state, and each one might have a different, you know, subcontractor, that sort of thing. So, sort of looking at, writ-large, what all of that looks like, and then having the ability to assess whether or not there's training for those school districts to talk to their subcontractors about, you know, having the sort of firewalls or, or whatever--

ARMENDARIZ: Yeah.

DeBOER: --and making sure that folks are doing that. Because remember, not everything is-- I mean, you and I represent sort of bigger school districts,--

ARMENDARIZ: Yep.

DeBOER: --but there, there are smaller school districts that have less dedicated employees to cybersecurity. And so, this is also making sure that, that they have those resources--.

ARMENDARIZ: Yeah.

DeBOER: --and just checking.

ARMENDARIZ: We can find a lot of efficiencies by using the same software systems, but sometimes diversity is the key to less impact when there is a hack, because it's always-- not if it's going to happen, it's when it's going to happen. Usually, some software, especially cloud-based-- it's going to happen at, at one point or another. I appreciate all your work you've done on this, and it will not be coming to Appropriations for an

appropriation; they will be using the funds that they already have. Thank you, Senator DeBoer. Thank you, Mr. President.

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

LONOWSKI: Thank you, Mr. President. I stand in support of AM2767. In 2025, cyberattacks on U.S. educational institutions hit roughly 130 confirmed ransomware attacks on schools and colleges. While the overall number of ransomware attacks plateaued, data breaches remain severe, exposing 3.89 million records of individuals. This, according to University Business. K-12 schools were hit roughly with 96 of those incidents. One report of cyberattacks indicated that schools surged-- the attacks on schools have surged by 151 percent in one year. One single attack in a school district in Georgia revealed 46,000 records. Research says that the-- that education is most likely to be hit. 82 percent of K-12 schools experienced some sort of cyber incident between 2023 and 2024. And the cost will not go down. This isn't an "if," it's a "when." We need to take extra precautions with cybersecurity as our systems continue to get breached. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. Just for one more time clarification, this is using unused lottery funds in a grant form that's already within the education department to do this evaluation. This obviously isn't going to make everything OK; this will just tell us where we have the most fires going at one time, and it will be up to all of you next year that are going to still be here to continue to work on this problem. But we have to start somewhere, and this is a good first step. Obviously, there will be a number of different vulnerabilities which they will assess, and a number of different vulnerabilities which they will provide ideas for. And my understanding is, the way they're going to do it is they're going to try and get through the assessment by November if they can, and then they will have recommendations like: here's a certain level of safety, these are our recommendations. Here's the next one, here's the next one, and the, the costs with those. So, it will be a pretty robust report that will allow the Legislature to evaluate going forward how to deal with the, the

threats of cybersecurity to K-12 education. Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer. Senators, the question is the adoption of AM2767. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, no nays, and adoption of the amendment, Mr. President.

KELLY: AM2767 is adopted. Mr. Clerk.

CLERK: Senator Conrad, I have MO440 with a note that you'd withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Conrad would move to amend with AM2668.

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

CONRAD: I need to withdraw that please.

KELLY: So ordered. Mr. Clerk.

CLERK: In that case, Mr. President, Senator Hunt would move to amend with AM2606.

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

HUNT: Thank you, Mr. President. Good afternoon, colleagues. AM2606 contains the provisions of my LB507 as amended and unanimously advanced by the Education Committee. I appreciate Chair Murman and the committee's willingness to work with me to get this on this bill. This amendment would clarify that when a child is enrolled in a school district and the school district has an obligation to provide transportation for that child's individual education plan, or IEP, the transportation is to be provided by the school district. This legislative change is necessary to clarify that when a school district has an obligation to serve a child and either state law or the child's IEP says they need transportation, then that transportation will be provided. Some school districts have recently taken the position that even a child who is enrolled in their district and

has an IEP that calls for transportation, that the current statute sets a geographic boundary that permits them to not follow the IEP. You may wonder-- and we talked about this in committee-- how does a child end up living outside a school boundary? One way is, from time to time, children in foster care are moved from a home in one school district to a foster home in another district. At the time of the move, the law requires DHHS to determine where the child should go to school, and federal and state law say that the child should remain in the school of origin unless a determination is made that that's not in the kid's best interest. So, that's one common example. Another way they could end up outside of the district is when a child is a ward of the court, and the court places the child in a residential facility, typically because of a disability that they would need to be in a residential facility, while the parents continue to reside in the original school district. Again, Nebraska law says that the child continues to be a child of the district they were in at the time of the move. This legislation clarifies that when a child's IEP says the child must have transportation, the district who is providing all the other IEP education services to the child must provide the transportation. As amended, as you see in the amendment, if you pull it up on your gadget, the new matter is on page 3, and you see lines 22 to 28. And it clarifies that it only applies to Class V school districts. So, in other words, Omaha. So, it will only apply to Omaha, and happy to answer any questions. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. I, I appreciate the Education Committee's unanimous support of this amendment, and urge your green vote. Thank you.

KELLY: Thank you, Senator Hunt. Senators, the question is the adoption of AM2606. All those in favor, vote aye; all those opposed, vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 2 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All unauthorized personnel, please leave the floor. All unexcused senators outside of the Chamber, please return and record your presence. The house is under call. All unexcused members are present. Senators, the question is the adoption of AM2606. A vote was underway. Senator Hunt, will you accept call-ins? A request for roll-call vote. Mr. Clerk.

CLERK: Senator Andersen voting no. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting no. Senator Bosn not voting. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting yes. Senator Conrad voting yes. Senator DeBoer voting yes. Senator DeKay not voting. Senator Dorn not voting. Senator Dover. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez not voting. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski not voting. Senator McKinney voting yes. Senator Fred Meyer voting no. Senator Glen Meyer voting yes. Senator Moser voting no. Senator Murman voting yes. Senator Prokop voting yes. Senator Quick voting yes. Senator Raybould voting yes. Senator Riepe not voting. Senator Rountree voting yes. Senator Sanders voting yes. Senator Sorrentino voting no. Senator Spivey not voting. Senator Storer not voting. Senator Storm voting no. Senator Strommen not voting. Senator von Gillern voting no. Senator Wordekemper voting yes. Vote is 21 ayes, 17 nays, Mr. President.

KELLY: AM2606 is not adopted. Mr. Clerk. And I raise the call.

CLERK: Mr. President, Senator Murman-- excuse me, Senator Kauth, I have AM2798 with a note that you'd withdraw.

KELLY: So ordered.

CLERK: Senator Murman, I have AM2916 with a note that you'd withdraw.

KELLY: So ordered.

CLERK: Senator Rountree would move to amend with AM2965.

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

ROUNTREE: Good afternoon, and thank you so much, Mr. President. Good afternoon, colleagues, and good afternoon to those that are watching online. I want to thank Senator Murman for allowing me to attach this amendment to the committee bill. We talked about that a bit in depth. But AM2965, members of the body, this AM was my LB841, which was heard by and advanced by the Education Committee. This legislation is about restoring balance, dignity, and fairness for Nebraska families to help navigate special education for their children. This bill was brought to me by my constituents and the Department of Defense, and was supported by a broad range of supporters from across the political spectrum. This bill is a necessary correction to a system that too often leaves parents without a meaningful voice in vital decisions that shape their child's future. Grounded in the promises of the Individuals with Disabilities Education Act, this law changes--ensures that those promises are real for all families, not just those with the resources to fight for them. At its core, this bill is about parental rights. It affirms a simple but powerful principle: schools should not be able to change a child's individualized education program without the informed consent of the child's parent. Today, many families' experience the IEP process as one-sided. Sometimes, decisions can be driven by institutional convenience rather than a child's unique needs. This bill restores the collaborative intent of the law by ensuring that parents are not sidelined. Instead, they can serve as true partners with equal voice in shaping their child's education. This bill also addresses one of the most profound inequities in the current system: who bears the burden of addressing changes to an IEP when things go wrong. Think about what that means when the burden is on a parent. That parent, without legal training or financial resources, must take on a system where the school holds all the cards. The family must bear not just a financial, but an emotional and practical burden, all while continuing to care for a child or children whose needs may not be met. This is a war for imbalance of power, and schools do hold all the cards. School districts, funded by those same families who are now forced to bear the burden, can marshal vast institutional resources. At the same time, districts hold the very evidence at issue: the records, the evaluations, service logs, and internal data that reflect what services are or are not being delivered. That is not equity, that is not fairness. This law change corrects this inequity by placing the burden where it logically belongs: on schools to demonstrate that they are providing a free,

appropriate public education. This does not create a new obligation; it simply requires accountability for the obligation that already exists. Let me be also clear about what this bill does not do-- and I did pass out a handout earlier today. This bill does not create new mandates or increase costs, it does not mandate new services, it does not expand eligibility, it does not require additional due process hearings, and it does not tie the hands of educators when serious behavioral issues arise. Schools will continue to have the authority to remove students from the regular classroom when necessary to maintain safety and order while appropriate placements are determined. It does not prevent schools from addressing serious behavior concerns. Students whose behaviors pose serious safety risks can still be removed from the regular educational classroom environment consistent with existing law while an appropriate placement is identified. We know from other states that have adopted similar legislation that this law change strengthens collaboration and trust between families and schools. When parents have a meaningful role and their consent is required, disputes are more often resolved at the table and not in the hearing room. For instance, after Kansas enacted a parental consent provision, due process filings dropped significantly from 11.6 filings per 10,000 students per year to just 3.1. Similarly, in New Hampshire, due process filings decreased from 15.2 filings for 10,000 students per year to 7.8 filings per 10,000 students per year. At the end of the day, this bill is about whether we believe parents matter, whether we believe their voices should carry equal weight, and whether we are willing to correct a system that, as it stands, too often leaves families without a meaningful path to advocate for their children. LB841 was supported in committee by parents and citizens, by disability advocacy groups such as the Education Rights Council, the Arc of Nebraska, and the Nebraska Council on Developmental Disabilities. It was also supported in committee by the Nebraska Catholic Conference and others who have contacted my office urging me to support this bill. This legislation brings us back to first principles, and that principle is partnership, accountability, and fairness. Passing this will affirm that parents are not bystanders in their child's education, they are essential partners whose voices must be heard and respected. I urge the body to adopt the amendment. Thank you so much, Mr. President.

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

KAUTH: Thank you, Mr. President. And actually, I don't have much about this one. I'm still reading through this amendment. I have some concerns about the schools being the ones who are no longer able to say, hey, you've met the goals of this IEP, and the parents being able to, say, no, we want you to keep going. So, I, I still need to digest that. But I just wanted to bring to everyone's attention the-- a couple of the amendments that we just passed onto LB987 [SIC]. When they went up to Drafting, there were some grammatical errors and sentence structure issues that we are having to fix, which means we're going to have to bring them back down and vote on them again. It has to deal with the truancy part that Senator Conrad and I worked on, and also Senator Lonowski's bill, there were some spelling errors, I believe. So, just to put it on everyone's radar, there's going to be one more amendment that we have to get down and vote on. It's the same substance, just written a little bit differently. And I know our Drafting department is working like crazy. They all look very stressed, so I hope everyone is taking some time to say thank you to them, because they are doing yeoman's work upstairs trying to make sure that everything that we are trying to get done here on the floor is supported. But I just wanted to bring it to everyone's attention that we'll have a little bit more on LB987 [SIC] to clean up, and we can't do it on E&R because we're already on Select. So, I appreciate everyone's attention to that.

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

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I rise in support of my friend Senator Rountree's amendment to the Education Committee package, LB937 and was supportive of this measure out of committee as well. In line with his track record of service and success, my friend Senator Rountree brought forward this amendment in consultation with the United States Department of Defense to specifically limit learning loss for mobile families and military families who have kids with special learning needs. And it prompted a great discussion in the committee, and we heard from a host of advocates who work in the field and have expertise when it comes to providing the right balance, getting the right information in the hands of the right parties, to kids and families who are working with school districts to negotiate points of perhaps contention in regards to the individualized education plan. And what we heard loud and clear at the committee level was this, and we heard from folks

who-- both the attorneys, both impacted parents, et cetera. And I think this point was at least agreed to by school representatives that, in many instances, I think the, the statistic was well over 90 percent of the IEP meetings and agreements happen in a collaborative way, where there's consensus, where the parents and the schools are on the same page about either the accommodations or modifications needed to ensure that that kid is able to receive an accessible education under federal and state law requirements. But in those rare instances, those rare instances when parents and, and the school's team can't agree, this just provides for a clearer framework that resets the balance and puts the parents in the driver's seat for that decision-making. We also heard that Nebraska has amongst the sixth-fewest filings in the country when it comes to appeals and due process hearings, and that is, I think, very, very telling, where we only see about 1.5 due process complaints filed each year compared to the national average per 10,000 students; the national average is 49.5. So, we, we have most of the instances, well over 90 percent of the instances, parents and school officials have a meeting of the mind about how to provide special learning accommodations or modifications to kids with special learning needs. In the rare instance when we don't have them, this puts the parents in a better position to advocate for their kid. And I'll tell you, just from a practical perspective, if you haven't been a part of some of these meetings, schools show up with 5, 6, 7, 8, 9, sometimes north of 10 people there, all paid for with, of course, the parents' and our tax dollars, including school lawyers in many instances. And in many instances, parents do not have the resources to secure a lawyer and are trying to sort through a bunch of educational jargon and acronyms, and are trying to get up to speed. And if they have a disagreement with services being removed or services being added, ultimately, parents, parents know what their kids need. And we had this-- I'll punch in again if we need to-- we had discussion draw out a little bit more at the committee level, too. Here's a good example. So, a kid has summer learning loss, comes back to school, is in need of supportive services, gets back on track at the end of each year, and then the school pulls the services away, and then they have to fail again in the very next semester when they come back after the next summer instead of listening to the parents about this pattern that has developed. And that's not right; we shouldn't expect kids to have to fail just to placate schools. And the language that the schools have utilized in regards to the rhetoric on Senator Rountree's bill is over-the-top and ridiculous. If we say we mean it when we talk about

parental rights, we should mean it, not just when we're trying to ban books--

KELLY: That's your time, Senator.

CONRAD: --or opt skids out of special ed. But special-- thank you. Thank you, Mr. President.

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

HUGHES: Thank you, Mr. President. I wanted to rise-- I support LB937. I was one of the "no" votes against AM2965 by Senator Rountree, and I just wanted to give out information about what parental rights that already exist in Nebraska's Rule 51. There's parent participation: parents must be included in all major decisions regarding identification, evaluation, placement, and services. It's called FAPE, F-A-P-E. Schools are required to provide sufficient notice to ensure meaningful parent participation in IEP meetings. Prior written notice: schools must provide written notice before proposing or refusing to initiate or change identification, evaluation, placement, or services. This ensures transparency, and allows parents time to review and respond. Parental consent: informed written consent is required prior to initial evaluation and initial provision of special education services. Parents have the right to refuse consent. Dispute resolution options: parents have access to mediation, state complaint procedures, and due process hearings. Procedural safeguards notice: parents must receive a comprehensive explanation of their rights at least annually upon referral or request for evaluation, when filing a complaint or due process request, and when disciplinary actions result in a change of placement. Access to educational records: parents have the right to inspect, review, and request amendments to their child's educational records. Schools must maintain confidentiality of all personally-identifiable information. Timeline for evaluation: initial evaluations must be, be completed within 45 school days of receiving parental consent. Independent educational evaluation: parents may request an independent evaluation at public expense if they disagree with the school's evaluation; these ensure a formal mechanism to resolve disagreements. So, Nebraska's current Rule 51 framework, I think, does strike a careful and appropriate balance between schools' responsibility and parental rights. And I just-- I'm a little concerned with any changes that could produce ambiguity

between these and risk kind of that balance that I feel like we've got in place already. Anyway. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. President, members. I rise in opposition to AM2965 to LB937, although I do support the underlying bill. The provisions of this amendment, which were originally contained within LB841, dramatically change how special education decisions are made in Nebraska schools by requiring parental consent before any changes are made to a student's IEP. This is not required by the Individuals with Disabilities Education Act, otherwise known as IDEA, and it's not just a narrow procedural adjustment. The amendment would adversely affect daily decisions about services, staffing, and student safety. Simply put, the amendment requires parental consent before schools can implement any change to a special education student's IEP. Under the amendment, if a district wants to change an IEP and a parent disagrees, the district would have to bring an administrative proceeding to make the change. As a result, even routine decisions can require litigation if a parent is unreasonable in his or her demands. For example, a decision to move a violent student from the general education classroom to the resource room to keep other students safe could be blocked by a single upset or frustrated parent. Schools would be placed in a position of either having to ignore the experience and expertise of their staff, or pay lawyers to conduct a hearing to support and uphold the staff's decision. This amendment makes a sea change in the manner in which special education operates in Nebraska. Current law, as Senator Hughes pointed out, appropriately requires parental consent at key points such as initial evaluations, initial services, and the decision to decline services. Aside from these circumstances, schools are responsible for making educational decisions regarding a student's IEP. Parents already have the right to participate in IEP meetings, and the IEP staff must consider parental input as part of their decision-making process. However, this amendment would expand consent requirements far beyond what is required by federal law, effectively giving parents veto power over every single decision made by educational experts for special education students. Currently, if a parent wishes to challenge a school district's IEP decisions, they have the right to request mediation, file a state complaint, or initiate due process proceedings. This

amendment would shift the existing balance by requiring schools to initiate legal action prior to implementing changes the school believes to be necessary. States that grant parents the right to veto some IEP decisions have a much higher number of due process cases litigated. If this amendment becomes law, Nebraska schools can expect increased costs and additional demands on staff time. I was informed that a school district has recently incurred legal costs in excess of \$80,000 to defend a single due process case. Due process proceedings not only are expensive in terms of cost, but also place an undue burden and take a toll on staff, districts, and parental dynamics. This amendment places unnecessary impediments in the way of school districts attempting to serve students, maintain safe learning environments, and manage limited resources which have impacts extending far beyond special education and impacting the broader school community. For these reasons, I oppose the pending amendment. Thank you.

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

STORER: Thank you, Mr. President, and good afternoon. I've been listening carefully, and some of my questions maybe are beginning to get answered, and listening to what Senator Hallstrom has shared and Senator Hughes. Would Senator Rountree yield to some questions?

KELLY: Senator Rountree, would you yield to questions?

ROUNTREE: Yes, Mr. President.

STORER: Thank you, Senator Rountree. I-- from, from your opening and, and the last 15 or 20 minutes, I am trying to understand the fundamental need, and maybe you can help me with a little bit of background. But given what Senator Hughes has shared in terms of the rights that parents have in giving consent, participating, being required to participate in those meetings, I, I believe it is fundamentally important that parents are involved in those decisions, and they should have the right to refuse services, maybe, that are being recommended. I, I agree with that. I guess the way I understand the statutes currently and the parameters around the development of those IEPs, it, it would appear that parents have that right today. So, can you help, help me understand really where-- why, why you feel this

additional legislation is needed, or what gaps are there that this is going to help fill?

ROUNTREE: Thank you so much, Senator Storer. So, this legislation was brought to us, as I said, by the Department of Defense, as they look at processes across our nation. And so, we carried this particular piece of legislation so that the burden of proof is not on a parent to determine, but the burden of proof becomes on the schools itself. And by that, I mean-- in my situation, when we had IEPs with my son throughout all of his time, you go to an IEP setting and you have the whole team across the table; if there is a disagreement about what services should be continued or services that have been discontinued, then the burden of proof would have been on me to determine that we needed those services. So putting that back on the school systems, if there is mediation or if it goes to a legal proceeding, then it's incumbent upon our education system to determine that yes, we have provided those services, they have determined these services no longer needed, even if I still know that we need those services. Like--

STORER: So, if I'm understanding you correct, Senator Rountree, was there ever a time, then, or-- that, that as a parent, whether it be your personal experience or one that you're aware of, where a parent said no, I don't want Service A any longer provided under the IEP for my child, and they were ignored?

ROUNTREE: Yes, and that was in the testimony. I think as we go back and look at the committee hearing, which I pulled those out. But a testimony came, and if there was a situation that happened like that, sometimes our educators know or determine what's best in their mind for a child. But a parent might say that we have passed this point, or this is no longer needed. Or, in a vice versa situation, sometimes they may say that speech therapy, the needs have been met, however a parent may say my kid still needs speech therapy. And when you're looking at providing those services, our school system may say no, we've met goals and he doesn't need it anymore, but the parents say I still want my child to have speech therapy.

STORER: So, the concern or the, the situation that this is attempting to address is when a parent wants a particular service continued in an IEP rather than discontinued? Is that what I'm hearing?

ROUNTREE: It could be either way. Sometimes, the school may say we're going to discontinue a service, and a parent says that we still need that service. Could be speech therapy, occupational therapy. One of the things that we've talked about, and a lot of those that who have opposed this particular bill or amendment has been trying to provide service and education for our student in the least restrictive environment, and that's why we've talk about-- we have not taken away their right to be able to take a child out of school for-- not out of school, but out of the classroom if they're misbehaving or danger.

STORER: So, so before we run out of time here-- and we may, and in that case, I may jump back in the queue. But obviously, there's a fine balance. And I can see absolutely if a parent wants to end a service, or feels that's not helpful [INAUDIBLE] to their child, I do struggle a little bit with a, a parent sort of carte blanche requesting services without sort of an, an educational basis, or scientific, or--

KELLY: That's time, Senators.

STORER: OK. Thank you.

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

CONRAD: Thank you, Mr. President, and good afternoon, colleagues. Just quickly to follow up on my friend Senator Storer's exchange. I agree, Senator Storer, if there was no sort of process in place to all of a sudden have parents create requirements out of whole cloth in terms of special education services for their children, that might be tricky to manage. That is not the case under current law, and not under what Senator Rountree is proposing in his amendment. Congress long ago enacted the IDEA to ensure all kids with disabilities were provided a free, appropriate public education. That requires the school district to identify kids who have special learning needs and to provide children with disabilities and special learning needs an appropriate education through accommodation or modification. Accommodation meaning how they learn, modification meaning what they learn. Again, in well over 90 percent of the cases in Nebraska, parents and school administrators agree about how to provide those accommodations or modifications, maybe closer to 100 percent. I mean, literally, there's very, very few contested cases each year in Nebraska. But what Senator Rountree

is doing, in addition to responding to his work on behalf of military families in consultation with the U.S. Department of Defense, is rightly following a structural change in terms of how we manage disagreements. It recognizes that the schools hold all the power. They do all the assessments, they have all the data, they have all of the information. And parents don't get that until very late in the process, and usually are incredibly outgunned, outnumbered when they're sitting in that room trying to figure out what's best for their kids. And much in contrast to what the hysterical advocacy from the schools has been in this regard, as parroted by my friend Senator Hallstrom, this isn't a Chicken Little moment, if Senator Rountree's amendment were to pass. The sky will not fall. Many of our sister states already rightfully place the burden of proof on the school systems when there are disagreements. New Jersey, New York, Nevada, Connecticut, Florida, the District of Columbia, Georgia, New Hampshire, et cetera, and the sky has not fallen in those states. And when you look even more closely at a comparison to our sister states, and you can see, listening to those with expertise representing parents and kids with disabilities who are literally fighting in a David-versus-Goliath kind of situation against the ult-- the almost unlimited resources of a school when they're just trying to help their kid learn. We have clear consent states, from California to Delaware, to Florida, to Kansas, to Maryland, to Massachusetts, to Minnesota, to Montana, to New Hampshire, to Ohio, to Virginia. These are not new and novel concepts. The sky has not fallen in our sister states. What this does is, is it's responsive to what the military is finding in helping to ensure military families can have less disruption in their children's education. What we have found from disability rights advocates all across the country and right here in Nebraska is the current prop-- process is out of balance, tipped in favor of those who hold all of the information, have all of the resources, and parents are left fighting sometimes tooth and nail just to get their kids special education services so that they can learn. If people want to be against this bill, show me; show me where the waste, fraud, and abuse is in the provision of special ed services. Where is there a parent doing the wrong thing? Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I rise in support at AM2965. And I support this for a lot of reasons, you know. But I was

thinking over here, and I was thinking about it: are we schools-first, or kids-first? Are we supposed to put the kids first, or the schools and administrators, and what type of work they have to or don't have to do? That's what I'm over here thinking about, because I think if we are putting the kids first, and their education, their futures, making sure we put them in the right positions possible, then I don't understand the opposition to this AM if we're putting the kid first, because everybody should be at the table every step of the way. Decisions should not be made for a kid without the parents saying yes or no to it, or at least being aware of it. We've had multiple bills since I've been in here about parents' rights and making sure schools aren't teaching kids stuff without parents' permission, or schools are doing things without parents' permission. Not one time did I hear, oh, that's, that's going to be a burden on the schools to administer or to have oversight over. So, when it comes to the kids and them having IEPs, individualized education plans, which means it's an education plan for that kid. Which means, in, in my translation, the parent should be aware of what that plan is. The school should not be making a plan for somebody's kid without the parent being aware, because you wouldn't want it to happen for your kid, I guarantee it. If the schools did a plan or adjusted a plan without you knowing, you would be there first day of the week, mad, trying to schedule a meeting about this. So, I don't understand how honestly this is a parental's right-- parental right issue, currently. I think we should be putting the kids first, and making sure the kids are set up for success and not failure. I don't get how we could be opposed to that. I think the school should have to provide transportation to-- for kids, and I also think that parents should be aware of adjustments to IEPs. Because if a, if a parent does not know the changes in the IEP, how can they advocate for their kid when something happens, if I don't know what's in the plan? How can, how can a parent be best positioned to advocate for kid? The, the schools and administrators would have the leverage, because they know what's in the adjusted plan, and I don't know because they didn't call me; they just made a plan for my kid, and I'm not aware of it. So, I, I just think if you care about parental rights, making sure we put the kids first, I think you should vote for this. If you don't, then I'm kind of questioning a lot of arguments I've heard. Because if their jobs are hard and it's just going to be so much work and so-- then we need to just have a fundamental conversation about, why don't we blow up the education system and adjust it? Because that's the problem: our education system is messed up. It's not properly educating kids. I know y'all love public

schools, and we want to be proud of our schools, but every time I look at a statistic or a data point, it's not good. So, something is wrong with our education system, and I think if we're not allowing parents to be aware of a kid's IEP or adjustment to an IEP, it just furthers, furthers that. Because how can I advocate for my kid and how can I make sure my kid is on track if I don't know of the changes to my kid's IEP? I'm kind of missing something here. So, are we putting kids first, or administrators and schools first? It kind of sounds backwards to me. I think the kids should be put first. And if it's so much of a burden, then we need to change the system of education in the state of Nebraska, because that is honestly the problem here, not the kids, as much as people try to say. Thank you.

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

SPIVEY: Thank you, Mr. President, and good morning, colleagues-- or, I guess, afternoon. Sheesh. Good afternoon, and for folks that are still joining us. So, I wanted to weigh in on Senator Rountree's amendment. I have talked to the district that I represent who have a little bit of heartburn about this bill. They did talk to Senator Rountree, and I have talked to him off the mic to better understand his amendment, because I do think that there is balance in making sure I understand the work that he's put in versus some of the interest groups. And so, I wanted to actually lift up a story that I had from a constituent that Senator Rountree's bill actually addresses. So, I have a constituent that moved her middle-school son-- he's in sixth grade-- from Westside to Omaha Public Schools, and he is on an IEP. And right now, it says that IEPs will be administered in 10 days. His IEP was not administered in 10 days, and he actually was suspended, like, the 14th or 15th day of this kind of experience due to an altercation with another student. He was new to the school, and there was some bullying going on. And so, when I was talking to my constituent about it, and I took this issue to the superintendent of OPS to help navigate, is that when you look at the experiences of students-- he is a new student in a very different district. At this school, they have set the parameters around that this is going to be implemented so that he can be successful, and it wasn't. And part of the ripple that his mom felt was that he was having this instance and conflict with another student because his IEP was not being implemented. She did not get the information, he was not be supported in that way, and that is what I took to the

superintendent. He is very accessible, which-- I appreciate he took my call. We had the conversation, and he had his staff working on this case for that student to get it rectified. Which-- I also understand and recognize that my constituents-- and I, and I am a pretty open senator. I was able to use the work that I do to make sure I could help advocate, because we, again, talk about these things on the floor and have these conversations. And so, I was really able to connect the dots around what I hear here, what I hear from the, the families that are impacted, and then working directly with the school district. Which is not the case for every student; that is not case that every student feels like they can, one, reach out to their senator to help them advocate, or another elected official, or that that parent understands their, their advocacy. I think sometimes, within these systems, it can feel intimidating, right? Like, can I push back on the schools, or can I push back on the medical institution? Because they are seen as the experts in what are right, and that kind of power dynamic, I think, exists in a lot of these spaces when we're trying to figure out how do we ensure what we all agreed on is the most important, which is our student success. How we get there could be different, and again, that power dynamic can mean that parent doesn't understand their rights, or, or they don't know how to fully exercise, or that there might be administrators and staff that maybe have a different purview and feel like they know what's best because they are trained professionals in that way. And so, I think there's a lot of nuance and context to that, and originally, I was on the fence about this AM. And after talking to Senator Rountree and, and thinking through the experience with my constituent, I will be in support of AM2965. Again, understanding what the impacts are to the families and how we're prioritizing, and what does that look like. I can respect where my district specifically is coming from. I can understand what their concerns are, and I hope, you know, not just in session, but when we are in the interim and through the process of senators that represent at least that district, that we can continue have conversation around how do we refine policy and how do they have the supports needed to be able to implement some of these things that feel very appropriate for the success of students that are navigating IEPs. So, with that, thank you, Mr. President.

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

STORER: Thank you again, Mr. President. Again, continuing to listen, but I, I am still trying to wrap my head around, really, the basis for the, for the need of the-- of, of this legislation. And as I continue to look at what parameters are currently in place-- and I, and I may come back to an actual question, Senator Rountree, here in a minute, for you. But parents currently have, have to be-- provide written consent for an IEP to be initiated, they have to be informed and participate at a reasonable time in the meetings, and they can revoke their consent for the IEP. And so, it appears that there, there is a good framework of parental rights built around this. What my concern is, as I listen to this, is in the-- in Senator Rountree and I's dialogue a moment ago, when you flip the narrative, it's one thing for a parent to say no, I don't want that particular service provided for my child anymore. But to have-- I'm, I'm a little concerned, and I hope we have time here, Senator Rountree, if you're prepared to maybe answer a question or address my comment-- if we're giving carte blanche authority to a parent to sort of say, I want A, B, or C provided for my child when that school district may not even have the resources to provide it. And so, I'm thinking about this in terms of specifically the, the schools that I represent, which are all tend to be Class C and D schools; a bit more limited, perhaps, in their access to an expansive sort of menu of resources, if you will. And what this could-- the unintentional-- unintended consequence could be for all, all of education in Nebraska, but specifically for our small rural schools-- again, sometimes with, with more limited access or further distance to specific services, if a parent could start, as I understand with this, be in the position to, in essence, make-- I don't know if "demands" is too strong of a word, but very specific requests or requirements for their child's IEP that simply may not be a resource available to a school. But I do want to give Senator Rountree a moment to, to respond to that, if he would yield to a question.

KELLY: Senator Rountree, you've been yielded 2 minutes, 6 seconds.

ROUNTREE: Yield to a question.

STORER: So, I don't know if you were-- I know you were in conversation over there, so you may, may not have heard my, my comments, but I do want to give you the opportunity to respond to that. But my concern in this, because parents currently do

have the authority and all of the rights to-- they have to consent to the, to the initiation of the IEP, they have be informed of and participate in those meetings, and they can revoke their consent at any time. So, they, they appear to have all those rights to say, hey, I don't think this service is being helpful, I want it to cease. If I understand what this is going to expand is their ability to request certain things-- and my concern is all schools may not have access to all resources, and this could become a very burdensome issue, an expensive issue for particularly smaller rural schools in the state. But I wanted to give you a moment to respond to that.

ROUNTREE: Thank you so much, Senator Storer. And I want to respond to that. I really appreciate the dialogue and all you've offered. And I'm going to run out of time, but I'm next in the queue, Mr. President, so I want continue on. But I wanted to take an opportunity to read one of the testimonies of the witnesses that came in for the hearing, and this is from one Ms. Amy Bonn. And during the hearing, she said good afternoon, Senators. My name is Amy Bonn. I support LB841. Said: I'm a proud spouse of a retired Air Force member who served in active duty for 23 years. We are the parents of children with individualized education programs, or IEPs, and I'm also a lawyer representing families of students with disabilities in special education in the state. LB841 would benefit all students with disabilities who have IEPs, but particularly the large population of military-connected students with disabilities in our state. She says: I have worked-- that's my time, so I'll continue on. I have worked with families who have suffered through their children being wrongfully pulled off of their IEPs by the school districts, or who have inappropriately lost services that they genuinely need. They've had to obtain a lawyer to help them get those services back. Some of these families are military families who have recently been stationed in Nebraska, only to have the appropriate services that they were previously receiving in another state stripped from their child's IEP. LB841 will solve this problem. And just to elaborate a little bit on that piece, the law, both federal and state law, requires what's called comparable services when a child moves into one state from another state in the middle the school year. So, the comparable services, back to our Class C and D types might not have this service, but then we look for a comparable service that can be provided in that particular schools, in those schools. Let me go on down. OK, so however a school team could convene and say, you know, we don't think you need all of this speech therapy, or we don't think you need all

of this physical therapy, all this-- these minutes. So, we're going to remove these from the child's IEP, and that-- the parent basically has no option except to file a due process hearing, as we spoke about earlier. The Department of Defense State Liaison Office, which works on military community and family policy, has worked to identify and promote this state legislation, including the provisions of LB841 that would ease the burdens of military life, including for the many military families of the children with disabilities in Nebraska. So, she goes on to speak more about that, but when we talk about comparable services, it may not be the same that's provided in one place, but we look for comparable services in that. And if that whole team comes together and says that we don't want this, I don't think this bill gives a parent carte blanche to say. So, it's not like we're just going to go out and ask for every service that's available out there. We've had opposition from every one of the school districts. I don't think I've talked to one that has, even my own school district down in Bellevue Public Schools. We had a good conversation on Thursday via email. And, as Senator Conrad stated, when we look at the numbers, the numbers that we have in our state are well below what the national averages are, but there are times that it comes up that you need to walk this process. And this bill allows us to do that. It allows for that collaboration. I think that's what we've had from our teams here. And even though some of the opposition says it'll bring us to an adversarial position, but I don't think it'll creates-- create an adversarial type relationship. But continually, as we have parents have their responsibilities and have their authority at the IEPs, I think it's going to foster more collaboration as we go forward. So, with that, Mr. President, I yield any other time, or-- thank you.

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

CONRAD: Thank you, Mr. President, and good afternoon, colleagues. I just want to draw colleagues' attention to the committee statement in regards to Senator Rountree's bill, LB841, that's presented to you in, in this amendment, in essence, on this Education Committee package. So, the proponents were there from the Education Rights Council, Amy Bonn, who's an attorney who helps kids with disabilities and families with disabilities get the educational services they need, and then also a parent of a kid with special learning needs, and shared

considerable expertise and experiences with us. Mary Phillips was there from the Arc of Nebraska. Angela Willey was there representing herself. Kristen Larsen, incredible advocate from the Nebraska Council on Developmental Disabilities. And Tom Venzor from the Nebraska Catholic Conference. As is pattern and practice, the education lobby, which is considerable-- just look out in the rotunda today-- paid for with our taxpayer dollars, designated one person to come in and provide opposition testimony to this measure. Again, there was a lot of discussion at the committee level, that everybody agreed with trying to improve situations for kids and families with special learning needs. But, you know, the schools didn't like the technical aspects of Senator Rountree's amendment. I know that there was some discussion back and forth, but I don't know how robust that was. And then, here we are with the measure out of committee and now pending, and they're out in full force. I've read the same emails. And you know what, friends? Power concedes nothing. And this is the Exhibit A in that regard. I'm a public school product, I'm public school parent. I love our great public schools in Nebraska, and they do right by most of our kids most of the time, and are rightly a generational point of pride. But when voice after voice from across the state steps forward and tells you there is a problem, when they're fighting tooth and nail against dozens of school experts and lawyers and lobbyists to get a few extra minutes of speech therapy or physical therapy or a less-restrictive environment, and that Senator Rountree's measure would help to make that process work a little bit better for the most vulnerable party in the situation, for the taxpayer, we, we couldn't be bothered to heed their call because the well-heeled lobbyists have shown up, and power concedes nothing. They hold all the cards, and they don't want to give an inch against kids and families with disabilities. That speaks for itself. And don't forget, these same folks have been supportive of efforts that Senator Sanders led and I helped to co-sponsor at behest of the governor to ensure that the state was being a good partner when it came to special ed. Now, we're picking up 80 percent of the costs, all right? Because of your fiscal mismanagement, we're down to about 78 percent. But we've stepped forward to pick up considerable amount of additional cost in special education services that should better help schools meet their already-existing legal obligations to provide these services to kids with special learning needs. And just trying to get a process in place that's worked well in our sister states-- red states and blue states, mind you-- and the world hasn't fallen apart. But no, the schools want to take our money, but they don't want any sense of fairness for kids with

disabilities, and that's wrong. I urge your favorable consideration of Senator Rountree's amendment.

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

ASSISTANT CLERK: Thank you, Mr. President. The Committee on General Affairs reports on a gubernatorial appointment. Committee on Enrollment and Review has reviewed and examined LB962A; places it on Select File. Committee on Enrollment and Review also reports it is correctly engrossed and placed on Final Reading LB815A, LB838A, LB912A, LB972A, LB1126A. New resolutions: I have LR500 by Senator Clouse, LR501, LR502 by Senator Murman, LR503 by Senator Murman, LR504 by Senator Murman; those will all be laid over. That's all I have, Mr. President.

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

LONOWSKI: Thank you, Mr. President. I stand opposed to AM2965, and I think Senator Rountree has done a, a great amount of work here, and, and his intentions are great. What I'm about to read here is from a superintendent. He's in my district. He's also the middle school special education director, and he's also the parent of children who have IEPs. The teacher, the parents, counselor, special ed director, and the specialists all go into one team to do what is best for that child. Here's the knowledge from this man, as he, he passes forth Rule 51. Parental rights are already embedded in Nebraska's Rule 51, Title 92. As a former special ed director and parent of a child with a disability, I can tell you that these protections ensure that families are already active, inform participants in the special ed process, and that schools operate with transparency and accountability. Parental participation, Rule 009.01. Parents must be included in all major decisions regarding identification, evaluation, placement, and services, otherwise known as FAPE. Schools are required to provide sufficient notice to ensure meaningful parental participation in IEP meetings. Prior written notice, Rule 009.05. Schools must provide written notice before proposing or refusing to initiate or change identification, evaluation, placement, or services. This ensures transparency, and allows parents time to review and respond. Parental Consent, Rule 009.04. Informed written consent is required prior to initial evaluation, prior to initial provision of special education services, prior to parents who have the

right to refuse consent. Dispute resolution options, Rules 009.12 through 009.15. Parents have access to mediation, state complaint procedures, and due process hearings. Procedural safeguards notice, 009.02. Parents must receive a comprehensive explanation of their rights at least annually upon referral or request for evaluation, when filing a complaint or due process request, when disciplinary actions result in a change or placement. Access to educational records, 009.08. Parents have the right to inspect, review, and request amendments to their child's educational records. Special-- or, excuse me, schools must maintain confidentiality of all personal identifiable information in special education requests. Timelines for evaluation, Rule 006.04 [SIC]. Initial evaluations must be completed within 45 days of receiving parental consent-- that's 45 school days. Independent educational evaluation, an IEE. Parents may request an independent evaluation at public expense if they disagree with the school's evaluation. These ensure a formal mechanism to resolve disagreements. Discipline Protections, Rule 009.16 [SIC]. Additional safeguards apply when disciplinary actions result in a change of placement, including manifestation determinations. In short, Nebraska's current Rule 51 framework strikes a careful and appropriate balance between school responsibility and parental rights. Any changes that introduce ambiguity or reduce the clarity of consent standards risk weakening that balance. Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. So, I have some more thoughts about this. Number one, if you oppose Senator Rountree's AM-- and the schools would probably like this-- you all should oppose LB1050 tomorrow, because that will add more administrative burden on the schools. So, if you're not a hypocrite, when you vote this down, I expect you to vote LB1050 down. If not, your arguments are invalid to me. Two, what was it, two years ago? But right before the school year, parents in my district got emails or a letter saying, hey, if your kid is in special ed, you either need to agree to not have your kid in special ed or send your kid to another school in the district. Right before school started. So, don't say that parents have this big choice and they follow the rules. Rules are meant to be broken, and I think we know that by the actions that play out every day in this body. So, I-- I'm not really listening to that. They break the rules all the time, and they don't follow

them. That's why people try to file lawsuits. They send emails to us as senators and say, hey, I have this issue with my school or my school district. So, it's-- that's just funny. But I just wanted to highlight that. If your argument is this is going to add more burden on the schools and more time for administrators, you should not be supporting LB1050. And this is nothing against Senator Murman. It really isn't. I'm just pointing out a point of hypocrisy that's going to happen tomorrow. But nobody cares about hypocrisy in this place because it changes by the day, it changes by the bill, it changes by the vote. But we can't say on one hand we want to do this, and we can't do this because of that, but your vote on something else will do exactly what you saying you don't want this to do. That's the problem with your arguments. But we're here in the Legislature, "As the Legislature Turns." And, you know, that's the frustrating thing about this. I wish a lot of these arguments were original, not, you know, thoughts from school administrators. Not to say you shouldn't listen to them, but it's clear when your arguments are clearly from them. I think we should listen to the them and then be able to form our own opinions. I think we should also listen to the families that are impacted by the things that occur, and the honest thing is we should make sure that kids with disabilities, and especially families, are all at the table when changes happen; it shouldn't just be one-sided or tilted or, or-- tilted in one direction. That is an imbalance. But, we care about parental rights, we care about kids until the schools say, hey, we know better than you, you need to listen to us first. I don't think that's fair. But I just wanted to say, if you vote this down and you don't vote LB1050 down, your argument about an administrative burden is invalid. Because if you start holding third-graders back, what impact do you think that's going to have on the schools? What impact do you think that going to have on administrators? What think-- what, what impact do you think that's going to have classroom sizes and, and adjustments, and all those things, when you start holding third-graders back? I'm just telling you, that bill has probably a more harsher impact than this. But you're going to vote for it, and I know you are, and it's just a fact. But you're, you're going to vote this down for the same argument that you really should vote the other bill down. And it's nothing against Senator Murman or that bill; I'm just pointing out hypocrisy that's going to take place this week. Thank you. And the schools would probably like it if y'all voted it down, if y'all supporting them today. Thank you.

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

JUAREZ: Good afternoon, everyone, and including those online. I'd like Senator Rountree to yield to some questions, please.

KELLY: Senator Rountree, would you yield to questions?

ROUNTREE: Most certainly, Mr. President.

JUAREZ: So, one question that I have is, I am assuming that school districts have reached out to you about their concerns on this bill. Am I correct?

ROUNTREE: Yes, ma'am, that is correct.

JUAREZ: OK. Could you please try to summarize for me what some of their main concerns were, and how did you get them resolved?

ROUNTREE: Some of their main concerns were that this amendment would create-- the greatest part is an adversarial relationship. And there's not a resolution for me to resolve adversarial relationships; those are going to be handled by your comprehensive teams as they come together. So, that was one of the biggest things that they've talked about. Some of the other things have been that it would cause an unfunded mandate. We had a fiscal note on this particular bill, which was at a worst-case scenario, which would probably be greatly reduced. As we have looked at the other states who have implemented this process, any cases that had to go to any type of adjudication had been reduced to-- and I gave it in my opening-- from 10 to 3, or 14 down to 4. And so, we would expect the same thing here. Most that have come in have already talked about having a process in place and having a good working relationship with their IEPs. And as I said, that was also indicated, as Senator Conrad talked about the number of cases that we do have in Nebraska.

JUAREZ: OK. And another question that I have is, what about the issue of parents who have difficulty responding to the school district; that there's the challenge of communicating with them to resolve issues? Because, you know, like, in my district, there could be parents who work two or three jobs during a day. Obviously, not having a good minimum wage doesn't help us, but that's besides the point. Economics, parents could be working day and night. So, the school districts, you know, are very concerned about the hindrance that's going to be caused because of parents that can't be reached. Was that an issue that you discussed?

ROUNTREE: That was not something that I had in my most recent emails on that, so that could be an issue.

JUAREZ: How do you think, in your mind, that we could get this resolved for parents who can't be reached, whose child needs to have an IEP, or may even already be under an IEP? You know, what a challenge and a burden that is for our school districts.

ROUNTREE: That would be something that we would have to discuss with the schools and see what they would recommend putting in place.

JUAREZ: And so--

ROUNTREE: Because as it stands now, if they're not able to contact, you know, one of the individuals that they're looking for, it would still be an issue. So, as this bill states, they have 10 days to get a response, and then the school can proceed based upon this, if there has not been a response in the 10 days. And it doesn't mean that the issue would be resolved; they still need to contact the parents.

JUAREZ: Yeah, but the issue is that the schools need to be able to proceed. That's what my concern is.

ROUNTREE: Yeah, and schools do need to be able to proceed. So, if we look back at the bill, said: each school district shall provide special education services, then we go through that. No school district shall implement a change to the individualized education program without consent from the student's parent, legal guardian-- OK, then a) the school district documents reasonable efforts to obtain such consent and no response is received from the student parents, legal guardian, educational decisionmak[er], or surrogate within 10 calendar days following such efforts, or the school district obtains approval to implement such changes through a hearing conducted pursuant to these sections that are there. So, if they have not gotten their information in that 10 days, they proceed, per the bill.
[INAUDIBLE]

KELLY: That's time, Senator Juarez. That's, that's time, Senators. Senator Juarez, you're next in the queue.

JUAREZ: Thank you. I'd like to continue with my questions. So, do you feel that 10 days is a reasonable amount of time? To me,

that seems like a long time. But how did you come up with the 10 days? Is that because it was in other states' legislation?

ROUNTREE: Yes, and these were the, the legislative bill that we received from the Department of Defense. So, yes, ma'am.

JUAREZ: OK. Thank you.

ROUNTREE: Mm-hmm. You're welcome.

JUAREZ: I yield the rest of my time.

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

ROUNTREE: Thank you so much, Mr. President, and we appreciate all of the conversation and discussion that we've had on this particular bill. Just to state for the record that we have 12 states that have the parental consent portion, including Kansas, Montana, Ohio, and Florida, and 10 states have the burden of proof piece in their legislation as well. I didn't finish reading the portion that I was going to read from Ms. Bonn as she talked about her husband being deployed. And the fact that he'd have to schedule to call in at-- his time, 12:00 or 1:00, midnight, so he could call in to their children's IEP meetings due to the stress that often comes with deployments and with frequent moves, and that being a challenge. But many of the military families don't have the opportunity to call in based upon the high deployment rate, and then many families do not have the legal or financial support to, to be in this current system. So, I believe as we implement AM2965, it still offers a collaborative relationship with our students, parents, and with the comprehensive team, but also, it gives our state, the schools, the burden of proof-- because they possess all the documentation-- and puts the burden on them versus on that parent who does not have a financial resource or already navigating a system where they feel like they are in the inferior position. So, with that, Mr. President, I do ask my colleagues to support AM2965. And as I close, I would ask for a call of the house and a roll-call vote. Thank you, Mr. President.

KELLY: Thank you, Senator Rountree. There's been a request to place the house under call. The question is, shall the house go

under call? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 22 ayes, 5 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. The house is under call. All unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Armendariz, please return to the Chamber and record your presence. The house is under call. Senator Rountree, Senator Armendariz is the only senator missing. How do you wish to proceed? We'll proceed. There's been a request for a roll-call vote. Mr. Clerk.

CLERK: Senator Andersen voting no. Senator Arch voting no. Senator Armendariz. Senator Ballard not voting. Senator Bosn voting no. Senator Bostar voting yes. Senator Brandt not voting. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting yes. Senator DeBoer voting yes. Senator DeKay. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senor Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez not voting. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKinney voting yes. Senator Fred Meyer voting no. Senator Glen Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop. Senator Quick not voting. Senator Raybould voting yes. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting yes. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. The vote is 14 ayes, 28 nays, Mr. President.

KELLY: AM2965 is not adopted. I raise the call. Mr. Clerk.

CLERK: Mr. President, Senator Kauth would move to amend with AM3123.

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

KAUTH: Thank you, Mr. President. And this is the amendment to FA1177 and FA1180 that we just passed about an hour and a half ago. Drafting-- it makes grammatical corrections to both of them. I just want to say thank you to the Drafters who came rushing down here to say, hey, the way this is written, it's completely convoluted, and we need to change how it's written. So now, it says absences shall be excused by a parent, guardian, or educational decision-maker as defined in Section 79-530 of the child for physical or mental illness and, and as documented by a credentialed health professional, provided the documentation supports such absence period. In the instance of chronic illness, documentation shall be reviewed each semester. So, I would appreciate your green vote on this correction, and also for the FA1177, for Senator Lonowski's part. The strike did not go all the way through, so now it says strike beginning line 25 through "and" in line 26. Thank you.

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

DUNGAN: Thank you, Mr. President. Colleagues, I think I rise in favor of AM3123, but I wanted to clarify exactly what its intention is and what it does, because I think when we passed the first version of this, there was some confusion amongst colleagues and other people who have reached out to me since we voted for that bill. So, I, I used to represent juveniles in juvenile court who were charged with truancy. And one of the frustrating things that happened is exactly what I think we're trying to address here, and what the underlying amendment certainly sought to address, which was students who are being called out by their parents who still get to the 20-day truancy limit and then ultimately have a filing brought against them saying they're truant, and they end up in court. This was an issue that we were litigating a lot back about 10 years ago, and whether or not a doctor's note was required for every absence. I'm of the opinion and I'm of the belief that requiring a doctor's note for every single absence is problematic because, as has been pointed out by some of my colleagues, that that excludes people who can't afford to go to a doctor or get that note. My understanding-- and, and that's the current law, is you need a doctor's note for it to be excused, even if a parent calls in. My understanding of this AM, AM3123, is that the intention of it is to make it so if you have a chronic condition that is documented, as was brought up by Senator Kauth, whether it's PANS/PANDAS or something else, that you do not need

documentation every single time that chronic condition is flaring up in, in order for it be an excused absence. So, the goal of this amendment, as I understand it-- and I'm going to ask Senator Kauth to yield to a question here in just a moment. My understanding of this is to reduce the amount of doctor's notes that are needed so that folks with documented chronic conditions do not need to go to the doctor every day. I do not believe that we are implementing a new policy that you have to go the doctor to be excused, because that is the current law. And I think Senator Conrad has done amazing work on truancies in order to ensure that there is parental control, and that you do not need to go to the doctor, or shouldn't need to the go to doctor every single time you're sick. I do not think that this amendment maybe goes far enough, but I think that it is a step in the right direction, at least addressing those with chronic conditions. So, Mr. President, I was wondering if Senator Kauth would yield to a question.

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

KAUTH: Absolutely.

DUNGAN: So, you probably just heard my very lengthy opening there. But just to clarify, is the goal of this amendment to reduce the amount of doctor's notes that individuals need, or is the goal of this to require more doctor's visits?

KAUTH: Definitely not to require more doctor's visits. It's kind of a mixture of both. It's for-- if you break your leg and you're going to be out for two weeks, you should have a doctor's note that states that. But if three months later you're still using the same doctor's note, well, your broken leg has been healed, and we can see you walking around. You can't use that doctor's note for a new incident. But on the flip side, as you talked about with the, the PANS/PANDAS, you know, Violet and Belle, their doctors have said, hey, here's what's going on, their school knows what's going on, their mom knows what going on. So, when she calls and says they can't come in today, there should be a, yep, we got it, you're, you're fine, you don't need-- but I did **put in a** check once a semester. Just double-check to make sure-- just checks and balances. Make sure that everything is still going well. Kind of give the parents a little bit of the, the ability to talk with the administration and just make sure everything's still going well. But we definitely don't want to force people into more doctor's

appointments. We also just want to make sure that kids are not using a one doctor's note to somehow skip lots and lots and lots of school. So, it's a real fine balance.

DUNGAN: Gotcha. Thank you, Senator Kauth.

KAUTH: Absolutely.

DUNGAN: So, colleagues, that, that is essentially why I'm supportive of this. I think that we should continue to address truancy laws. I think that education, obviously, is an incredible thing, but we need to make sure that we're not getting too many youth wrapped up in truancy proceedings who don't need to be there. And for those following along at home, or maybe even in this body who have received those letters saying your, you know, student has reached 10 days or 20 days absent, even though you're calling them in, that's problematic, because parents should be able to have control in some way over that. And so, while I think that we should continue to address the truancy problem, I am supportive of AM3123 because it does reduce, I believe, the number of doctor's notes that are needed so that if you have a chronic condition, you don't have to keep going back to the doctor, which does help those students whose parents maybe can't afford to go to the doctor on a regular basis. So, I think this is a step in the right direction. I just wanted to clarify my support for that, as I think the underlying amendment-- maybe there was a bit of confusion about what it did. So, with that, I'd encourage a green vote of AM3123. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. I just appreciate Senator Kauth talking about why this is coming back. It is definitely chaotic, and our Revisors are doing a ton of work, so thank you for clarifying to make sure that we know what is in front of us for this measure, and what changed. I still rise in opposition to AM3123. I think it is an overreach to have to provide a new note every semester, especially if there is a chronic issue. I talked about earlier today on the mic, my son has asthma and allergies. He submits his plan at the top of the year. He needs that to have his medication there and to have an emergency plan if he needs an EpiPen, or if he's needing his emergency "haler." And so, he will miss school on a cycle based on when he is

needing steroids and other treatment. And so, for me to have that reviewed every quarter, or to have to provide new documentation, I feel like is burdensome. I think we need to trust parents that, if there's a chronic issue or kids are out, that they are out. I know every school district approaches truancy a little bit different and they have different approaches, so I can only speak to my experience with Omaha Public Schools. And with OPS, specifically for my experience, my son actually did get on, like, the truancy list, and it wasn't necessarily a good experience. They didn't come from a place of inquiry; it came from a place of "Hey, your kid is missing school, so what's going on?" And so I had to have a very clear and hard conversation of how I'm an engaged parent, and even if I wasn't, this is the documentation I provided, and this is opportunities for them to ensure that they are partners with parents. And if there's truly an issue of why a student is missing school, that they don't approach it in a way where that person does not feel engaged and feels judged, and they won't even ask for help if they really need it. And so, to me, if we want to curb truancy, there's a way in which OPS, as the navigators of student attendance, can build into their practice from case management to identifying early-on issues. I think Senator McKinney has that bill around early intervention of things that are happening. Like, to me, that's how we adjust truancy; it doesn't need to be around requiring more information. And so, I think-- I understand that the AM is a compromise, and I appreciate Senator Conrad as a member of Education Committee working with Senator Kauth on this. I still believe that we should not have chronic illnesses a part of truancy, and the amount of times that we follow up or it is reviewed seems to be excessive and not allowing for the schools to really build a plan that is family-centered and approaches this in a more trauma-informed way, and to really meet parents where they are. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I appreciate my friend Senator Kauth giving an update on the technical aspects of the amendment before you presently. And I don't disagree with my friend Senator Spivey in regards to kind of taking a moment to reflect and contextualize, like, how did we get here? This seems kind of ridiculous. And you're right, it is. Since the truancy law was passed, the existing law, existing

law says legitimate medical issues were never supposed to be the basis for utilization of the truancy laws. That was later amended to include mental illness in parity with physical illness. Yet, despite what the law actually says today, the schools that we just gave a pass to in Senator Hunt and Senator Rountree's amendment continue to turn kids with legitimate medical issues that are documented, that their parents are engaged in, over the county attorney's office for prosecution. And if you don't believe it, I've got the files to prove it. Kids with chronic liver diseases, legitimate medical issues, not a close call; well-documented with their family, with their school, hits the magic number, fast-tracked to the county attorney and entanglement in the juvenile justice system. That's one example. There's many examples. But because the schools won't follow the letter of the law, or the spirit and intent of the laws, and because we can't update our antiquated truancy laws to make it non-punitive, this is the best that we could do. The best we can do is say, for purposes of truancy laws, if you're a pregnant or parenting student, it's not going to count against you. If you're a homeless kid, it's not going to count against you. If you have an IEP, it's not going to count against. And if you have a legitimate medical concern backed up by your parent or guardian and a healthcare professional, maybe, maybe the schools will follow the law and not turn you over to the county attorney's office. Because that's the present practice. That's what we're trying to solve for. Is it ridiculous? It is ridiculous. But that's where we are, because many members of this body scream about parental rights when it comes to banning books, but they could care less about parental rights when they're trying to manage and guide their children's education without overreach from big government, whether that's the schools or the county attorneys, or both. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, Senator Kauth, you're recognized to close on the amendment, and waive. Senators, the question is the adoption of AM3123. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: AM3123 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Hunt would move to amend with AM3118.

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

HUNT: Mr. President, I'd like to withdraw this amendment. Thank you.

KELLY: So ordered. Mr. Clerk.

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 LB937 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. LB937 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB803. 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 LB803 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 FA432 with a note that you'd withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Dorn would move to amend with-- Mr. President, Senator Dorn would move to amend with AM2990.

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

DORN: Thank you, Mr. Lieutenant Governor. I want to thank chairman of the committee, Senator von Gillern, for allowing me to introduce this. This AM2990 is an amended version of LB1019. It was brought to me by the Nebraska Association of County Officials, NACO, to ensure that county assessors can do their job. It allowed-- allows assessors to enter onto real property in the performance of their official duties without being liable for persecution for trespassing. An attorney general's opinion issued last summer concluded assessors who entered private property without consent or a warrant could be liable for criminal trespass, and the entry could be an unconstitutional search and seizure. That opinion replaced a longstanding opinion that assessors should rely on that allowed them to enter property, but not homes, without being liable or trespass, hence the need for protecting assessors from trespass prosecution. The bill was heard by the Government, Military and Veterans Affairs Committee; the committee advanced the bill with an amended version, which is the amendment before you today. The amendment addresses some of the concerns raised during the hearing. First, AM2990 protects county assessors from persecution-- prosecution for trespass when inspecting real property in the performance of their duties. Political subdivisions ask assessors to accurately access the value of real property; we need to assure they are not liable for persecution-- prosecution while performing these duties. Second, the amendment requires either advance written notice of the inspection to the property owner, or publishing a notice of the inspection in a newspaper of the general circulation in the county. Third, it prohibits an assessor from entering enclosed buildings without the express permission of the property owner or occupant. Without the ability to access property, assessors cannot evaluate its quality or see whether the property has improved or changed the property-- property owner has improved or changed the property. Inspection with drones or aerial photography are helpful, but they are costly. If drones or aerial photography were used, NACO conservatively estimates the cost to be in the \$4 million neighborhood statewide, and those forms of surveys do not provide the same level of accuracy as on-site inspections. Reduced accuracy leads to more valuation protests, increasing cost to the counties. I urge for your green vote on AM2990.

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

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. If Senator Dorn would yield to a question.

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

DORN: Yes.

CONRAD: Thank you, Senator. I'm sorry if I missed it in your opening. What, what committee did your original measure get referred to?

DORN: Repeat that again? I'm--

CONRAD: What, what committee did your original bill get referred to?

DORN: Oh, sorry. Well, the original bill last year went to the Government Committee.

CONRAD: OK, so this is a carryover bill from last year--

DORN: Yes.

CONRAD: --that went to the Government Committee,--

DORN: Yes.

CONRAD: --and you're trying to attach it to the Revenue Committee package.

DORN: Yes.

CONRAD: Why?

DORN: That where it seemed most logical, and I talked to Senator von Gillern, and that's where we attached it to, because of the assessor part of it.

CONRAD: Because it mentioned the word assessor, so you just thought you'd stick it on there? Yeah. OK, well, thanks for your candor. So, I, I, I definitely have some, some questions about perhaps germaneness, and maybe we can sort that out as we move forward here. But Senator Dorn, just to follow up, to make sure I have a clear understanding of this. So, the-- how does it work presently? So, if an assessor shows up at a property owner's

residence or location, they kind of look around the exterior, they kind of get a sense about how to conduct the assessment, kind of what the land looks like, what the structures look like, et cetera, et cetera. Are they presently going in the house, or the outbuildings, or things like that? It's, it's a visual resp- inspection from the external part of the property. Is that right?

DORN: Specifically, it says they cannot go in any building without the express-- without the express permission of the property owner.

CONRAD: Right.

DORN: Even the house, yes.

CONRAD: Right. So, that-- that's kind of what I'm trying to figure out here, is that-- why do the assessors need to be protected from potential charges of trespass, if that is even a thing, if they're just doing a visual inspection of the external aspects of the property?

DORN: It was because of the attorney general's opinion last year that made a ruling that they are not-- supposedly, they're not immune from maybe prosecution if they don't follow the, I call it, what they should be doing. In other words, they have to give notice to the property owner, or a written notice or whatever. This had been the case for many years, and this is the way they were, I call it, interpreting it until the attorney general's opinion. And this-- what they worked on-- NACO worked on this bill so that that is not, I call it, that attorney general's opinion. This kind of works through that process so that they can still do these things, these inspections. Which we, by the way-- the Legislature requires them to do, look at the property every so often.

CONRAD: Sure. OK, and maybe you have this in your file, Senator Dorn, and this is my last question on this part. But have county assessors been subject to prosecution in Nebraska, or this is just all kind of an academic exercise based off an attorney general's opinion?

DORN: They, they-- I, I, I don't know. I, I don't have that information for sure. They are concerned, though, about the fact that they could be subject to prosecution, and that-- do they

have the same-- do they have that ability to go do their job or not? And if they have that concern about prosecution, some of them went-- will not be doing it.

CONRAD: So, they're having a problem getting people to run for county assessor?

DORN: That, I can't tell you for sure. I, I do know in some counties they probably are, and especially some of the rural counties. I cannot tell you that for sure, though.

CONRAD: Sure. OK. I, I, I, I appreciate your time, Senator. Thank you for your candor. I'm, I'm going to be opposed to this amendment for both procedural and substantive reasons. I'm not quite sure it's germane, and, and I don't think it's necessary. I think it needlessly intrudes upon private property rights, and the status quo ensures a orderly process for the assessment there-- thereof. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I got in the queue because I had similar concerns about germaneness. And I'm looking-- and I spoke with the Clerk about this as well. I'm, I'm not sure that it's worth, at least for me, to have a germaneness fight, but I do have concerns about germaneness. It, it does open up the same chapter of statute, but it is from two different committees, and it is not really the same. I feel like we've ruled things not germane that were much more closely-aligned, and-- but I'm not going to belabor the point. I think I'll just listen to the debate. Thank you, Mr. President.

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

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

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

DORN: Yes.

ANDERSEN: Thank you, Senator Dorn. So, one of the provisions to allow somebody to not be charged with trespassing for being on private property is notification in the paper. Is that right?

DORN: Repeat that last part again? Like I said, I'm, I'm hard of-- OK.

ANDERSEN: One of the two situations, either you tag the house, right? You leave a note for them. Or, you put a-- you, you post it in the, in the paper, like the World-Herald.

DORN: Yes.

ANDERSEN: Is that right?

DORN: Yes. A, a, a, a publication that everybody in the county would have an opportunity to have or get. Yes.

ANDERSEN: OK. Is there any acknowledgement required? I mean, because I, I-- you know, I know some people read the World-Herald, and some-- many people don't. But if you post in the World-Herald, somebody doesn't subscribe, and there's no, no acknowledgement requirement, then how do you know that they actually received the notification to expect an assessor to be on their property? How would you know that?

DORN: Well, the first thing it says in the amendment is that they have to try and contact that person. They have to make a diligent effort to get a hold of them. Second, it says, in a circulation that is, I call it, good for the whole county. Not-- if you're way out west and it's Omaha World-Herald, no, that's not where they can put it. It has to be a circulation or some type of thing that the whole county can receive or get.

ANDERSEN: But that's, that's not an "and" situation, that's an "or" situation, right? You, you, you try to get in touch with them, "or"--

DORN: Or. Yes.

ANDERSEN: Right. So, if, if you don't get in touch with them, and you post something in the paper that most people-- and maybe I'm just the odd one out. I normally don't look for postings of when they're going to inspect the property. I wouldn't go looking for that. You know? So, if there's no acknowledgement

from the, the property owner, how can you rest assured they realize that someone's going to be on their property and not be a risk?

DORN: I, I, I realize what you're saying. You had visited quite a while with the, the NACO representative, Jon Gannon [SIC], about this. And this, this is not that they can just have a free range and walk in. That's not what this says or whatever. That's not what this amendment is. They still have to make that honest effort to get a hold of them, and to make sure that they're not just trespassing on the property.

ANDERSEN: Right, or they post in the paper, and whether the person reads it or not, then, then they're-- they consider their due diligence is done, or Jon Cannon thinks due diligence is done, and they should-- the assessor should be able to walk on-- walk the property, right?

DORN: Yes. They, they should be making that due diligent effort, very much so, to be able to get on that property.

ANDERSEN: OK.

DORN: And this, this isn't one that just allows the assessor to have free range and they go in there no matter what. And that was part of the conversation I had with Jon Gannon [SIC] and other people, like you have had with him. This is to make sure that they do things right yet, that they just don't, I call it, go in there and really do the trespassing. If they do something completely wrong like that, they're still going to be liable. I don't care whether you have this amendment or not.

ANDERSEN: OK, but the way that your amendment is worded is that-- if you walk the dog, the assessor says, hey, I want to go and I have to do an assessment on Bob's property, I'm going to post something in the paper. And then, next Friday, I'm going to show up and I'm going to walk his property, and I'm going to verify what buildings and composition and everything else they do. And then they show up, right? And then, they come onto my property, and they don't go into buildings, because that's-- they can't do that. But they can walk anywhere on the property that they want. Is that accurate?

DORN: That's the way this amendment says, is that yes, they, they-- first of all, they need to attempt and very much try to

get a hold of that person, to make sure that they know that they're coming. And then, they need to advertise it in the paper, or-- paper, or some publication or something, so that everybody knows that they are going to be around.

ANDERSEN: OK. So, I had proposed that you actually confine them to the easement so they're at the barrier of the property, the perimeter, for safety reasons, right? But that Jon Cannon didn't like that.

DORN: No, didn't not like that. Yeah. I'll agree with you there.

ANDERSEN: OK. I personally think that by the way that this is set up with the "or," just putting an ad in the paper, I think someone's going to show up unannounced and unrealized, and it's an increased risk to that person and could easily turn into a safety situation where somebody is just walking somebody's property without the owner knowing, and may feel threatened by the, the person's presence on their property. And, and that's why I mentioned about the easement side, the keep on perimeter.

DORN: Yes.

ANDERSEN: But, but Jon didn't like that, so--

DORN: No, you had very good conversations with Jon, and quite a few of them. Thank you.

ANDERSEN: I had very little conversation with Jon Cannon about it.

DORN: Yeah. OK.

ANDERSEN: Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, so I'm on the Government Committee. When we heard this-- and I just didn't want a conversation that got-- where Jon Cannon was mentioned so many times to go without me having the opportunity to also mention Jon Cannon. And in that hearing, I did ask specifically about what Senator Conrad was talking about, which is this proposed law change is in response to an attorney general's

opinion that I think the Washington County attorney asked for. And for a very long time, the attorney general opinion interpreted-- was a different interpretation, essentially, that we didn't need this law change. And now, we have an attorney general's opinion that essentially says assessors could be subject to trespass violations. I am skeptical of the need for the change based off of the attorney's general's opinion. Usually, in some situation like this, you might have-- if somebody, a county attorney, thinks that they need to charge an assessor for a trespass, then maybe they would charge them, and then they would be litigated that way. I understand why Jon Cannon and NACO are interested in this law change for some certainty and protection for their assessors, which is why I voted for it. But I do think Senator Andersen raises a lot of good points about how effective the notice in this actually is. And again, I share the comments from Senator Conrad that I'm very concerned about us responding to change the law in response to attorney general's opinions. I've spoken out against that a number of times. The attorney-- it's no secret the attorney general knows that I don't want us to respond to his opinions. We actually didn't even think about an attorney general opinion when Senator Raybould had brought up attorney general-- we, we overlooked an attorney general's opinion in favor of a department opinion on the Bureau of Educational Lands and Funds-- or, educational-- BELF, the BELF funds. So, we ignored an attorney general's opinion there and went with a different opinion. And so, I'm skeptical of us changing the law in response to an attorney's general's opinion. So, I did vote this out of committee, but I think I probably am going to be a no vote on attaching it to the Revenue Committee package at this point. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad-- or, excuse me, Senator Cavanaugh. Senator Conrad, you're next in the queue.

CONRAD: Thank you, Mr. President. I'm just trying to-- I'm-- I don't serve on the Government Committee anymore, so I'm sorry I didn't have the benefit of learning more about this at the committee hearing. I, I was wondering if my friend Senator Dorn would yield to a few more questions.

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

DORN: Yes.

CONRAD: Thank you. Thank you, Senator. So, under the status quo, when an assessor is doing their job, they can access the property through consent? If the property owner says, yep, come on in, conduct your assessment, no problem, we'll,--

DORN: Yep.

CONRAD: --you know, get out of your hair while you, you take your measurements and write things up,--

DORN: And then they don't.

CONRAD: --they get on through consent of the, of the private property owner. Is that right?

DORN: Yes.

CONRAD: OK. And then, they could also-- do they-- can they get on through a warrant process?

DORN: That, I don't know. I, I do not have an answer for you on that one. Yes.

CONRAD: OK. I think, I think they might be able to, but I'm not 100 percent sure about that, and wanted to get some clarity on that because-- that was my other question. Is-- if there's an existing way for them to complete their work by going through some sort of warrant or some sort of equivalency where an independent decision maker says, yep, you can go ahead and get access to do your job. And our assessors have important jobs and do a good job with it. I-- I'm-- it's not in any way to diminish the importance of their work, but again, just making sure that we have clarity in terms of respecting the private property rights. So, is there some other mechanism that the assessor can utilize under present law or not? And we just-- or they just don't want to do-- go through the extra steps, and they want us to do it for them.

DORN: That, that was, that was not some-- well, it was part of the discussion.

CONRAD: OK.

DORN: How do we-- how do we accomplish this thing that they're required to do,--

CONRAD: Right.

DORN: --visit the property every so often, and I, I call it, make sure that the inspections are all done in a similar type fashion. That was part of the discussion of how can that be accomplished. There are certain areas or certain county assessors that are-- were running into some difficulties, and they were having a concern of what if they do this, this, or this, then could they be prosecuted? Because they assumed all along that they had-- not immunity from prosecution, but that they were-- under the guidelines that we mandate, that they have to visit those properties, that they were OK in visiting those properties. And then, when this attorney general's opinion came out, there were some of them that said no, we're not going to do certain properties that they have issues with or whatever that same way. So, how do they accomplish that statewide with all of the properties so that we are, I call it, basically all looking at them the same? Not, oh, we got to see 90 percent of them, and we didn't get to see 10 percent of them.

CONRAD: OK, thank you. Thank you, Senator Dorn. I, I appreciate your additional exchange and, and information. Colleagues, I'm going to again be on-- a no on this, and deciding whether or not to lift a germaneness challenge officially. But I, I also just want to kind of put a, a note in the record--

DORN: Oh, I, I threw that out.

CONRAD: I'm sorry?

DORN: Pardon?

CONRAD: Oh, OK. Very good. I also just wanted to put a note in the record that there was a component of a Natural Resources Committee bill that weakened private property rights to give the Department of Energy Environment [SIC] the ability to intrude onto private property to conduct surveys in relation to the Perkins County Canal against landowners' wishes, and kind of just jumped past that existing negotiated process. And then, this just seems to be kind of headed in the same direction here. What seems to be kind of sleepy or non-controversial proposals, I think when you start stacking them together, you know, you see this, this erosion of private property rights when there doesn't need to be, when the status quo already addresses these issues

and sets the right balance. So, I don't know, I guess-- Senator Dorn, are, are you planning to push this forward for a vote? OK.

KELLY: That's time, Senators.

CONRAD: I'll raise an adjourn-- I'll raise a germaneness amendment-- or, objection.

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

CONRAD: [MALFUNCTION] raised-- I raised a germaneness objection.

KELLY: Senator Conrad, Dorn, please approach. The ruling from the chair is that-- Senator Conrad?

CONRAD: I'll withdraw. Thank you.

KELLY: Thank you, Senator Conrad. So ordered. Mr. Clerk. Returning to the cue, Senator von Gillern, you're recognized to speak.

von GILLERN: I'd like to yield my time to Senator Dorn.

KELLY: Senator Dorn, 4 minutes, 58 seconds.

DORN: Thank you, Mr. Attorney Gen-- excuse me. Lieutenant Governor. In the essence of time, I request to have the bill pulled. The amendment pulled.

KELLY: So ordered. Mr. Clerk.

CLERK: Mr. President, Senator von Gillern would move to amend with AM3083.

KELLY: Senator von Gillern, you're recognized to open.

von GILLERN: Thank you, Mr. President. I want to thank Senator Dorn for graciously pulling that amendment. That was a-- I think it was a, a good piece of governance, maybe not the right way to, to get it done, but regardless, I think it's something that we want to spend a little bit more time on to maybe get it right next time. So, regardless, AM8-- AM3083 is an amendment that basically just clears up some language within the bill. The first revision affects elements of Senator Ibach's LB1116, which

deals with the Sports Arena Financing Assistance Act, which is currently in alignment with her original bill, sets a 30-day timeline for the board to hold a public hearing, and a subsequent 30-day timeline to render a decision on applications for assistance. So, it just accelerates that decision-- or, it actually ensures that a decision will be made from that committee. Second, the AM requires some additional information to be included with existing notices from the county assessors to the property taxpayers. This was requested by Senator Hallstrom. In a moment, I'm going to yield him a little bit of time, but I, I learned last time if I yield him time, I don't ever get it back. So, I'm going to hang on for just a second on that. Finally, AM3080-- AM3038 [SIC] makes a change to the repealer in Section 28 to harmonize with LB803, which is Senator Storer's LB384 which we passed earlier this session. So, anyway, it's just kind of some cleanup stuff. And with that, I'm going to hand off-- I'd like to yield my time to Senator Hallstrom so he can talk about some of the cleanup on the part of the bill that was his.

KELLY: Senator Hallstrom, 8 minutes 24 seconds.

HALLSTROM: Thank you, Mr. President, and I think thank you, Senator von Gillern. Just briefly, with regard to the portion of the pending amendment that has to do with my bill, LB575, a couple of transparency and disclosure issues just so we have clarity with the pink postcard that's going to go out for the earlier joint public hearings. And the amendment provides more clarity to that pink postcard process. And the biggest concern with having notices with tax information appearing earlier in the year as proposed under the, the bill, LB803, is that neither values nor levy rates nor exemptions nor credits have yet to be certified. By the same token, we want to provide a true apples-to-apples comparison. The first added language clarifies that tax amounts do not include homestead exemptions or property tax credits; the second disclosure makes clear that the values on the change of valuation notice have not yet been certified to the political subdivisions. And that is what my part of the amendment does. So, thank you, Senator von Gillern.

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

J. CAVANAUGH: Thank you, Mr. President. I just have-- well, I'm, I'm generally supportive of the bill. I just had one question for Senator von Gillern, if he would yield.

KELLY: Senator von Gillern, will you yield to a question?

von GILLERN: Of course.

J. CAVANAUGH: And I know you told me this is Senator Ibach's part, but you're on the hot seat, so I'm going to ask you. The first section, there. And I totally agree, putting a time limit on this helps people get some certainty. And so, that first section is-- it's changing the time after the hearing that they have to give a decision from 60-- or, from 30 days to 60 days. Is that right? Am I reading it--

von GILLERN: Yes.

J. CAVANAUGH: And what was the reason for the change from 30 to 60?

von GILLERN: The PRO approached us and said-- well, so let me back up. Originally, originally, there was no timeline involved--

J. CAVANAUGH: Right. So, this is an improvement either way.

von GILLERN: Yes, and under the original bill, the governor's sign-off was required as, as a part of the committee. He had to be in attendance and/or sign off on everything. The, the original-- the-- LB803 removed the requirement for the governor's office to be there-- or, for the governor to be there and to give his approval. We went with the 30-day timeline; PRO asked if we could shift that to a 60-day timeline. I took that proposal to Senator Ibach because it was her bill, and, and left it up to her, and she, she was agreeable that 60 days was fine. Gave a little bit more time for the committee to reach a decision.

J. CAVANAUGH: And it doesn't say what the decision has to be, they just have to get a decision by that time.

von GILLERN: Correct. You just have to reach a decision. And, and what was happening before was that no decision was being

reached, and so these projects were just literally dying for lack of any movement at all.

J. CAVANAUGH: Yeah. All right. Well, thank you.

von GILLERN: Yes, thank you.

J. CAVANAUGH: [INAUDIBLE]. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator von Gillern, seeing no one else in the queue, you're recognized to close, and waive. Members, the question is the adoption of AM3083. 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: AM3083 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Bostar would move to amend with AM3062.

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

BOSTAR: Thank you, Mr. President, and good afternoon, colleagues. This amendment-- just bear with me for a moment. This amendment modifies my provisions in LB901 related to the domestic violence and trafficking victims, the, the tax credit funding for-- that funds their services. So, within those provisions, there was a, a, a drafting error that altered the distribution formula of funds in a manner which then made the distribution not aligned with the HHS distribution formula that had already existed, which is what we were emulating and copying. So, we had an amendment on LB901 to fix that all the way through our process. Unfortunately, we were unable to get to a place to execute on that amendment to make this correction. And so, since that bill has moved past Final Reading, this is a, a tool available to us to make that correction. And again, it's simply aligning the distribution formula with what already exists in HHS, which is what the intent was the entire time, and what all of the stakeholders and parties had agreed to. So, I would encourage your favorable vote for the amendment and the underlying bill. Thank you.

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

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

KELLY: Senator Bostar, would you yield to questions?

BOSTAR: Yes, I would.

ANDERSEN: All right. So, Senator Bostar, I'm one of the new guys here, so can you explain to me, how, how do you amend into LB803 to revise something in a different bill? How does that work?

BOSTAR: So, since the, the, the other bill has already passed, in our-- under our rules, we can sort of treat it, in effect, to being an amendment to something that's existing statute. It's not quite that, but it's akin to that. We've done it several times before; this isn't, this isn't a novel exercise. But for bills that have already passed, there is a procedure for effectively changing them post-Final Reading, and that's what this is.

ANDERSEN: OK. Well, like I said, as a new guy, I sure would appreciate the Cliff Notes and how that actually happens so that maybe I could use it in the future. I stand opposed to this, as you're not surprised. I don't like giving non-refundable tax credits to non-profit companies to be sold, and the money sent back to them in cash. So, for that reason, I oppose AM3062. We should not be doing it. Thank you, Mr. President.

KELLY: Thank you, Senator Andersen. Seeing no one else in the queue, Senator Bostar waives closing. Senators, the question is the adoption of AM3062. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 3 nays on adoption of the amendment, Mr. President.

KELLY: AM3062 is adopted. Mr. Clerk.

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 LB803 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. LB8-- it is advanced. Items for the record, Mr. Clerk.

CLERK: Mr. President, communication from the governor. Engrossed LB759e, LB816e, LB824e, LB847e, LB901e, LB967e, LB1071e, LB1072e, LB1101e, LB1133e, and LB1235e received in my office on April 1, 2026 and signed on April 7, 2026. These bills were delivered to the Secretary of State on April 7, 2026. Signed sincerely, Jim Pillen, Governor. Additional communication: engrossed LB829e, LB904, and LB1253e were received in my office on April 2, 2026, and signed on April 7, 2026. These bills were delivered to the Secretary of State on April 7, 2026. Signed sincerely, Jim Pillen, Governor. As it concerns the agenda, Mr. President, Select File, LB803A. There are no E&R amendments. Senator von Gillern would move to amend with AM3091.

KELLY: Senator von Gillern, you're recognized to open.

von GILLERN: Thank you, and I will cover the amendment and the A bill at the same time. Obviously, this is the A bill that addresses LB803 and the funding for that. Primarily, the funding for this is our assumption of the cost of the pink postcard bill, which is a direct property tax relief measure that counties, school districts, and cities will experience. So, I encourage your green vote on the AM and on the underlying LB803A bill. Thank you, Mr. President.

KELLY: Thank you, Senator von Gillern. Seeing no one else in the queue, you're recognized to close, and waive closing. Senators, the question is the adoption of AM3091. 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: AM3091 is adopted. Mr. Clerk.

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 LB803A be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. And those opposed, say nay. LB803A is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB1032. There are no E&R amendments. Senator Kauth, I have FA691 with the note that you'd withdraw.

KELLY: So ordered.

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

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

GUERECA: Mr. President, I move LB1032 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. LB1032 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB1032A. There are no E&R amendments. Senator DeBoer would move to indefinitely postpone the bill with MO566.

KELLY: Senator De Boer, you're recognized to open.

DeBOER: Thank you, colleagues. This is the \$2,600 one-time fee that the department has decided that they can pay for within their own funds, so we will not need the A bill. And so, I ask you all to indefinitely postpone it. Please vote green on the IPP of my own bill.

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

CLERK: 43 ayes, 0 nays on the motion to indefinitely postpone, Mr. President.

KELLY: The motion is adopted. Mr. Clerk.

CLERK: Mr. President, Select File, LB1075. There are E&R amendments, first of all, Senator.

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

GUERECA: Mr. President, I move that the E&R amendments to LB1075 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 FA734 with a note that you'd withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Sanders would move to amend with AM2955.

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

SANDERS: Thank you, Mr. President. This amendment addresses concerns raised during and after the General File floor debate on LB1075. You will recall that LB1075 is the Secretary of State's election update bill. The adoption of the committee amendment on General File added provisions from five other bills: LB884, LB927, LB969, LB1002, and LB1074. The Select File amendment, AM2955, makes the following changes. First, it clarifies language relating to DAS, creating a database of multiple-- municipal and county financial data. These clarifications alleviate concerns from the League of Municipality [SIC], and should avoid duplication of efforts at the local level. Second, the amendment makes harmonizing changes requested by Accountability and Disclosure Commission relating to the mailing addresses used for certain campaign filings. Third, the amendment clarifies the responsibilities of ballot question campaign treasurers when reporting on contribution to their campaign committees. Finally, the bill clarifies that the restrictions on campaign activities by foreign nationals only apply to financial contributions and expenditures; they are not intended to prevent anyone from speaking freely about matters of public concern. I would like to thank the League of Municipality

[SIC], the NADC, DAS, and the Secretary of State's Office, and Senator Andersen and Hallstrom, all of whom worked to find consent solutions on each of these issues. Please vote green on AM2955 and green on LB1075. Thank you, Mr. President.

KELLY: Thank you, Senator Sanders. Senator Dungan, you're recognized for a motion.

DUNGAN: I would move to divide the question.

KELLY: Senator Dungan and Sanders, please approach. The question will be divided. Mr. Clerk.

CLERK: Mr. President, series of three divisions. The first division, originally AM2955, consisting of lines 1-17; the second division consisting of lines 18-26; and the third division consisting of lines 1-7 on page 2, lines 8 and-- through 12 on page 2, going with the first division. All those divisions are available on the website. Mr. President, Senator Sanders has decided to take up the third division, which is originally AM2955, lines 1-7 on page 2 of what was originally AM2955 with AM3111.

KELLY: Thank you, Mr. Clerk. Senator Hansen would like to recognize some guests under the south balcony. They are Janna Rector, Annabelle Rector, both of Columbus; Jim Groene and Wendy Groene, both of Schuyler. Please stand and be recognized by the Nebraska Legislature. Senator Brandt would like to recognize a guest under the south balcony: Russell Behrends from Wymore. Please stand and be recognized by the Nebraska Legislature. All right, now we're-- Senator Sanders, you're recognized open on AM-- AM3111.

SANDERS: Mr. President, the foreign national conversation is not a conversation that we are talking about in the bill. That has to do with roommates, it has to with-- as it pertains to internet posts. That would not be-- that would not be prohibited under this bill that deals with expenditures. Thank you, Mr. President.

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

CLERK: Mr. President, Senator Machaela Cavanaugh would move to amend with FA1167.

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

M. CAVANAUGH: Thank you, Mr. President. OK, so we are on the first divided, which is actually the last section of the original bill, AM3111. And this AM says: nothing in this section shall be construed to prohibit a foreign national from volunteering or engaging in non-monetary advocacy, including but not limited to sending electronic communications to advocate for a ballot committee or ballot measure unless such activities constitute a contribution or expenditure. So, I think-- was this originally Senator Kauth's bill? Am I-- no. OK. Oh, this is Senator Andersen's. OK. So, I have an amendment. I've filed several amendments, so I've got to look and see what, what this one does, FA1167. Ah, it changes "shall" to "may" on line 2. OK, so line 2, "nothing in this section may be construed to prohibit a foreign national." So, that's actually a very "substantitive" amendment, because when we change something from a "shall" to a "may," we are essentially removing any teeth to the bill, as it were. Sorry, I'm going to set that right there. So, that's what this does, is removes from Senator Andersen's original bill. Senator Andersen, what was the number? If you could-- do you remember the number of your bill? You can just tell me. I'll repeat it on the mic. LB927. OK. So, LB927 a "may" instead of a "shall." Not sure that we want to do that, but you know what? Let's have that conversation, shall we? Ha! Or, may we? OK, so LB927, yep. I like to look up the bills. And this is a-- maybe a much shorter version of the original LB927. So, essentially, just kind of taking the teeth out of LB927. Not sure that people want to do that. I'm not sure I want to do that. I actually don't know how I voted on including this in the first place. So, for those on your computers-- actually, not our-- I won't do this on the UniNet. If you go to the Nebraska legislative website and you're on the homepage, you go the agenda, and it'll highlight which item on the agenda we are on. And you select that, LB1075. Now, in the corner on the right-hand side, there's amendments pending. If you click on amendments pending, where it says view details, you can actually see everything that's filed to what, to all the amendments. It's a little bit easier when you click this view details. But what I was looking for is "view all recorded votes." So, we have-- what did we vote on this bill already? So, it was part of the initial Government package, so I did vote for it. I also have a bill in here, I believe, that I also voted for, but I think it's in a different section than this bill, because I think this section of AM3111 is the entirety of LB927, so let's look-- and then, people watching at

home, trying to figure out what we're doing, what we are talking about, you can then go to the-- sorry, I'm technology-challenged. There we go. You can go back to the bill detail, and there's the committee statement under committee info. And usually, committee statements-- not always, but usually-- when it's a package like this, it will have information about all the different bills that are in the committee bill. And so-- and of course, Dick Clark does a great job on his committee statements, so exactly what I knew was going to be in there is in there. Thank you to Dick. Just fine committee staffing right there. So, it has the bills that are amended into it. It has Senator Andersen's LB927. Senator Andersen, you have another one in here, LB884. Senator Hallstrom's LB969, Senator M. Cavanaugh's LB1002, and Senator Sanders' LB1074. And then, it also will tell you who came and testified, which was actually what I was looking for. Again, great committee work. So, in favor of Senator Andersen's LB927 was Secretary of State Bob Evnen; Zachary Pohlman from the AG's office; Caitlin Sutherland from Americans for Public Trust; Jason Snead, Honest Elections Protect [SIC] Action; Catherine Gunsalus from Viridian [SIC]; John Morante, State Shield; Doug Kagan, Nebraska Taxpayers for Freedom; Ainsley [SIC] Fellers, Nebraska grocers-- Grocery Industry Association; Dave Zebolsky, ChooseLifeNow.net, Nebraskans Embracing Life-- interesting-- and Rose Kohl, Choose Life Now. I am intrigued by those last two on this bill. But-- OK. And neutral was Bill Hawkins with the Nebraska Hemp Company, Gavin Geis with Common Cause, Scott Danigole with the Nebraska Accountability and Disclosure, and then we're on to the next bill. So, that's a little bit more information on what all goes into a committee package for those that are watching at home. Which, if you're watching at home, I guess March Madness is over. Did everybody's bracket get busted in March Madness? I know mine did not. I-- my, my bracket is pristine because I didn't fill it out. So, no bracket-busting for this gal. Though I was on a family text chain getting updates from family members about their brackets being busted, and I, I guess my dad did not have UConn or Michigan in the final four-- or, final two, so he, he was pretty sad. And my son, for some reason, and I don't know what his-- he's seven-- his inclination was, decided that he was going to cheer for UConn, and he was then so invested in UConn that he was devastated when they lost, even though before the game started, I don't think he knew UConn existed. But that's seven-year-old loyalty. So, there you have it. This amendment has a lot of roots in, like, sometimes this seems, like, totally benign, like changing something from a "shall" to a "may," but the reality is, especially if it's an HHS bill, if you change

something from "shall" to "may"-- we barely get them to do things when it says "shall" that we want, so changing it to a "may" is like, whoo, not "funsies." That's what I have to say about that. Mr. President, how much time do I have?

DORN: 1:33.

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

DORN: Senator Prokop, will you yield to a question?

PROKOP: Yes.

M. CAVANAUGH: How do you feel about "shall" versus "may?"

PROKOP: You know, I, I am definitely-- it depends on the issue, but I think that "shall"-- you know, shall we, we consider this a conversation that we're having about shall?

M. CAVANAUGH: Shall we?

PROKOP: I like the-- I like the flexibility of "may" in, in most instances, to answer your question directly.

M. CAVANAUGH: OK. You pref-- so, if you were just generally speaking, would you say you prefer "shall," or you prefer "may?"

PROKOP: It kind of depends on the issue, but I, I would say, in most part, I, I, I kind of like "may," just to provide the flexibility that you have with "may" versus a "shall."

M. CAVANAUGH: So, you're looking to make things permissible, but not required?

PROKOP: In, in some instances. Some, I think it requires a "shall," just because of maybe complications I might be having with different, maybe particularly, you know, state agencies, and, and you need, need to be an explicit directive. But otherwise, I'm-- I typically favor "may."

M. CAVANAUGH: OK. Well, thank you. I appreciate your take on that.

PROKOP: Yeah.

M. CAVANAUGH: It's very helpful and illustrious in this debate on FA1167 on whether we should change this from a "shall" to a "may." And I guess we're going to let the body decide on that as probably-- well, I'd say soon enough, but there's a long queue.

DORN: Time, Senator.

M. CAVANAUGH: Oh. Thank you, Mr. President.

DORN: Thank you, Senator Prokop and Senator Machaela Cavanaugh. Senator Conrad-- oh, Mr. Clerk, for a motion.

CLERK: Mr. President, Senator John Cavanaugh would move to bracket the bill with MO556.

DORN: Senator Cav-- John Cavanaugh, you're recognized to open.

J. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. So, here we are on LB1075, muss-- much-anticipated LB1075. I support LB1075. I serve on the Government Committee and am in favor of the bill as-is. I don't really want to see any changes to LB1075. And the reason I have the motion at this point, you might ask, is that I originally opposed-- well, I still oppose, but I was more fervently opposed to one of the amendments originally, so I filed the motions and amendments. And so, the, the part that this is all about is-- we call it the ETJ bill, extraterritorial jurisdiction, which is something we talk about in Urban Affairs Committee. And the ETJ is the area outside of a municipality where that municipality's zoning is still in effect. And I always like to point to, as an example, why we have ETJs. So, Omaha, in midtown, in-- particularly in Senator Fredrickson's district and partly in Senator Machaela Cavanaugh's district, there are these roads that are really substandard that were built on the edge of town a long time ago, and they're not up to city sewer standards, and drainage and materials and sidewalks, and things like that. And so, at times, when we did not have a coherent zoning enforcement or zoning plot-- plan, we got substandard development that then gets annexed into the city, and then we have to wrestle with how to deal with those things. So, ETJs serve an, an important purpose. And, and so, cities like Omaha have extraterritorial jurisdiction, and it's just that: it's jurisdiction over land outside their territory for the purposes of zoning. So, not for law enforcement, not for garbage, not for street maintenance, not for fire. And so, it, it-- those folks are not citizens of

the city, but when a housing development is built and the roads are built initially there, they need to be built to the city standards so that when they get annexed into the city, they are up to the standards and are uniform. So, that's why we have ETJs. We have-- ETJ's have representation on the city zoning board in Omaha. So, Omaha has a city zoning board with-- where one person is the representative from, from the extraterritorial jurisdiction. So, in matters of zoning, there is representation for those folks, because they are subjected to those zoning requirements. My understanding-- somebody from Lincoln-Lancaster or other places can talk about the necessity, or how theirs are structured for themselves, but my understanding is that Lincoln-Lancaster has something like a joint zoning board where there's somebody from the county and then others from the city. And similar, though, that they have representation on that board for purposes of zoning. The part of this bill that I opposed, or the part of the proposal was this ETJ bill that started out as require-- allowing folks in every ETJ to vote in municipal elections. So, the ETJ of Kearney or of Gretna, or-- and Gretna is a particularly interesting one, because the city of Gretna is something like 6,000 people, and the ETJ is something 20,000 people. Some massive number of people live outside of the city but are in the ETJ. City of Omaha has 70,000 people in the ETJ. So, for frame of reference, the city of Omaha has seven city council districts that are all about 70,00 people, so it'd be adding another city council district to the city of Omaha for purposes of municipal elections, with the exclusion of bonding, which of course, you know, folks shouldn't have ability to vote in bonding for the same reason they shouldn't be able to vote in the city elections. The argument has been that people being subjected to these zoning requirements are subjected to rep-- or, taxation without representation. And the problem with the proposal is that folks would then be subjected to representation without taxation, because ETJs are not subjected to the city's levy, they're not subjected the city's sales tax, and of course, they're not provided those services. And so, there-- that is the disproportionate problem there. I believe that those-- that there are actual other proposals that could be brought forward that would satisfy the concerns of the people who think ETJs-- people who live in ETJs deserve more of a say in zoning. I would tell you, at the hearing about this, we had a number of developers come-- so, folks who build housing in ETJs-- talk about their complaints about the zoning requirements. I did ask who lived in the development before it was built, and I never got an answer to that. And I have yet-- I have asked both the city of Omaha, the city of Lincoln, and anybody else in this

about what is it-- are-- what are all of the fees that are being levied against folks by the city, and-- in the interest of trying to find a path forward and figure out what could actually solve people's actual concerns. I think there is, you know, a specter here of wanting to inject people into city elections who don't live in the city, and so, that's another reason to oppose. But ultimately, it's just about the fact that this is a sledgehammer when a fly-swatter is needed; that if people that live in the ETJ and want to build a chicken coop feel like they are not getting their voice heard on the zoning board, I think there are other mechanisms by which you could address that and not allow that person to then also vote on police contracts and fire contracts and road maintenance, and things like that. So, that's why I'm opposed to the ETJ bill in this. I do think LB1075 as a whole is a good bill, it's a good package. Sat on the committee, voted for, I think, everything in it to come out, including the portion we're talking about here, which is an amendment to fix the concerns that were raised on General File about foreign students or what-have-you, I guess, being able to participate in elections in a non-monetary way. So, meaning that they can volunteer, they can knock on doors, they can post on social media, they can send emails. As I said when we talked about this bill originally, I brought the original bill to ban foreign money in our elections, and the reason I brought that bill was that the FEC had changed its interpretation of what counted as an election for purposes of banning foreign money in elections to only mean candidate elections. And when they made that change, that trickled down to the state of Nebraska, and basically, then, Nebraska's effective ban on foreign money in our ballot initiatives went away. So, I brought that bill to add back in a ban on foreign money in ballot initiatives. And as we're seeing right now, that law is being used by the attorney general to litigate some previous ballot initiatives from 2024, I think they were. And I would maybe disagree with his method of doing that, but I think the intention of this bill is to bring a more structured mechanism for that. And so, I did ask the attorney general's office when they came and testified on this bill what mechanism-- if they had gone through reporting to NADC, and if there had been a process of NADC investigating, and whether that had been appealed. They opted not to answer in light of the pending litigation, but it does seem like NADC is the appropriate mechanism for this. And so, Senator Andersen's bill puts some more teeth into the bill that I passed a few years ago, and then this amendment actually clarifies the fact that a, a student-- so nothing in this section shall be construed to prohibit a foreign national from volunteering or

engaging in non-monetary activity, including but not limited to the sending of electronic communications that advocate for a ballot committee or ballot measure, unless such activity constitutes a contribution or expenditure. So, that's something basically was saying that a foreign national who's here studying abroad or something like that could still go knock on doors, could post on their social media, send emails, make phone calls, as long as they're doing something that is-- wouldn't be considered a contribution to the campaign. So, there's all kinds of, you know, exceptions to contributions for volunteer activity. And so, then that's activities that-- unless such activity would be construed as a contribution or expenditure. So, that's-- NADC could interpret that, but again, this is a clarification that's saying that somebody can volunteer on a campaign, they can express their opinion, we're trying to protect the freedom of speech of these-- of people who are just interested in engaging in ballot initiatives. And of course, we know that people's freedom of speech is protected in the United States by the constitution, regardless of their citizenship. So, the constitution protects people in the United States to exercise freedom of speech. So, I'm actually not in favor of the bracket motion. I'm probably not in of Senator Machaela Cavanaugh's amendment because I do think the section "shall"--

DORN: Time.

J. CAVANAUGH: Thank you, Mr. President.

DORN: Thank you, Senator John Cavanaugh. Returning to the queue, Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I-- at this moment, I rise in support of the bracket motion. I was looking at the component parts of this annual omnibus basically elections cleanup bill, and there's nothing necessary in here that I think we must pass at this juncture, and if I hear otherwise, that will be interesting to note. But I think Senator Cavanaugh and others did a great job of just kind of setting the landscape, setting the table for where we are with this measure, why the queue's full, why there's a lot of materials filed on this otherwise technical cleanup bill that comes through the Government Committee I think annually to, to, to make technical changes, working in concert with the Secretary of State's and the county election commissioner's office. So, each of the component parts they're in aren't particularly controversial or

contentious; they're pretty technical in nature. But my friend, Senator Ballard, has decided to really throw a bomb or a wrench in the works with filing what he knows very well is a very controversial amendment. And so, that's, that's all of the activity. If Senator Ballard would yield to a question.

DORN: Senator Ballard, would you yield to a question?

BALLARD: Of course.

CONRAD: Thank you, Senator. Is your primary concern with ETJs the burdensome regulation?

BALLARD: Yes.

CONRAD: OK. So, why is this the appropriate remedy? You could either just completely abolish ETJ's, or do an opt-out of ETJ zoning regulations.

BALLARD: I would love to do that but the--

CONRAD: Then why didn't you?

BALLARD: The League of Municipalities, or the cities, they use this as a tool for development. And so, if-- my opinion, if you're going to regulate for the sake of development, they should have a right to vote.

CONRAD: OK. So, if your primary consideration is the burdensome aspects of regulation, which I-- I'm actually kind of open-minded to that discussion. I know as this issue has played out in other states, they have looked at either abolishing ETJs altogether or providing exemptions from application of those zoning regulations. Just last year, our friend Senator Andersen passed a measure that, again, was referenced to the Urban Affairs Committee rather than Government, allowing for exemptions from zoning regulations and ETJs. Did you know that?

BALLARD: I, I was aware of that. And I will say--

CONRAD: Why isn't that-- so, you were aware of that, but you didn't pursue that remedy in that form?

BALLARD: So I'll, I'll be totally-- I, I offered this as a compromise to either let them vote or abolish their ETJ, and they rejected that outright.

CONRAD: The-- who did?

BALLARD: The city of-- the city of Lincoln and individuals in this body.

CONRAD: Was that subject to the legislation you introduced, the abolition?

BALLARD: That was not subject to the, to the--

CONRAD: OK. So, that was my--

BALLARD: That, that-- it was not part of the conversation. It came up in committee hearings.

CONRAD: That might be procedurally a bit of a challenge. So really then, your only goal, despite the rhetoric, is to dilute the voting power of city residents in regards to municipal elections. Senator,--

BALLARD: That's not correct.

CONRAD: --are you familiar with the Voting Rights Act?

BALLARD: The Voting Rights Act?

CONRAD: Yeah.

BALLARD: Sure, yeah.

CONRAD: OK. Do you understand that it applies to state and local actions in regards to elections?

BALLARD: Sure.

CONRAD: OK. Can you tell me, did-- in your analysis, did you look at things demographically, say specifically in regards to race, about what, say, for example, our city council districts would look like under the status quo versus what the racial make-up would look like if your measure is adopted?

BALLARD: I did not.

CONRAD: OK. Do you know that has relevance for compliance with the Voting Rights Act?

BALLARD: Yes, and I would hope the, the city council or the individuals that do the redistricting would look at that. So, we're not, we're not redistricting in this, this, this proposed--

CONRAD: You're just allowing non-city-residents to vote in city elections.

BALLARD: Just allowing the opportunity to-- for E-- folks in the ETJ to vote that are being regulated by the city.

CONRAD: OK. And do you think that this effort is more important than the Secretary of State's annual cleanup bill? Is that why you decided to hijack the, the committee package?

BALLARD: I did not decide to hijack the committee package. It was actually included in my priority bill. And so, we're--

CONRAD: Why wasn't your priority bill scheduled?

BALLARD: That's a great question.

CONRAD: OK. Well, I think it answers itself. Thank you, Senator.

DORN: Thank you, thank you, Senator Conrad and Senator Ballard. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I'm just doing some math here. So, odd times-- OK, so we have 240 minutes on a four-hour debate, which is what this is. And by the time we get to Senator Hallstrom, if he is in fact planning to call the question, we will be at 189 minutes left of debate because we will have had 51 minutes. And then, I have-- oh gosh. Sorry. I have four-- OK. Plus 51. Yeah. So, I have 165 minutes worth of motions and amendments filed on this round of debate, which is almost exactly four hours if you call the question, and there's no time in between calling the question and voting. Sorry, Senator Ballard. But the math, you know me and filibustering, and the math. It is going to be impossible to get through everything that I have filed and get to Senator Ballard's amendment before

the four hours are up, unless we call the question in rapid succession and the vote takes 10 seconds. Then maybe, maybe. I don't want to say you don't have any hope, but you got, like, less than 0.0001 percent chance. But if everybody stays in their seats for the next four hours and we call the question in rapid succession, we do machine vote in rapid succession, and it all takes about 10 seconds, I think we might possibly won't at all actually get to Senator Ballard's amendment. So, I offer you, my dear friend Senator Ballard, this wonderful juncture of this wonderful Legislature. If you withdraw your amendment, I will withdraw mine, and we can save ourselves several hours of me talking about basketball, which-- I am very well-versed on March Madness. Very well-versed. Every Thursday, I go-- if I can, I go to this bar in Benson called Set the Bar. It's a women's sports bar. They will play men's sports from time to time, like if the Huskers are playing and people ask for them to turn it on, they'll turn it on. But really, we all prefer to watch the Huskers volleyball team play. Oh, they are. Oh, great. Oh, you did tell me that. The owner of Senator-- one of the owners is Senator Spivey's constituent. So, every Thursday, I take my oldest kid to drum lessons, and I hang out. And then they come over and I order them chicken tenders and french fries, and we have a fun little conversation, and it's our little tradition. And Set the Bar is really fun. They have different activities all the time. One time, I walked in there and I could hear them from the stairwell saying "Oh, Machaela Cavanaugh comes here on Thursdays." And I get up to the top of the steps, and it's Senator Spivey having an event for her non-profit, I Be Black Girl. And I was, like, here we are, here are we are. I did actually-- this last Thursday, when we got done really early, I was going to pop into Senator Hunt's shop, but I honestly thought, God, I hope she's not there. I hope she's home resting. But you probably were at work. Yeah, you were at work. So, yeah, Benson is a great neighborhood in Omaha, and it's become a real kind of art hub in Omaha, but it also has my favorite sports bar, Set the Bar. And I don't know if I watched any March Madness games while I was there. I have learned about new sports that I never knew existed up until going to Set the Bar, so if you're in Omaha, highly recommend it. They also have these cool igloos out on the deck. I, I, I don't own stock in this place. I, I promise, I just-- I'm just a fan of a sports bar in Benson. So yeah, back to the time. I have the time worked out. It's going to be-- it's going to be pretty tough, Senator Ballard. Sorry.

DORN: Time, Senator.

M. CAVANAUGH: Thank you.

DORN: Thank you, Senator Machaela Cavanaugh. Senator Duncan [SIC], you're recognized to speak.

DUNGAN: Thank you, Mr. President. Good evening-- well-- yeah, good evening, colleagues. I do rise in favor of the bracket motion and ultimately in favor of the underlying bill, but in favor of the bracket motion for the time being for a lot of the aforementioned reasons as to why we're here. So, I don't think it needs too much repeating, but I want to be very clear that the objection, I guess, at this juncture, with regards to the underlying bill doesn't have to do with the cleanup package from the Government Committee. My understanding is that that was supported out of committee. I believe that Chair Sanders and a number of other folks, both the legal counsel as well as other members on that committee worked to create a good package. The concern that I have, both as a Lincoln senator and as a state Senator, is the proposed amendment that's coming down the way from Senator Ballard, which, as he indicated, was a portion of his priority bill. I believe the underlying component there, a bill was LB951, which I was just pulling up to look a little bit more at the, the underlying hearing. And so, I-- that is, I think, where the rub comes in here. Depending on how long this debate goes, I think you're going to hear a number of objections as to that. My hope is that we don't get to that point. As Senator Machaela Cavanaugh just indicated, there are certain realities with regards to the structure of the amendments and with regards to time. I do not believe that it is likely that we're going to get to the amendment, and so my hope would be that maybe Senator Ballard could speak a little bit about the underlying issues and why that's important to him. But ultimately, we could pull that amendment from this otherwise non-contentious package and move forward. And I did speak with Chair Sanders about that, and I, I do hope that LB1075 in its current iteration, without that addition, can advance, as my understanding, in talking from the Secretary of State, is that there are portions of that that are needed, or if not needed, certainly desired in order to, to move forward. And so, that is what brings us here today. And I think we've had a lot of conversations about this bill off the mic, but we are talking on the mic now about some of those issues. And so, at the crux of all of this. I want to start by saying I, I do understand the frustration expressed by Senator Ballard as well as others about the ETJs. And when you look at this on its face, there's this

concern that people have that they live in an extraterritorial jurisdiction, and that they are subject to a number of-- or, at least a small number of requirements by the city when they are not also simultaneously voting in those city elections. I, I get that frustration, and I've had a conversation with a number of my colleagues about the realities of that, and so I just want to say that's, that's fair. The problem is, this solution being proposed by Senator Ballard, I think, is an overreaction to that, or certainly it swings the pendulum far too far in the other direction and puts us in a place where there would be a disproportionate benefit to the individuals who live in those ETJs-- at least we're talking about Lincoln here right now-- in Lincoln where they are able to vote in city elections and make determinations as to city elections which have a vast number of consequences that they would not be subject to. Whether that is the city council members making certain decisions that apply to the city, or a taxing authority as it provides-- or, as it pertains to sales tax, option sales tax, things like that. There are a number of areas where then they would have an ability to vote in elections that they are not subject to. Senator Ballard did mention that there'd been some conversations with regards to potential solutions or ways to move forward, and I will say, I was privy to some of those conversations. The one that was posited on the mic earlier with regards to adding the ability to eliminate ETJs-- at least I think that's what he was talking about-- with a supermajority of the committee still came along with the, I guess, caveat that the bill, or the amendment as passed, even with that change, would allow people outside of the city limits to vote in city elections, if the city did not get rid of the ETJ. And that's kind of a binary that I think is problematic given that we can't tell the city what to do. And so, until they were to get rid the ETJ in that proposed solution, those outside of the limits, limits would still be able to vote. There are other solutions that I can think we can look to here, whether that is adding additional individuals to the zoning and planning commission who are ETJ members themselves, or any other number of possible solutions that I think we can explore during this interim. Happy to have those conversations. But I do believe that as it currently stands, this amendment is problematic. I've been reached out to by a number of people in the city of Lincoln and outside the city of Lincoln since an article in the Lincoln Journal Star ran this weekend about Senator Ballard's proposal. I think it's one that many people had not heard much about prior to that article running, and upon becoming aware that there was this proposal to include the vote of people who live outside of the city limits

in city elections, I did not receive-- I'm fairly certain, I'll check with my office-- any positive support, and I'm pretty sure that all of the feedback I received was opposition.

DORN: Time, Senator.

DUNGAN: Thank you, Mr. President.

DORN: Thank you, Senator Duncan [SIC]. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. Like Senator Dungan just said, all of the feedback that I've received in my office, including from many conservatives and Republicans, have been in opposition to this measure. And by this measure, I mean the division of the question and the amendment that contains the portion of Senator Ballard's bill that we've been talking about. If you look at the chatter online, if you listen to my voicemails or in-- look at my email inbox, the same with probably most of our colleagues here, it's just resounding opposition for this measure and for the concept that people outside of city limits should not be able to vote in that city, period. It's-- if you explain this to a fourth-grader, it would make sense to them. If you don't live in the city, you shouldn't be able vote for the election in the city. Bing, bang, boom. But now, we've got, you know, 4 minutes and 30 seconds more to say. But I do rise in kind of general opposition to the underlying bill. I agree with what Senator Conrad said, that there's probably nothing in this bill that really needs to pass this year. And honestly, as I go down the agenda that we have, especially as we're talking about staying until midnight tonight, staying until midnight most of the nights for the remainder of our session, I don't see a lot of things on that agenda that need to pass. And now, we're taking time here today in response to Senator Ballard's decision to file what he knows is a very controversial amendment that's going to take up four hours today, unless he decides to pull it. And I wasn't aware of the offer that Senator Machaela Cavanaugh had been thinking of, that she would withdraw her amendment if he withdrew his, and we could move on to the next item on the agenda. Senator Ballard, I think that's a pretty good deal, especially given the math that was laid out for all of us, and the fact that we're not going to be able to get to your amendment. So, I think you should pull it in the interest of time and in the interests of having a productive rest of this session. I don't want to hear any more scolding of progressives

about wasting time or running the clock or anything like that as long as Senator Ballard's amendment is going to be coming up on the board. Would Senator Ballard yield to a question?

DORN: Senator Ballard, would you yield to a question?

BALLARD: Of course.

HUNT: Thank you. Senator Ballard, was Attorney General Hilgers able to vote for former State Senator Suzanne Geist for Mayor?

BALLARD: I do not know.

HUNT: You don't know?

BALLARD: I do not.

HUNT: Do you know where he lives?

DUNGAN: I don't know if he lived in the neighborhood in north of Lincoln at that point.

HUNT: You don't?

BALLARD: I do not know.

HUNT: Did you send him a Christmas card?

BALLARD: I did not.

HUNT: OK. I don't get them anymore either, so. OK, thank you, Senator Ballard.

BALLARD: Yes.

HUNT: Oh, wait, no, I'll ask you. Would you yield to another question?

BALLARD: Yes.

HUNT: OK, thanks. I, I have a question about why this amendment has been drafted to only apply to cities of the primary class. So, that would just be Lincoln, correct?

BALLARD: Correct.

HUNT: Why is that?

BALLARD: It was a compromise with a member on the Government Committee to avoid a lengthy conversation, but apparently we, we did not get that far.

HUNT: Was that member Senator Fred Meyer?

BALLARD: It was not.

HUNT: OK. Who was it?

BALLARD: Senator Cavanaugh.

HUNT: OK. OK. Why do you think that this should just apply to cities of the primary class? Or do you not think that?

BALLARD: I think it should apply to more than the cities of primary class, but it's a compromise that-- we don't all win in a compromise. And so, it's, it's an issue I've heard from my constituents in my ETJs that they're not taken seriously by the, the city council and the mayor. And so, this is my remedy and my fix.

HUNT: Do you think that people who do live within city limits all feel taken seriously by their mayor and city councils? I don't.

BALLARD: That's-- that, that, that should be a question. But yeah. I-- that's a great question.

HUNT: That's, that's a good question for your voters, for the ETJs, because, you know, I think-- thank you, Senator Ballard.

BALLARD: Thanks.

HUNT: I'll let you go, thank you. I, I do think I'm just going to remain in firm opposition to the idea that if you don't legally live in the city limits, you should not be able to vote for city elections. And I think it's an, an open secret-- and I do that Senator Ballard knows that Attorney General Mike Hilgers couldn't vote for Senator Geist for mayor. And the rumor is--

ARCH: Time, Senator.

HUNT: I'd like to be corrected that that's where the genus of this idea came from. Thank you, Mr. President.

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

ROUNTREE: Good evening. Thank you, Mr. President, Mr. Speaker. And good evening colleagues and those that are still yet with us online. I rise in support of the underlying bill, LB1075. It's a good bill. Probably in opposition of others that may be up there. But anyhow, I was talking to Senator Sanders, and just remembering and looking back when we were a SID down in Bellevue before we were grafted in. I like to use that term, "grafted in," before we were incorporated. I remember that, you know, we didn't get certain privileges and rights that the city folks got. Couldn't get our library cards, and couldn't certain other things unless you were in the city. When it was clean-up day, you had to present a bill that showed that you were paying for city utilities, trash, sewer and water, and things of that nature, and then you could participate in the clean-up day. But now that we've been grafted in, I'm paying water, I'm paying sewer, and I can participate and partake of all of the rights and privileges of being a, a Bellevuean. So, we appreciate that. But at any rate, I didn't rise really to talk about all of that, just to lay it as a foundation. I have sincerely missed Senator Holdcroft, as he has been giving us history and talking about what the Navy has been doing. Hopefully, we'll get back to some of that. But since we are here in the month of April, and we will sine die this month of April at some point, I just wanted to highlight some of the key awareness and acceptances and celebrations that are going on in this month. Little did I recognize that on April the 2nd when we adjourned, but April the 2nd was Autism Acceptance Day, it was the World Autism Day, and this whole month is Autism Acceptance and Awareness Month. So, it promotes understanding, inclusion, and acceptance of neurodiverse individuals. This month also is Earth month. It's really something that our astronauts have swung around the moon, they've sent us pictures back of our Earth from outer space, and so we are focusing on environmental protection and sustainability, even one of the bills that we didn't get to hear on Thursday afternoon, dealing with our environment and taking care of our earth. But this culminates-- Earth Day is on April the 22nd, which we won't be here, but we want to recognize it at that time. It's also National Volunteer Month. This month, we honor all of our volunteers, honoring the impact of volunteers and encouraging civic engagement. We've also dealt with a lot of

bills that deals with sexual assault awareness and prevention month. This is the month of April. We want to continue to raise awareness and promote prevention and support for survivors. And this is a big one that most of us might be feeling even now: this is Stress Awareness Month. Stress Awareness Month. As we have endured some long nights, and maybe some that's even longer as we are here trying to get the business of our Nebraskans concluded, this Stress Awareness Month focused on the impact of stress and exploring coping strategies. So, when we break for dinner tonight, we'll-- won't think about this for the 30 minutes that we have, and enjoy some good Runza and some of the others that have been presented for the night. Stress Awareness Month. This also is the National Month of Hope, dedicated to maintaining optimism and spreading positivity. I have appreciated how we have had good discussion in here, as we get ready to conclude this legislative session. But having a National Month of Hope-- optimism, positivity, respecting one another. It's also Celebrate Diversity Month, the great diverseness of our country. It's an initiative to honor and appreciate the diversity of cultures and perspectives. And then finally, as I see my light is there, I want to say Financial Literacy Month. We have some legislation that dealt with financial literacy, whether we promoted it or whether we did not. But this is Financial Literacy Month, so we want to promote financial education and empowerment. And for the green thumbs, it's National Gardening Month, encouraging gardening activities and appreciation for nature. And if you get a chance, it's National Poetry Month, so write a poem and we can recite that at this sine die. Thank you so much, Mr. President.

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

McKINNEY: Thank you, Mr. President. I yield the balance of my time to Senator Raybould.

ARCH: Senator Raybould, 4 minutes, 50.

RAYBOULD: Thank you, Mr. President. Thank you, Senator McKinney. I think this bill by Senator Ballard is really a solution in search of a problem. I can tell you that I have served as a county commissioner and on the Lincoln City Council. And many cities throughout our state of Nebraska, because of constraints on financing or their efforts to consolidate and save their citizens' taxpayer dollars by consolidating-- the city of Lincoln has been leading in consolidating departments, and one

of the departments out of the six that they have consolidated is Planning and Development Services, and it is a joint planning committee between Lancaster County and the city of Lincoln. I'm sure Douglas County and Omaha have that same function-- functionality of this joint planning committee. They are typically selected by the mayor, as we have in the city of Lincoln, as the city Omaha, a strong mayoral system. And typically, the mail-- mayor will make selections. But I can tell you, I have had to interview those candidates to be on the Planning Commission. And so, in the case of the city of Lincoln, I think we have six planning commissioners, and one commissioner represents the rural communities outside the city of Lincoln jurisdiction, and that representative is familiar with living out in, in the county areas. But I think people forget that if you don't have that representation on the Planning Commission, you have it in your county board. And if you haven't been paying any attention at all, you know that the county boards deal with a lot of zoning matters. And that's why it was designed; the Planning Commission advises the planning department when it comes to zoning matters, and that's what we're talking about. The ETJ is just-- in the case of Lincoln, is three miles outside the city of Lincoln. But all the plans in the city of Lincoln apply to outside the city of Lincoln, and is in conjunction with the county board. So, when people are saying that they don't have representation, that is not true: they have representation on the Planning Commission. The Planning Commission has hearings on all zoning matters, on building matters, et cetera. People are invited to offer their testimony on any zoning matter. Those people that live in the ETJ are welcome to come and share their concerns with the Planning Commission. The Planning Commission makes the recommendations to the Planning Department, the Planning Commission makes the recommendations to the Lincoln City Council, the Planning Commission makes the recommendations to the county board. And it depends on where that jurisdiction is-- you have an opportunity to be heard not only by the Planning Commission, but by this Lincoln City council. You have an opportunity to appeal any of these decisions. So, there is plenty of opportunity to air your concerns, to demand an appeal of some decision that they have made. If you are planning to appeal something with the Lincoln City Council, we allow that; it has to go through the process, and it-- you get multiple opportunities to air your concern. So, I think the answer is correct. I know Senator Dungan, Senator "Kavan" [SIC] talked about-- you, you want representation, but without taxation. That-- that's not how good government works. And so, I want to just clear up that idea that there is no representation. There

is multiple opportunities and multiple layers for individuals to share their concerns and to have them reviewed and revisited. So, for example, in the county, they're dealing with a lot of issues that deal with CAFOs, feedlots, chicken barns, hog barns in the county, and what is the appropriate setback? They're dealing with wind turbines. What is the appropriate setback for wind turbines? And the noise levels, et cetera. And they're also dealing with solar matters. So, this is just-- I'm, I'm not sure what is really motivating it. And then, again, a couple of questions when I get on the mic again, I'd like to ask Senator Ballard, you know, why are we focusing on Lincoln? And just to share one thought that was from Wayne Bena, in their concerns about these type of issues, they said: I just want to make sure that we take a look and make sure this policy is consistent statewide. So, this would require the City of Lincoln to redraw all the precincts.

ARCH: Time, Senator.

RAYBOULD: Thank you, Mr. President.

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

HALLSTROM: Question.

ARCH: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 25 ayes, 8 nays to cease debate.

ARCH: Debate does cease. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, please record.

CLERK: 29 ayes, 0 nays to place the house under call.

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

J. CAVANAUGH: Oh. Thank you. Wait, we called the house for my close? Thanks, guys. That's so kind. So, where are we? OK. So, we're on the bracket motion. And so, again, I support LB1075. I support the portion, AM3111. I'm opposed to FA1167, and actually not in favor of my bracket motion at this point in time, but it's more of a structure of the debate. And as I said, I originally filed this, as we all often file preventative motions when we're, you know, thinking about how the debate is going to go. And there is a portion of this proposed future amendment that I am opposed to. And I was opposed to it when it included the city of Omaha. I'm opposed to when it includes the city of Lincoln. I'm less opposed to it, of course when it doesn't include the city of Omaha, who I'm responsible for. But I do think we could move on, and-- what's the phrase when people say? I'll give you back some of your time, I think is what is, like, when somebody wants to get off the phone with you or whatever. So, I think that we could all agree to stand down and move forward onto another bill, and just pass LB11-- or, LB1075 with Senator Sanders' amendments and no other changes, and I think we can all get to a place where, you know-- that we're not going to be the happiest we, we thought we would be. But I can tell you, I think there's a lot of folks who are going to be less than happy at the end of the day today. But-- so I think that there's-- if you look at the way that things are ordered and the queue, it's unlikely that we are going to get to a place where the, the parts that everybody is concerned about is going to come up. And so, that's my suggestion, is that we just-- we can move on to-- let's see, what's the next bill? Oh, it's on the next page. We finally made it through the first page. We would be LB1075A, and then we'd be on to Select File for LB889, Senator Clouse's change a penalty in the State Electrical Act. Oh, I remember that one. And I do think that there's a proposed amendment on that, that maybe is, is Senator Quick's bill. And then, I think I'm sure there's other folks who have bills that are less controversial that people want to get to. I obviously have my bill that I know we're going to have some conversation about later today. But again, this is, this is about-- the, the concern here is about making a change in state law for something that is maybe better addressed in some other way, or in a smaller change or less dramatic change. And there is definitely-- I'm sure other folks have talked about this; I walked out of the room for a little bit. But I'm people have raised the specter of what is really adding-- the adding ETJs into voting in city elections is about. It's about attempting to change the outcome of city elections. It's about injecting a whole bunch of people who have chosen not to live in the city into the city

election, allow them to vote in those city elections. My understanding is, in Lincoln, that's about 10,000 people would be added to the city electorate. The city of Omaha, it would be 70,000 people, which is a lot of people. And that can certainly change the trajectory of city council elections, of mayoral elections. And they-- again, those offices have so much more authority than just zoning. Of course, they have zoning authority, but they also have authority over trash contracts, and they have authority over property taxes, and they have authority over sales taxes, and they have authority over fire and police contracts. And in, in addition to all the authority over paving the roads and which roads to widen, and things like that. And, and of course, having folks who are not subjected to all of those things get a say in who makes that decision is-- seems unfair. It's-- it is unfair to say you get to vote about all of these other things just because you have to pay a licensing fee or a registration fee when you want to build a chicken coop, or a developer has to pay a construction-- you know, has to get all of their-- the zoning approved for a new construction before anyone lives there. So, the biggest complaint is about all those costs, about getting them-- all of the zoning approved and all the additional costs as a result of that, that are assessed against people who do not live there, who would not vote until after those costs have been assessed against them. So, I've heard these criticisms and complaints about the jurisdiction of the ETJs on-- that it-- that are placed upon the people who live there. But the biggest criticism is placed upon the development before anyone lives there. And so, I think developers--

ARCH: Time, Senator.

J. CAVANAUGH: Oh, sorry. The light didn't turn on. Thank you, Mr. President. I encourage your red vote on my bracket motion.

ARCH: The question before the body is the bracket motion. Mr. Clerk, please call the roll.

CLERK: Senator Andersen voting no. Senator Arch voting no. Senator Armendariz. Senator Ballard voting no. Senator Bosn voting no. Senator Bostar voting no. Senator Brandt voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting yes. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting

no. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting no. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKinney voting no. Senator Fred Meyer voting no. Senator Glen Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop voting no. Senator Quick voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Rountree voting no. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey not voting. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Vote is 2 ayes, 44 nays, Mr. President, to bracket the--

ARCH: The motion is not successful. Mr. Clerk? I raise the call.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote just taken on MO556.

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

M. CAVANAUGH: Thank you, Mr. President. Well, first of all, I owe Senator Ballard an apology. I was made aware that my tone the last time I spoke was not what I intended it to be. I was be-- attempting to be silly; failed miserably, came off as very unkind, did not mean to come off that way. I very much value Senator Ballard as a colleague and a friend, and I am very sorry for coming off in a way that rhymes with witch. So, he said I didn't need to apologize on the mic, but I think it's important when you do something publicly that you apologize publicly. So, Senator Ballard, I'm very sorry for how I spoke earlier about the lineup of motions and amendments on Select File. What I was attempting very poorly to communicate is that I do have several motions and amendments filed on Select File that would take us the full four hours, so I'm trying to make that clear because I also, as I think Senator Cavanaugh and Senator Dungan mentioned, if Senator Ballard were to withdraw his amendment, then I would withdraw all of my things and move forward. But I have proposed that to him, and I will let him make that decision for himself as to whether or not he wants to do that. So, in the meantime, I have not quite 10 minutes left, probably more like 8.5 minutes

left, to talk on this particular motion to reconsider. So, one of my favorite things to do on, on, on these sorts of things is kind of explain what is going on, because when I was a freshman, Senator Ernie Chambers sat in, I believe, Senator Dungan's seat, and I sat in Senator McKinney's seat, and I would just turn my chair and listen to him. And I would grab out my Rules book, and I will follow along, and I would learn the Rules of the Legislature. So, I'd like to help pass that information along and inform you on what the process is right now. So, right now, **we're on Select File, which**, unless somebody calls for a record vote, it's just a voice vote, and the E&R chair makes the motion. That would be Senator Guereca. Interesting, fun fact about the E&R chair, it is always the youngest member of the freshman class. So, way to go, Senator Guereca. He will no longer be the E&R chair next year; it'll be whoever's the youngest of the next freshman class, and they could be as young as Senator Guereca, or they could be as old /young as me, which is much older than Senator Guereca. Or even younger, who knows? I guess the voters will decide. So, Select File, we have LB1075. Now, we have an amendment up, which is Senator Sanders' amendment. And then, I have a floor amendment to Senator Sanders' amendment, and then Senator John Cavanaugh-- my amendment was to strike "shall" to "may" in the first division of the bill, and Senator John Cavanaugh had a bracket motion that failed. I filed a motion to reconsider the vote on the bracket motion. I was present, not voting. So, there's two ways that you can be the person to reconsider a motion or an amendment-- or, a vote, any vote. You can be present, not voting, and you can reconsider the vote just taken, or, if you were on the prevailing side. So, if you filed an amendment-- no, sorry. If you, if you took a vote and you decided that-- and it prevailed, whether it was-- it, it got the no votes or it got the yes votes, either way, whichever side prevailed, if you were on that side, you can reconsider that vote, and then it takes 25 to reconsider it. And then, you reconsider it, and then you consider it again, and then you move things forward. And we actually did this last week, I believe. It might have been Senator von Gillern reconsidered a vote, and then we did an-- then we reconsidered it, but before we considered it a second time, we did it an amendment to it, and then we considered it again and moved it forward. Clear as mud, right? Yeah. Interestingly, that statement, "clear as mud," your name is mud, that goes back to, I think, Abraham Lincoln's being assassinated. Is that right? Am I getting that right? Looking at a reporter who's making a face that makes me think I've got it wrong. Have to look that one up. I thought it was somebody was

involved-- maybe I'm getting my presidential assassinations mixed up, but I thought was somebody who was involved in the assassination of Abraham Lincoln's last name was Mudd. So, I'm going to look that up. Senator Hallstrom told me that he really loves how much I'm talking tonight, and he wants me to keep talking for four hours, so these are the kind of fun things that you'll get to hear about. So, OK. So, right now, we're considering bracketing this bill until the last day of session, which, God willing, is not actually going to be the last day of session. God willing, the last day of the session will be Friday. So, we're reconsidering bracketing this bill until then. It overwhelmingly failed. So, like, 40 people in here could also reconsider this if I were to not reconsider it. And-- I'm just looking up-- what is the story behind-- a tale about killing a man with a baseball? No, that can't be right. Sorry, I should read it to myself before I read it out loud, apparently. Well, I have plenty more times on the microphone, so we'll, we'll, we'll clear up. Get it? We'll clear up. Making myself laugh now. I'll get some bee jokes coming in the mix so that I can get Senator Clements to laugh. I'll, I'll, I'll buzz up something. So, yeah. Anyways, the bracket motion is for the last day. We're reconsidering the bracket motion. And if the reconsideration fails, then we'll move on to whatever is next on the, on the Select File, which might just be the underlying amendment that I have. I'm not entirely sure what, what happens when at this point, but that's where we are. So, back to LB1075, this committee bill. And I already mentioned that you can look on the legislative website for the bill, and you can look up the committee statement. And this is a very helpful tool for, like, any bill, especially if you're not on the committee. I always like to look at the committee statements for bills that are on the floor, if-- especially if I'm not on the committee, because it gives me some of that information. Like, it'll tell you who testified, whether they were in support and opposition. So, if I see, like, a group that I'm particularly concerned about testified in opposition-- let's say, like, Disability Rights Council, a group that I hold in very high esteem. And so, then I would be, like, oh, OK, Senator so-and-so, why, why did they oppose this bill, and did you work on it with them? And sometimes, oftentimes, they did work on it with them. And I know that in the specific case of the amendment that Senator Ballard is bringing forward, he had conversations with the municipalities, and they just could not come to an agreement, which I always appreciate when people do that. And I know that sometimes, you just can't get people to be on the same page, even if you try very hard to, to get there; sometimes, it just

doesn't happen. So, so just acknowledging that Senator Ballard has done that work that you would expect somebody to do when they have a bill that is opposed. OK. So, at the-- looking at the committee statement, it really starts, however, with Senator Sanders' bill. So, the primary bill, LB1075. And it'll list the proponents, opponents. It had no opponents. Way to go, chair of the committee. And as I said before, great staff work. Love-- I love when it says what each section does. And Dick, the committee clerk-- no, committee counsel, sorry. Committee counsel lays out very nicely what each section does. Section 2 harmonizes changes, blah, blah blah. So, that is extremely, extremely helpful. And you would think by the number of sections that are in here that this is a long bill, but it's not really that long. Well, maybe the amended copy isn't that long. Anyways. Then, explanation of amendments. Love this. Again, Dick, awesome work. If anybody is wondering how to do one of these committee statements, this is a great example of one. So, this amendment makes revisions to original LB1075 as introduced to adjust the deadline for delivery of election abstracts from counties to the Secretary of State from the third Wednesday after the election to the fourth Wednesday; to harmonize statutory references; to set the cost of a recount at \$100 per precinct voting in the contest; and to strike original Section 8-- 39 relating to change in filing deadline for school district submissions of a recommendation of public submission of a petition to allow such districts to exceed--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

ARCH: Senator Ballard, you were accidentally dropped from the queue. You are next to speak.

BALLARD: Question.

ARCH: The question has been called. Question before the body is, shall debate cease. All those in favor-- excuse me. Do I see five hands? Yes, I do see five hands. Question before body is, shall debate cease? All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, please record.

CLERK: 26 ayes, 7 nays to cease debate.

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

CLERK: 37 ayes, 2 nays to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Dorn, please return to the Chamber. The house is under call. Senator Ballard, Senator Dorn is absent. Senator Machaela Cavanaugh, you're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, this is the reconsideration motion on the bracket motion. It-- the bracket motion failed, really went down in flames. So, I'm just encouraging you to reconsider. Maybe you want it to be bracketed, maybe you still feel strongly that you don't want it be bracketed. That's for all of you to decide. I was also explaining the committee statement, more to the people watching along and just-- I like to help people figure out how to follow what we're doing, because it does seem like I know what we're doing, but, like, maybe you don't know what we're doing, and so-- "you" being people watching at home. So then, there's a lot of conversations that happen not on the microphone, so I just take this as an opportunity to explain the process of what we're going through right now. So, right now, we're on the reconsideration motion, which I filed. And the house is under call, which I think Senator Ballard requested. And when the house goes under call, it's the majority of senators voting decide if the house was under call or not. So, it's not 25; it's, like, if there's 10 people voting, and 8 of them vote to put the house under call and 2 vote no, then the house goes under call. So, part of that is because the reason to put the house under call is to get people back on the floor. So, if you had to have a certain number of votes to put the house under call, it would defeat the purpose of putting the house under the call. So, we are now under the call of the house, which means we have to be on the floor if we are checked in. Otherwise-- well, whoever calls the house is in control. So, if Senator Ballard decided that you're checked in and you're not on the floor, and you went to lunch across town, we're going to sit here and wait until you come back. He could decide to do that, but I don't

think he's going to. So, OK. The, the bill itself, LB1075, the, the committee statement I was talking about-- so, the, the explanation of the amendments, it is-- so, I was reading the first part about changing the Secretary of State's delivery of election abstracts from the third Wednesday after the election to the fourth Wednesday, to harmonize with statutory references. And then, provisions with substantial changes from five other bills: LB884 relating to voter registration, ballots, poll watchers, observers. The revisions, striking original Section 1, mandating use of federal saved database of citizenship verification, and with other changes to account for midday ballot pickups at polling places, and to eliminate the expense of a closed-circuit television requirement. I'm kind of interested in that. LB927, also Senator Andersen, and that's actually what AM3111 is, LB927. So, LB927 prohibiting foreign nationals' involvement with funding and organizing ballot question committees, with revisions adding authority to NADC to, to assess an administrative fee equal to the cost-- oh wait. Yeah, equal to the cost of the commission's investigation and adjudication for a person found to be in violation. Wait a second, is this a fix to Senator Bostar's China bill from last year? No. OK. Sorry, it sounded, sounded like it could be. We had some conversations about that bill in Appropriations. And then LB1002, which is my bill, increasing fees-- I know. Everybody buckle up. LB1002, Senator Michaela Cavanaugh, increasing fees. Did we ever see-- think we'd see the day? It is increasing fees under the Political Accountability and Disclosure Act. So basically, on ourselves. You're welcome. We waste fees on everybody else, why not on ourselves? Accountability and Disclosure, really, they, they keep track of us, and they vet us and make things public for the public about us, so it makes sense that elected officials or anybody that files with them would pay certain fees. So, this is just helping with their bottom line and their budget. And then LB1074, revise unclaimed property statutes at the request of the treasurer. Ooh, did anybody else get an email from the treasurer telling you to tell your constituents about unclaimed property? So, hey, Nebraska, go to-- let me-- I was going to say, the email, but now I'm, like, oh, I don't want to say the wrong-- the website.

ARCH: Time, Senator.

M. CAVANAUGH: OK, I'll come back to that. Thank you, Mr. President.

ARCH: Members, the question before the body is the reconsideration motion. All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, please record.

CLERK: 5 ayes, 38 nays to reconsider, Mr. President.

ARCH: The reconsideration motion is not successful. I raise the call.

CLERK: Mr. President, Senator John Cavanaugh would move to recommit the bill with MO557.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I would yield my open to Senator Dungan.

ARCH: Senator Dungan, 9 minutes, 53.

DUNGAN: Thank you, Mr. President. Good evening again, colleagues. So, this is the motion to recommit to committee. I am obviously asking for a red vote on this, assuming that ultimately the amendment that we've been discussing here from Senator Ballard does not get adopted. As I indicated from my first time on the mic, I don't have an opposition to LB1075. LB1075, in its current iteration, has some things that I like, some things that I don't think are necessary, but at the end of the day, my read on that bill overall is that it is a clean-up bill and it's something that the Secretary of State has obviously been working towards, and there's other facets in there. So, speaking with our members of the Government Committee, my understanding is that the underlying bill came out relatively unanimously, I think, if not unanimously. And so, it's not the kind of thing that I think warrants a four-hour debate. My hope is that we can move forward here today, withdrawing some of these motions, withdrawing these amendments, and coming to a consensus that we could advance the bill as-is without the amendment as proposed by Senator Ballard, as I believe ultimately that is the issue that's causing the, the friction here. I understand there's other amendments that have been proposed to LB 1075. I think Senator Raybould had some amendments on there as well. I've had a chance to look through those, and I don't know whether those are friendly amendments or not, but I do plan on talking to Senator Sanders and Senator

Raybould about that, to see if we can find a way forward on some of those issues. But ultimately, you know, the reality of the situation, colleagues, is I just-- I don't think the time exists, assuming that these amendments and motions and everything all go on the board as they show up, which I believe they will on the, on the website, to get the Senator Ballard's amendment. And so, we can do one of two things. We can continue to have this debate and we can take this the entirety of the four hours, or there could be an agreement to withdraw that amendment with an understanding that we can continue to work hand-in-hand moving forward to address the concerns that have been raised by Senator Ballard and others with regards to the ETJs. As I said my first time on the mic, I want to be very clear about this. I understand the frustration of those that are in the ETJs. I've had a chance to speak with other colleagues in here who aren't Senator Ballard who currently live in ETJs, and I've a chance go through, now that I've had some time off the mic, and read some of the online comments that were proponents of Senator Ballards underlying bill, which I believe was that LB951 that originally had the hearing. And I, I just-- I, I think it's important to say that the frustrations that people are having are valid. But then, the question is, how do we address those frustrations? Are we able to come up with some consensus or some answer that doesn't leave us in a situation where we have a potentially problematic and certainly, I think, unconstitutional modification of who can or can't vote in city elections? To be very clear, the amendment that we're talking about affects Lincoln, but I believe LB951 in its original incarnation affected the other, other jurisdictions. And so, it's just for the purposes of this conversation, I think it's valid to have-- to talk broadly about whether or not people in an ETJ, that extraterritorial jurisdiction, should be able to vote in city elections. Just to kind of also rehash some of the negotiations that have happened, I want to thank Senator Ballard for being willing to come and have a conversation with myself and other members of this body out in the rotunda today. We also spoke previously about this bill, about potential avenues to move forward. And Senator Ballard is correct that there were conversations that had happened with regards to some other potential solutions. I know Senator Moser had asked me about other Senator-- potential solutions we could come to. My problem with the proposal contained in Senator Ballard's amendment is that it is extreme. It is extreme and unprecedented. It is an overreach for a problem that could require or would a much smaller and simpler solution. Originally, Senator Ballard did come and talk to me and some others about whether or not we

would be open to a proposal that would permit the city to get rid of ETJs entirely. I said that I could, you know, have a conversation about that and we could talk a little bit about what the implication of that would be. But that amendment would come with the sort of other half where it would say, if the city does not get rid of the ETJ, people who are in the ETJ can still vote in city elections. And so, that is still introducing the problem we have here, which is people voting in city elections when they're not citizens of the city, when they're not members of the City of Lincoln in this particular example. So, that was-- I, I think it doesn't address the underlying problem of creating that inherently undemocratic imbalance between electors, or voters, rather, that are outside of the limits versus inside the city limits; where one set of electors has the same voice as others, but certainly does not have the same impact of the decisions made by that city, whether it be sales tax or local property taxes, other various issues decided by the city council. I think that that gives that disproportionate balance, still. So then, there was a further conversation about whether or not there could be additional changes maybe made to the planning commission, because one of the issues that was expressed to me was, in the event that a zoning decision is being made by an ETJ that-- or, by the city, rather, that affects an ETJ, there's nobody to go to where you can say I, you know, have concerns about this and I feel unrepresented. My understanding is the Planning Commission in Lincoln-Lancaster County currently has one member appointed that is not a resident of Lincoln, but it is not explicit that that individual needs to be a member of an ETJ. There was at least a conversation, not locking anybody into anything, about whether or not it would be amenable to Senator Ballard to add another individual to that Planning Commission who is a member of an ETJ so that way there is some more representation in those conversations with regard to zoning and planning. Senator Ballard, I think, again, had that back-and-forth, but ultimately felt as though that didn't have enough teeth in order to achieve the goals that he wanted. So, there have been some back-and-forths here, and some proposals to potentially come to a compromise that doesn't totally upend the way that we handle city elections and doesn't total upend the way that the city of Lincoln in particular, with this amendment, is ultimately comprised with regards to voters. There are particular issues that we run into with regard to the city of Lincoln as opposed to other cities or towns or villages, and I want to highlight some of those real quick, too. So, so, Lincoln is a little bit different. Obviously, we are a city of the primary class, but we have a city charter. And that city

charter is something that we are, as the city of Lincoln, given the authority to implement with regards to our rules and our own sort of city constitution, to put it bluntly. I'm sure the attorneys would tell me it's not exactly that. And we're granted that authority by the state Constitution of Nebraska. Because we have that city charter, we are different than other cities and jurisdictions. And what I think one of my main concerns about this, outside of the larger, zoomed-out issues with regards to what is and what isn't inherently democratic or gives a disproportionate voice to some people over others, is the, the Lincoln City Charter, Article III, Section 2, specifically says, quote: "the qualifications of electors shall be the same as is required under the laws of the state, and they shall also have resided in the city three months, and in the election district 10 days." The portion in there that I emphasize with regards to residing in the city three months is inherently at odds with the proposal by Senator Ballard to allow individuals who are not inside the city limits to participate in city elections. The Supreme Court of Nebraska has been very clear that the purpose of a city charter is to provide autonomy and independence for that municipality that opts in to the city charter, that has the city charter-- in this circumstance, Lincoln-- in order to conduct themselves in the ways that they see fit, and not be essentially subservient to the state changes or state laws unless those state laws are an issue of state-- unless those laws are a matter of statewide concern. And so, by virtue of the way that this amendment is inherently narrowed to Lincoln, it seems to run afoul of the city charter. And so, there is just-- whether you agree with the underlying issue or not of the ETJs, and whether or not you think there is a broad or a narrow solution to the ETJ issue, there is a constitutional problem that puts this amendment that potentially is coming up on board down the line at a direct loggerhead with the Lincoln City Charter. The Supreme Court has specifically enumerated this in a couple of different cases. *Mollner v. City of Omaha*, which is an older case from 1959, specifically says, quote, the purpose of a home rule charter is to render the city as nearly independent as possible from state interference. That, then, kind of is explained in other cases. And in *State v. Albarenga*, they specifically talk about how a municipality has constitutionally-conferred powers to form a charter and enact ordinances, and the state law is superior law only as to matters of statewide concern. So, colleagues, we can have the larger debate about ways to remedy the, I think, legitimate concerns that those in the ETJs may feel, but this amendment is not it. It is a hammer, not a scalpel, and I would encourage your red vote--

ARCH: Time, Senator.

DUNGAN: --on the motion to recommit to committee. Thank you, Mr. President.

ARCH: Members, the Legislature will now stand at ease until 6:00 p.m. When we return, Senators Guereca, John Cavanaugh, and Prokop will be first in the queue.

[EASE]

SERGEANT AT ARMS: Attention Senators, the Legislature will resume in five minutes.

DORN: Colleagues, we're back in session from recess. Senator Guereca, you're the first one up in the queue, so you're recognized to speak.

GUERECA: Thank you, Mr. President. Man, I hate being the first one back from dinner. I'm having my tea to settle myself, folks coming in and out. But I-- you know, I want to rise in, in opposition to recommit to committee. I'm part of the Government Committee. I think we put together a good package. But I wanted to talk a little bit about sort of the reason we're here, the piece of legislation that's attempting to potentially hitch a ride, and that's the ETJ. Now, I'm going to be honest, folks: LD7, probably the furthest away of any of the Omaha districts away from an ETJ. I'm clear over in east Omaha, right on the border with Iowa. So, I was curious. And, you know, when we had the hearing, you had the usual lobbyists come, and the politico types, but there was a couple residents that came. And like a lot of my colleagues before me, they spoke about the, the concerns that they had as residents of ETJs; concerns that their voices weren't being heard, that they would be subject to regulations and, you know, mandates coming down from the city level, but that they wouldn't have a voice. So, I honestly came into that conversation with an inquisitive mind, and I asked questions. You know? Come to find out that a lot of these ETJs already have a voice in the planning committee. We know Lincoln does it, city of Omaha does it as well. So, I asked one of the residents. You know, they said, well, you know, I should be able to vote. Well, as a citizen of a city, we're serviced by our fire department, we're serviced by our municipal police departments, so it makes sense that we vote for representatives, for mayors, for bond measures that go to support those public

safety infrastructures, to support any water/sewer systems. So, I asked him, the gentleman who lived in an ETJ outside of Lincoln. I said, OK, so who do you receive services from, the Lincoln Fire Department? They didn't; they had a volunteer brigade. So then, I asked, well, are you on the water main? Well, no, we have our own pumps. So, while I certainly am sympathetic to these individuals that, again, are subject to the-- a lot of the zoning and housing regulations, I think the appropriate remedy is to make sure that they have a voice on the planning committee. And if they're feel like that's not enough, well then, certainly, let's, let's, let's come-- let's find a way to make sure that they have-- truly have representation on the planning committee. But by giving them that full vote, to be able to dictate bonds that go to support the public safety of myself and my constituents without having to pay into that bond, to elect representatives at the city council level and at the mayor level that affect public safety, that will affect myself and my constituents, I don't like that. I just don't. It, it-- you know, someone asked, well, what's the argument against this? Well, this really is representation without taxation, and that just sounds really un-American to me. But, colleagues, I'm not going to go as to what the motive is. But again, I, I, I am-- I have to object to allowing a whole group of folks that could potentially sway my residents' bills, the services my constituents receive without having to be subject to them-- to, to those same services, to be affected in the same way that my constituents are. And again, if we have to take steps to make sure that those folks living in the ETJs have-- make that their voice is, is lifted up, well, let's find that solution, colleagues. I'm willing to sit down. I'm sure several members of the Government Committee--

DORN: That's time, Senator. Thank you, Senator Guereca. Senator Prokop, you're recognized to speak. Excuse me. Excuse me. John Cavanaugh. Sorry.

J. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. After dinner, it's always fun in here. So, I think we're making a little progress here, and I-- so, I would yield my time to Senator Ballard, if he would like it.

DORN: Senator Ballard, you have 4:42.

BALLARD: Thank you, Mr. President. Thank you, Senator Cavanaugh. So, it is my intention to withdraw my ETJ amendment, but I just

want to take a couple minutes to talk about why I brought this. It's not to dilute votes, it's not to sway mayoral or city council elections. It is legitimately because I believe that this is taxation without representation. It is cities in-- cities across the state telling folks that, that have no power to, to vote for city council members or mayors on what they can do with their private property. Whether that's-- I think Senator Cavanaugh brought up the, the point of a chicken coop, or whether it's an, an addition to your home or a, or a remodel of your bathroom, the city that you have no power or say over can tell you what you can and cannot do with your private property. So, it's-- I have brought zoning bills. This is one of my frustrations. This-- actually, this is what got me interested in, in, in policy and politics was trying to build something in Lancaster County has been a, a very difficult process. And so, I decided to get involved in and run for the Legislature because of zoning and, and ordinances that have been over-burdensome, such as the ones we are discussing today. I talked to developers, housing, commercial developers, saying that this is a burden and we feel like we have no recourse or no say in the matter. So, I will continue to work with this. I have no problem working with the city of Lincoln, the city of Omaha, the cities across Nebraska on how we can make Nebraska the most homeowner-friendly and business-friendly environment possible. And I think homeowner-- or zoning and ordinances have a lot to do with that. So, I thank the colleagues for their patience in trying to get some-- something done for the thousands and thousands of people that have no say in their representative government, in what they can and can't do with their own private property. So, with that, I will- I-- it's my intention to withdraw my amendment, and I hope my colleagues withdraw their amendments so we can move on to other issues that are facing Nebraska. Thank you, Mr. President.

DORN: Thank you, Senator Ballard and Senator John Cavanaugh. Senator Jacobson, you're recognized to speak. And he waives. Senator Bosn, you're recognized to speak.

BOSN: Thank you, Mr. President. I would rise just briefly at this point, because I know we're moving things. But I, I also supported Senator Ballard's amendment. I think the efforts were genuine to try to address what is a real problem in my district as well, and that is when the city continues to grow, and properties that were originally not in the ETJ district get swallowed up into the ETJ district and area, and then large

projects come and restrictions come, and we're required to pay fees to make changes and modifications to our own home that wouldn't have been a problem when we built the home, but now, because the city has expanded, we have to go in. And myself, my neighbors, constituents in my district tell me stories about trying to comply with the zoning requirements, whether that's filing fees and inspection fees, and all of those headaches. And then, when there's problems, no one wants to listen. Because you know what? Your vote doesn't matter to them. And so, it seems as though-- sounds great, sounds like everybody here agrees there's a problem; it may be just that we don't agree on how to solve it. But I really do hope those who fought so hard against this amendment today are true to their word and actually do want to work on something in the coming interim and over the next session, because this problem isn't going away. And individuals who live in those areas are frustrated and feel like their voices are not being heard, and no one's fighting for them. And so, I want them to know, in my district in particular and in other areas around Lincoln and other cities, that we do care and we are trying to solve that very real problem. So, thank you, Mr. President.

DORN: Thank you, Senator Bosn. Senator Raybould, you're recognized to speak.

RAYBOULD: Thank you, Mr. President. You know, I, I believe Senator Dungan covered some of these things. But I do want to assure everyone that there is a very easy solution. I think Senator Dungan or even Senator Cavanaugh mentioned this. It, it can be handled administratively, and working with the, the city of Lincoln, particularly the mayor and the planning department, working with the Planning Commission to see if-- when, on the next appointment, they can probably make one other seat available for those people out in the rural areas, including the ETJ, to deal with this matter so they can feel that they are represented. One-- I want to talk about two issues. Sorry as I catch my breath. The first one is, I heard someone complain that, you know, there's a lot of rules and regulations that the city of Lincoln make-- makes, but they're enforced out in the communities, particularly when it comes to building. And I've heard that on numerous occasions from other locations throughout the state of Nebraska as we do construction and remodels, rehabs, and new store construction. The reality is, there are regulations that you have to pay your building permit fees, and you have to have the routine inspections from electrical,

plumbing, HVAC, et cetera. That's normal. Wherever you go, whatever community you're in, you should expect that. But people were saying-- and I've heard it from the development community, because I've been working with the development community for about 36 years. They're, like, all these regulations are so onerous and so burdensome, and they're really creating a problem and increasing our costs. But the reality is, it's not that. If they are honest with you, as any developer should attempt to be honest with you, the actual cost is-- has nothing to do with the regulations, or the permitting, or the permit process and the cost. It is the cost of the land, the cost of the lot. The second major cost is the cost of construction, the materials that are used, the supplies that you have to purchase. The third costly element in any type of development is your labor, "bose" with-- both with the general contractor and all your subcontractors. And the very last thing in terms of fees would be your permit fees and any other fees that you may have to pay for the construction. But that is way down on your list of things that you have to deal with with the planning department and building and inspectors. One thing I wanted to point out-- and I don't know if Senator Dungan had already mentioned this, but Lincoln is very unique, as Omaha is. But Lincoln has a home-rule charter, home-rule charter, what gives them express authority in the, in the Nebraska Constitution, and the Nebraska Supreme Court has reaffirmed this on numerous occasions. The purpose of a home-rule charter is to render the city as nearly independent as possible from state interference. So, if you'll recall, we "dealed" with an issue earlier this year when it came to the health department. Lincoln-Lancaster County Health Department is very unique because it was established before the state was officially recognized as the state of Nebraska, and had tremendous independence. And if you recall, they wanted to make further restrictions on the health department in determination of vaccinations, and in, in determination of dealing with any type of epidemiological incident, like a pandemic. So, they wanted restrict that, and we were able to pass a restriction that impacted the city of Lincoln only because-- and this is a requirement-- where a municipality has constitutionally-conferred powers to form a charter and enact ordinance, the state law is the superior law-- and here's the big catch-- only as to matters of statewide concern. The issue before us, if it-- if we all pass it, if everybody says we agree that Senator Ballard's amendment is the way to go, it is unlawful. It is unlawful because the only way a matter of this magnitude can impact Lincoln's city home charter is that it has to be a statewide. This is narrowly carving out the city of

Lincoln for this type of amendment. And I understand Senator Ballard is going to withdraw it because, number one, it wouldn't stand up in court, and I--

DORN: Time, Senator.

RAYBOULD: Thank--

DORN: Thank you, Senator Raybould. Senator Fredrickson, you're recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good evening, colleagues. Good evening, Nebraskans. I am grateful to my friend Senator Ballard for deciding to pull this pending amendment, and I will yield my time to Senator John Cavanaugh.

DORN: Senator John Cavanaugh, you're yielded 4:45.

J. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Fredrickson. Well, at this point, since we are starting to get movement here, and we want to get moving on this bill, I'm going to withdraw my motion to recommit so we can get on to voting on this amendment.

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

CLERK: Mr. President, Senator Dungan, I have M0559 with a note that you'd withdraw.

DORN: Without objection, so ordered.

CLERK: Senator-- Mr. President, Senator Machaela Cavanaugh, I have FA1167 with a note that you'd withdraw.

DORN: So ordered.

CLERK: Senator Ballard, I have AM3024 with a note that you'd withdraw.

DORN: So ordered.

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

DORN: Returning to the queue, Senator Moser, you're recognized to speak.

MOSER: Thank you, Mr. President. Good evening, colleagues. My comments are probably a little late for what's all developed here in the last 10, 15 minutes. But getting rid of the ability of the cities to control the zoning in their two-mile or three-mile jurisdiction would be a problem if we did away with that, because as those cities grow, they're going to annex those properties in over time. And if you have a lot of non-conforming properties in those areas, it would create a lot of headaches for the cities. So, the problem has kind of taken care of itself now, so. I'll yield the rest of my time. Thank you, Mr. President.

DORN: Thank you, Senator Moser. Senator Clements, you're recognized to speak. Senator Jacobson, you're recognized to speak. He waives. Mr. Clerk. Senator Sanders, you're recognized to close on AM3111. She waives. Colleagues, the question before the body is the adoption of AM3111. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 0 nays on adoption of the first division, Mr. President.

DORN: AM3111 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Sanders would move to amend with AM3110.

DORN: Senator Sanders, you're recognized to open.

SANDERS: Thank you, Mr. President. AM3110. This section of the amendment makes changes requested by the NADC to clean up modifications relating to on-- authorized addresses for certain campaign filings. This has to do with the PO boxes may be used and-- in lieu of physical addresses. Addresses must be used. Thank you, Mr. President.

DORN: Seeing no one in the queue, Senator Sanders, you're recognized to close, and Senator Sander-- Sanders waives. Colleagues, the question before the body is the adoption of AM3110. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 1 nay on adoption of the amendment, Mr. President.

DORN: AM3110 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Sanders would move to amend with AM3109.

DORN: Senator Sanders, you're recognized to open.

SANDERS: Thank you, Mr. President. This division clarifies how DAS will assemble local financial data from cities and counties, cleaning up provisions from Senator Hallstrom's LB969. Thank you, Mr. President.

DORN: Seeing no one else in the queue, Senator Sanders, you're recognized to close. Senator Sanders waives. Colleagues, the question before the body is the adoption of AM3109. All those affavor-- in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 0 nays on adoption of the amendment, Mr. President.

DORN: AM3109 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Raybould, I have AM2985 with a note that you'd withdraw.

RAYBOULD: The amendment is--

DORN: So ordered.

RAYBOULD: Wait!

CLERK: Mr. President, Senator Raybould would move to amend with AM3054.

DORN: Senator Raybould, you're recognized to open.

RAYBOULD: Thank you, Mr. President. I promise, colleagues, I will be brief. This is my very last amendment for this term. And I gave you a couple of handouts, and those are my last handouts. This amendment was voted out of Government, Military and Veterans Affairs Committee 8-0. There were no opponents that

testified. It was testimony in neutral from NADC, and as an additional request, we reached out to Mr. Wayne Bena with the Secretary of State's office, and he has no objections to this as well. What does AM3054 do? It is a simple bill to close a loophole in our campaign finance laws. This loophole was brought to my attention in the 2024 election cycle when television ads about ballot initiatives ran and were paid by candidate committees. Many people reached out to my office asking, how was that legal? Can a candidate spend money from their campaign committee to run an ad that doesn't make any reference to them, and is solely about a single issue that voters will see on their ballots? Or, if it references them, folks question, why is the candidate's name listed and how is this matter related to them? Are they a sponsor? Are they supporter? What does it mean? After reaching out to NADC, we learned that there is no clear prohibition on candidate committee paying for ballot-question advertising. The amendment is in no way intended to admonish the individuals who paid for those ads, not at all. They simply found the loophole in the law. If you're wondering, like I was, why wouldn't the ballot committee just run their own ads? They do it all the time. The only reason I could find for that is that there is a discounted rate for the candidates, making those dollars stretch farther. And on the handout, you can see that for TV ads only, that the discount can be as much as 30 percent to 50 percent. So, what kind of money are we talking about? I shared a handout that has the specific ballot committees from 2024, and candidate committees and the totals. Across all five candidate committees and two ballot questions, the total funds intermingled was \$6,865,341.25. If you roughly translate with the discount, that's about over \$2 million spent. Candidate committees should not be a pass-through for savings on ballot committee issues. It artificially inflates what candidates raise and spend for their own races, it puts at risk the discounted rates offered to candidate committees for advertising, and it is not in the spirit of campaign finance laws. So, I encourage your vote of support for AM3054. And I want to talk briefly about the fiscal note. There are three other legislative bills in this packet of LB1075; three of those bills, LB927, LB1002, and this one, LB1018, all required reprinting and updating brochures for \$2,000. So, with all those three combined and doing the updating to that, it should really only be \$2,000 between those three bills. Thank you, Mr. President, and I ask for everyone's yes vote.

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

KAUTH: Thank you, Mr. President. I rise in opposition to AM3054. This is one of those things that sounds reasonable on its face, and we-- when we throw around words like "transparency," it sounds great. However, when we look at it, we're looking at restricting the speech of candidates, restricting the speech of, of us here in this body to say, well, you're not allowed to. This is one of those things that we have so many things that we work on; we support ballot initiatives, and it would be great if we could use our campaign funds to help support those ballot initiatives. I know we have-- I believe it was Senator Dover's bill to have three terms. I know there are quite a few of us who are going to be interested in getting the word out about that constitutional amendment. So, there's a lot that we do in here that I think this will put restrictions on our freedom of speech regarding those. Federally, you-- they have no restrictions such as this, so I don't know why we would want to hamstring ourselves in any way different. So, I rise in opposition to AM3054, and in support of LB1075. Thank you, Mr. President

DORN: Thank you, Senator Kauth. Senator Riepe, you're recognized to speak.

RIEPE: Thank you, Mr. President. An expression that I've heard is that-- to never bite off more than you can chew. And I think this is a case of that, that this is far too serious, has far too much involvement, may or may not have had a hearing-- not that I'm aware of. But I think it's something that needs to be studied, and look at the ramifications of this thing. So, I too-- given the fact it's an amendment coming in on an existing bill, I will be in opposition. Thank you.

DORN: Thank you, Senator Riepe. Senator Raybould, you're recognized to speak.

RAYBOULD: Thank you, Mr. President. I'm, I'm sorry that maybe Senator Riepe didn't hear. It did have a hearing. It came out 8-0 from Government, Military Veterans' [SIC] Affairs. No one spoke in opposition. NADC spoke in neutral. We had Common Cause, Gavin Geis speak in support of this. Wayne Bena from the Secretary of State's office stated he has no objections to this at all. And I want to be clear, this bill also-- the language is very clear in the bill, stating that it's not intended to stifle anyone's free speech. And I'll just read you the, the last section. It says "this subdivision shall not prohibit a candidate or candidate committee from expressing a position or

opinion. In support of or in opposition to a ballot question or initiative or referendum petition." So, hopefully that should clear up any concerns about try-- an attempt to stifle anyone's right of the First Amendment and freedom of speech. And so, I do ask my colleagues' support for AM3054. Thank you again.

DORN: Thank you, Senator Raybould. Seeing no one else in the queue, Senator Raybould, you're recognized to close, and Senator Raybould waives. Colleagues, the question before the body is the adoption of AM3054. All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, record.

CLERK: 8 ayes, 24 nays on adoption of the amendment, Mr. President.

DORN: AM3054 is not adopted. Senator Guereca, for a motion.

GUERECA: Mr. President, I move LB1075 be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor, say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB1075A. There are no E&R amendments. I have nothing on the bill, Senator.

DORN: Senator Guereca, for a motion.

GUERECA: Mr. President, I move LB1075A be advanced to E&R for engrossing.

DORN: Senators, you've heard the motion. All those in favor, say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB889. There are no E&R amendments. Senator Kauth, I have FA529 with a note that you'd withdraw.

DORN: So ordered.

CLERK: In that case, Mr. President, Senator Quick would move to amend with AM3058.

DORN: Senator Quick, to open.

QUICK: Thank you, Mr. President, and good evening, colleagues. I want to thank Senator Clouse for working with me on AM3058, which is an-- which is essential language, essential language update for electrical licensing. Because of the way late renewal period currently starts and extends into the following year, it has left open a loophole where people can potentially allow their license to lapse without renewal. This led to electricians potentially doing electrical work without a license. This amendment would close that loophole, allowing electricians to renew their license within the same year, preventing them from working without a license during the late renewal process. AM3058 revises the license renewal period. The current dates for renewal run from October 15 through December 31, with a late renewal running from January 1 to March 30 of the following year. The amendment will change the renewal dates to October 1 through November, November 31, with late renewal running from December 1 through, through December 31. This will keep the licensing renewal and late renewal with-- all within the same year. Thank you for your attention, and I ask for your green vote on AM3058.

DORN: Senator Clouse, you're recognized to speak.

CLOUSE: Thank you, Mr. Speaker. Colleagues, I would encourage your green vote on this. We did talk about this last week, and it was kind of a late arrival, but it is germane because this is dealing with Section 60 of the statutes, and it's dealing with licensing, as my bill that we'll talk about in a minute. So, I would ask for your green vote on this amendment.

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

QUICK: Thank you, Mr. President. I just ask for your green vote on AM3058. Thank you.

DORN: Senators, the question before you is the approval-- or, the advancement of AM3058. 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.

DORN: LB3058 [SIC] is adopted. Senator Guereca, for a motion.

GUERECA: Mr. President, I move LB889 be advanced to E&R for engrossing.

DORN: Colleagues, the motion is for the advancement of LB889. All those in favor, say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, LB878, Select File. First of all, there are E&R amendments, Senator.

DORN: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB878 be adopted.

DORN: Colleagues, you heard the motion. All those in favor, say aye. Opposed, say nay. They are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Kauth would move to amend with FA518.

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

KAUTH: I'd like to withdraw and replace with AM2751.

DORN: Without objection, so ordered. Senator Kauth, you're recognized open on AM2751.

KAUTH: Thank you, Mr. President. So, AM2751 is the privacy portion of the Stand With Women Act, LB89 from 2025. We also tried it this year in LB730, and it is my priority bill. During debate last year, we had to remove the bathrooms, locker rooms, and state agencies from that bill, so that's why I'd like to keep trying it again. It's very, very important. There's a slight modification from LB730 to this amendment. LB730 basically said that men and women have separate bathrooms and locker rooms based on their sex, as well as state agencies have to address or treat men and women based on their biological sex. With this amendment, AM2751, I made a few modifications in conversations with several of my colleagues about how do you-- in a public space, how do make sure that publicly-accessible bathrooms are, are-- that people are doing what they're supposed to be doing. So, we've exempted out publicly-accessible bathrooms in public buildings, as well as if a school decides to open up their building for a public event, say you're having a

basketball game, those could also be exempted out. So, this will basically then require public schools, public post-secondary educational institutions, and state agencies to designate restrooms, locker rooms based on sex, prohibit use by the opposite sex as prescribed, requires each state agency to define an individual's sex as either male or female for purposes of rules and regulations, and the enforcement of administrative actions and adjudication of disputes. This is common sense. This is a common-sense measure that establishes the right to privacy in intimate spaces for both sexes, as has been the case for decades. When we discuss biology, there's no doubt. There are only two sexes, male and female. And if we truly believe in science, there are no other options. Female means an individual who naturally has, had, will have, or would have but for a congenital anomaly or intentional or unintentional disruption the reproductive system that at some point produces, transports, and utilizes eggs for fertilization. Female includes a woman and a girl. Male means an individual who naturally has, had, will have, or would have but for a genital anomaly or intentional or unintentional disruption the reproductive system that at some point produces, transports and utilizes sperm for fertilization. Male includes a man and a boy. What this body needs to determine: does the law still recognize biological sex as a meaningful and legitimate category, or can it be erased in favor of subjective identity claims? Belief does not trump biology. It is impossible to change your sex. Access to female bathrooms and locker rooms must be restricted to females. We need to have a compassionate approach to protecting everyone's privacy. Males and females are biologically different. Ignoring this truth harms real people. Our laws and policies should recognize and respect that males and females are biologically different. Respecting these biological differences is essential to ensuring the privacy, dignity, and safety of both sexes. Sex-specific showers, restrooms, and locker rooms are a common-sense solution to protect the bodily privacy and safety of all. We must show compassion to all children, particularly those experiencing the difficulties of gender-related distress. These children need our love and support, and we should ensure our laws and policies never harm them by denying biological reality. Women and girls have a right to single-sex spaces, such as bathrooms and locker rooms; they should never be forced into situations where they are undressed in front of men, or forced into viewing undressed men. Girls just starting to deal with periods will be uncomfortable, vulnerable, managing personal hygiene with boys around. The safety of women and girls is jeopardized when males are permitted into single-sex spaces like bathrooms and locker

rooms. Men and boys must also have the same certainty of a single-sex locker room or bathroom. The safety issue is not as distinct, but the right to privacy in intimate spaces must be upheld. It is far more likely that a woman will be assaulted than a man, which will be the primary focus of this discussion. Emotional safety is distinct from physical safety, but equally important. It may relate to religious needs, previous experiences, or expectations of a single-sex environment. When the law tells women that their discomfort, fear, and trauma must take a backseat to a man's identity claim, it sends a chilling message that women do not matter. There have been global conversations around this issue. The special rapporteur on violence against women and girls at the UN General Assembly, Reem Alsalem, these are her quotes. Sex is defined by the United Nations as the physical and biological characteristics that distinguishes males and females. The conflation of the category of sex with the category of gender identity hinders the protection of women and girls from violence perpetrated against them by men and boys. It increasingly enables men who consider that they have a female gender identity to claim access to female single-sex victim support services and spaces, as both service users and as service providers. This includes specialist single-sex provisions for women and girls who have been subject to violence, such as shelters and healthcare facilities. It also includes other services in which single-sex provision is crucial to the promotion of the physical safety, health, privacy, and dignity of women and girls. The presence of men in female single-sex spaces and services undermines the role of these services in protecting women and girls, and could make women and girls feel vulnerable to violent men who may claim a female gender identity. Single-sex provisions should include specialized services for women and girls subject to violence, such as rape support services, specialist health facilities, specialist police investigation facilities, and shelters for women and children fleeing domestic abuse or other violence. It should also include all other services within which single-sex divisions promote the physical safety, privacy, and dignity of women and girls. These include prisons, health services and hospital wards, substance abuse rehabilitation centers, accommodation for the homeless, toilets, showers, and changing rooms, and any other enclosed space where individuals reside or may be in a state of undress. Single-sex facilities designed to meet the needs of women and girls should be at least equal in availability and quality to those provided to men and boys. These facilities should not include men who claim to have female gender identities. When we blur the lines between men's and

women's spaces, women are at heightened risk of sexual violence, assault, and injury, because men, generally speaking, are stronger and more capable about overpowering women. The insistence on maintaining female-only spaces, along with safeguarding and risk-management protocols, arises from empirical evidence demonstrating that sex offenders tend to be male, and that they persist-- and the persistent sex offenders go to great lengths to gain access to those they wish to abuse. If anyone can identify as a woman or a girl, then sex is no longer a protected category and deserves no consideration in the formation of law and policy. The ACLU admitted as much in their January 13, 2026 oral arguments for *Little v. Hecox*, where they were unable to define sex for equal protection purposes. However, the biological reality of the female sex exists regardless of law or policy that pretends otherwise. The correct course of-- for any legislating body would be to acknowledge those biological differences to foster safety, fairness, dignity, and equal opportunity for public participation between the sexes. Segregating public bathrooms by sex has always been necessary to ensure women and girls full and equal participation in public life. Everyone, no matter their race, religion, or other identifying qualities, is either male or female. Therefore, no one is denied the opportunity to participate in public life by having bathrooms and changing rooms designated by sex. Separating these intimate spaces ensure privacy and fairness for men-- or, for girls and women apart from boys and men. Let's look at some of the predictable and avoidable outcomes of removing single-sex intimate spaces. In 2021, a male student who wore skirts to school raped a female student in the girl's bathroom, and sexually assaulted another girl in a classroom. In 2023, an 18-year-old male student walked naked into the shower where 14-year old freshman girls were present, announcing that he was trans. That was in Wisconsin. A registered sex offender and convicted pedophile who is male and identifies as trans exposed himself to women and girls in multiple high school and recreation center female locker rooms in Arlington and Fairfax, Virginia. He was first noticed in October of 2024, and reported to relevant staff and the school board, but nothing was done. He has since been criminally charged in Arlington, but not in Fairfax, and this happened in Virginia in 2025. A now-adult man who is trans-identifying entered a Denny's women's bathroom and sexually assaulted a 10-year-old girl when he was 17. Los Angeles, California. A male student who is trans-identifying viciously beat multiple female students and exposed the genitals to classmates in the female locker rooms. Riverside, California, April of 2023. Female high

school student testified at a school board meeting about lack of respect for girls' privacy and dignity due to actions of the violent transgender male. And I think the saddest thing is when, when these girls report this or complain about it and try to assert their rights, they're told they're the ones with the problem. Middle-school girls voiced concerns about a boy identifying as transgender who started using the girl's bathroom after he began, began identifying as a girl. Girls at Deerfield Middle School in Illinois were forced to change in front of a boy who was identifying as transgender in their locker room. The door was allegedly barricaded by administrators to prevent the girls from leaving--

DORN: Time, Senator.

KAUTH: --to protect the boy's feeling. Thank you, Mr. President.

DORN: Thank you, Senator Kauth. Senator Riepe, you're recognized to speak.

RIEPE: Thank you, Mr. President. I rise in opposition to the amendment. Today is our 56th day, as pointed out by the Speaker this morning, and we have a very full agenda. The vote of potty use in state buildings and schools has been heard, voted, and lost. We have decided we will not create a "Nebraska State Potty Patrol." This is fundamentally an overly-bureaucratic process. Much of the stuff that you've been heard in this amendment is happening in California or other locations. I would challenge anyone-- I personally haven't heard of anything in the state of Nebraska within-- I don't know how long. I want to also talk a little bit about use of locker rooms. My son is a volunteer junior-- or, coach at a junior varsity team in, in-- at his daughter's school, and he shares with me that they rarely use the showers anymore, and so that takes fundamentally the locker rooms off of the case. I also, in talking with my granddaughter who happens to be a senior, and she shared with me, and she said "papa," she says, "we don't worry about transgenders coming into our bathrooms." And if you will note, these bathrooms are already labeled as male and female, so that's not the issue; it's the enforcement of it. But she said we don't worry about transgenders, we don't worry about LGBTQ, we don't worry about any of that. In our high school, we worry about violence in the form of guns, and that's where we are at. We're burning time, I think, on this particular bill. I think it's been on trial. We've tested it. I think the general public is comfortable with

where we're at. I think we're wasting our time, and I hope that you'll join me in voting in opposition to this amendment. Thank you, Mr. President.

DORN: Thank you, Senator Riepe. Senator Guereca, you're recognized to speak.

GUERECA: Well, colleagues, here we are. The end of the short session, at a time we need to be getting to bills that'll directly affect the day-to-day lives of our constituents. Before you, you have LB878, which started off as a bill to ensure that all of our state employees had access to maternity leave. And what I find out was the last three groups that didn't have maternity leave were guards working in, in our Department of Corrections, the teachers inside the Department of Corrections and our YRTCs, and our State Patrol. Those are the last three groups that didn't get maternity leave. So, that's what LB878's about, folks: making sure that our State Troopers that are out keeping this state safe have access to a benefit that almost every other employee in the state of Nebraska has. And instead of very quickly passing this on, passing the bill, making sure those women get the right to bond with their child, we have games. Gamesmanship. I also wanted to make sure that if a state employee was going to adopt a child, they would have six weeks to bond with that kid. We have a lot of kids in this state that want a loving home, and I wanted to make sure if our state employees were willing to take on that burden, they would get time to bond their child. Our State Troopers sent a letter in support of this bill. When they were reached out about having this amendment attached to it, they asked the introducer not to. My LA reached out to them and asked if I could speak on the mic about the State Trooper Association. I would be comfortable with sharing that STAN does not support Kauth's AM2751 to LB878, as we believe it jeopardizes the successful passage of LB878. We fully support LB878 as it is crucial legislation that supports our troopers that are wanting to be parents and start a family, as well as significantly reduce the barriers for recruiting and retaining women in our workforce. The changes insinuated in LB878 are needed sooner rather than later as birthing leaves are a regular issue our current members face and our potential candidates discuss. Our biggest competition for qualified candidates, Omaha Police Department and Lincoln Police Department, both have paid paternal leave. LB878 is needed not only to address the issues our current troopers face, but also to level of the playing field when it comes to being able to

recruit the best female candidates who can choose to go to agencies that offer this benefit. It would be detrimental to troopers if LB878 fails to pass due to issues outside of the bill's original merit. Detrimental to the State Troopers. That's what this is about, colleagues. That's what this is about: supporting our State Troopers, and supporting our state employees that want to adopt kids. So, at a time when we could be helping kids and helping public safety, we're going to be taking up a bill that does not have the requisite votes to overcome a filibuster on its own. So, with that, point of order, Mr. Chair: germaneness.

DORN: Senator Guereca, you rised your-- raised your point of germaneness. Senator Kauth and Senator Guereca, would you both approach the Clerk's bench. It's the ruling of the chair that they are not germane.

CLERK: Mr. President, Senator Guereca, I have FA1057.

DORN: So ordered.

CLERK: Senator Guereca, I also have FA1106 and FA1107 with notes that you'd withdraw.

DORN: So ordered.

CLERK: In that case, Mr. President, Senator Guereca would move to amend with AM2980.

GUERECA: Thank you, Mr. President. So, AM2980 is a cleanup amendment that includes several language changes brought to me by DAS. So, what it does is it updates and unifies language to include permanent employee as the only ones that are eligible for this benefit. AM2980 also includes language that clarifies that in order to receive these benefits, the employee must be employed by the state of Nebraska for at least 12 months and have worked for the state for at least 1,250 hours in the last 12 months. This allows for this requirement to be waived by the agency head if there's unique circumstances. And AM2980 also clarifies that all state employees are eligible for the benefits included in this policy with regards to adoption. Again, that's the piece that we wanted to make sure that, you know, dads could also be able to adopt, and there was some confusion with some of that language change. So, with that, colleagues, there is--

there was an updated fiscal note. There is no fiscal impact, and I ask for your green votes. Thank you.

DORN: Thank you, Senator Guereca. Senator Kauth, you're recognized to speak.

KAUTH: Thank you, Mr. President. I spoke with DAS today, and they had some real serious concerns with AM2980. They felt that they had worked in good faith with Senator Guereca's office to figure out all of the, the portions of AM-- or, of LB878 as amended, and felt that this reverted back to the original language of the bill. So, they, they requested that we not put this one on, and keep it as LB878 as amended.

DORN: Mr. Clerk.

CLERK: Mr. President, Senator Kauth would move to amend with FA1185.

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

KAUTH: I think that was for-- hold on just a second. Got it. That was, that was to strike Section 1 in AM2980. Again, that's what the DAS was talking about, is that AM2980 reverts back to the original language of the bill, and would essentially double the amount of the fiscal note. They were very, very concerned because it, it no longer labels maternity as being for women, and it, it-- it's muddying the waters. So, they would prefer that AM2980 be, be struck and not be amended onto LB878. So this-- my amendment is to strike Section 1 of Senator Guereca's AM28-- AM2980, whatever that is. Thank you.

DORN: Thank you, Senator Kauth. Senator Guereca, you're recognized to speak.

GUERECA: Thank you, Mr. President. To be clear, the changes that were discussed by DAS and they brought forth-- again, they had concerns around the structure and administration, and those are the changes are reflected in AM2980. You know, the words, making sure that it includes permanent employee as who the person who was eligible for this benefit. And again, when we talked about making sure that the employee was there for 12 months, I know there were some concerns in the first round of debate that they didn't want people going in for one, you know, one week and then taking that benefit. So, making sure that folks are working for

at least 12 months before they're accessible, before they could access that benefit. And, and again, that, that number, the 1,250 hours in the last 12 months, that is language from DAS. And again-- and that requirement can be waived by the agency head for unique circumstances. And again, the change that also was included in there is that piece to make sure that these state employees could also adopt the AM878 [SIC] as it stands right now would not allow our state employees to take time off if they were to adopt a kid. I know that was incredibly important for a lot of members in this body, so we wanted to make sure that that change was in there. So, again, the, the, the concerns that DAS had is reflected; it does not revert back to the original copy of my bill. It is changes that they brought forth, again, talking about permanent employees, and then the actual time they have to be in their job before they would have access to that benefit. They-- we talked it through, those changes seemed fair, so. Again, with that, I ask for your green vote on AM2980.

DORN: Thank you, Senator Guereca. Seeing no one else in the queue, Senator Kauth, you're recognized to close on your FA1185.

KAUTH: So again, I think what we're looking at is we want LB878 as amended from our General File to go forward as it is without AM2980. My FA1185 would strike Section 1 from AM2980. I don't know then if AM2980 is dead, or if it just needs to die. So, I would vote yes on FA1185 and no on AM2980, and yes on LB878. Confusing enough for everyone? Green, red, green. There we go. Thank you.

DORN: Thank you, Senator Kauth. Colleagues, the question before the body is the adoption of FA1185. All those in favor, vote aye; all those opposed, vote nay. There's been a request for the call of the house, to place the house under call. The question is, shall the house go under call? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 31 aye, 1 nay to place the house under call.

DORN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Bostar, Senator Ballard, Senator Bosn, Senator von Gillern, Senator Armendariz, the house is under call. Please

return to the Chamber. All unexcused senators are present. There was a vote open. Senator Kauth, would you accept call-ins? Mr. Clerk.

CLERK: Senator DeKay voting yes. Senator Dover voting yes. Senator von Gillern voting no. Senator Bosn voting yes. Senator Ballard voting yes. Senator Armendariz voting no. Senator Conrad voting no. Senator Jacobson voting yes. Senator Hallstrom voting yes.

DORN: Record, Mr. Clerk.

CLERK: Senator-- vote is 25 ayes, 16 nays, Mr. President.

DORN: FA1185 is adopted. Mr. Clerk. Raise the call.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote just taken.

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

M. CAVANAUGH: Thank you, Mr. President. Per conversations on previous bills, I was present, not voting, so I can reconsider the vote, and I would yield my time to Senator Guereca.

GUERECA: Thank you.

DORN: Senator Guereca, yielding-- you're yielded 9:49.

GUERECA: Thank you, Mr. President. Colleagues, we need the, the language in AM2980 to go through. It has the changes from DAS that aligns with-- again, this is the DAS language that creates the structure that makes sure that folks can't just be working for the state government for a week. It's the restrictions of ensuring that they're permanent employees, that they've been working for the state for 12 months. A lot of the guardrails and structures that DAS needs for this policy to work are living in AM2980. FA1185 just completely strikes all of that. That language, the language for-- and structure from DAS does not exist in LB878 without that. The part that makes sure that our state employees can adopt lives in AM2980, and does not exist in LB878. LB878 as is cannot go into law, folks. So, again, I, I ask you, please vote, vote down FA1185, which strikes the entirety of AM2980. We need the structure that-- from DAS to make sure this law actually works. And if you want our state

employees to be able to adopt and get time to bond with their kids, we need AM2980. That structure has to go in for LB878 to be functional law. Thank you.

DORN: Thank you, Senator Guereca. Senator Rountree, you're recognized to speak.

ROUNTREE: Thank you so much, Mr. President. I just wanted to be clear, I'm not going to ask either one of the senators to yield to a question. But what I find very odd in this situation-- we're talking about DAS. DAS is talking to Senator Guereca about language that needs to go into the bill, and then DAS talks to Senator Kauth about language to go in to the bill. I find it very odd that we end up with two amendments on the board, both from DAS, and DAS is not talking, really, to the sponsor of the bill about this second amendment that comes with FA1185. Seems to be a tremendous disconnect. But I would think that in the interests of transparency, as we were talking about earlier, that if DAS was going to reach out for FA1185 and say, no, we need to strike what's in AM2980, talking to two different senators, DAS needs to really get together and put their direction out. So, I'm going to vote against FA1185 and support AM2980 and the underlying bill to go forth. Thank you so much, Mr. President.

DORN: Thank you, Senator Rountree. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. I, I just wanted to speak for a moment to give people time to continue speaking with Senator Guereca about his amendment and what it does. Looking at that up-and-down vote that we just took was instructive. You know, I think from the vote, it looks like there's a lot of you who get it, and a lot people who probably don't know what the amendment does, so I just wanted to speak a moment to give Senator Guereca some time to keep answering questions off the mic and talking to members who perhaps have questions about what his amendment does. I think-- you know, I, I don't want to hear any more criticism of progressives taking time. The majority of the time that has been taken today has not been from my side; it's putting these hyper-controversial amendments on bills that have consensus, that are important. And I, I really think it's one heck of a way to stand up for women by tanking paid family leave. I think you guys need to keep talking amongst yourselves so we can get this vote right. I thank Senator Cavanaugh for the

reconsider motion so we can have a little bit more time to speak to each other. I think it's-- I just think it is unfortunate that this is the way we're spending our time today. And not unfortunate like-- you know, sometimes you're mad. Sometimes, it's, you know, oh, I wish we were working on property taxes instead, or something, like, performative that you could say like that, that, that people listening at home might hear and go, yes, yes, that's exactly right. I think it's more sad that there's members of this body who hate trans people more than they care for the well-being of cops, of our law enforcement, of, of the people who serve in a public capacity in this state every day. I know that there is not a majority of support for Senator Kauth's underlying measure, nor the sentiment behind it. And I really admire Senator Guereca for sticking it out, for continuing to have conversations with our colleagues to make sure that people understand the necessity of what it is he's trying to do to try to fill in the gaps of people who need parental leave, who really ought to be eligible for it, but, but due to just kind of a policy mistake, they are not. I was in the committee that heard LB878. It was very heartening and inspiring to hear the positive testimony from law enforcement in Nebraska and to understand how much this bill is going to affect them and help them as they try to start their families, whether that's through, you know, birth or adoption, or whatever method it is that they'd like to grow their families. And as a Legislature, I think that that's what we should want for every Nebraskan, is that they have the capacity and support to grow the family that they want and deserve, to care for their family the way they know best, and for the government to get out of the way and allow them to do that. That's why I stand in support of AM2980 and LB878. I'm not often on the side of law enforcement, and it's not often that I look around the room and see a, a, a lot of real back-the-blue folks taking the opposite position. So, give that some thought as we, as we continue with the process today. Thank you, Mr. President.

DORN: Thank you, Senator Hunt. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. So, I am trying to piece through everything that's happening in real time, along with everyone else. My understanding is that there is some miscommunication, and that a solution is being found. So, we will take just a second. I've been told to keep taking a second. So, I do think it's really important. I've done several bills in

my time here on adoption; we put one of them onto Final Reading earlier today. And I don't, I don't think we can understate how important having that time to bond with an adopted child is, and how important adoption is as one of the options for our state. And so, what Senator Guereca is trying to do here, where he's trying to provide that paid leave for new parents when they adopt, as opposed to just when someone gives birth, is, I think, really an important recognition of-- especially if you have a newborn. I know when someone close to me, they became foster parents with literally 12 hours-- not even; it was probably like six hours' notice. And the children came to them in little dresses, no shoes, nothing, in the middle of winter. And obviously, it was really important at that time for the parents to be able to just even to outfit the children, to have time-- have that, that time with the children. And I was lucky that the mother in that situation was able to have that time, and, and the whole family brought everything that was needed to them. But, you know, just getting sorted like that. And then, you think about a child, especially if it's not an infant-- but I would think even an infant-- there is an adjustment period for that, that child who's now in a completely new situation with absolutely no reference point, and they're trying to adjust to that. Having some really strong bonding time with the parents is really, really important, and I think that we've recognized this in a lot of different areas. But to leave out corrections officials, to leave out-- I think it's State Troopers, and there was one other group of individuals. To leave them out of having that opportunity seems to me like something we should not doing, because that is so important. And, I mean, you think about someone who opens their heart, opens their family to adoption like that, and how important that is, and how important that is for that child. I mean, it's-- I will say, I'm about to be done here in a few days, and the, the single most important bill that I've ever passed may be the one where I updated our adoption statutes to modernize them and make them work. And I have been told that there are some children who have been adopted because of that, that update that never would have been adapted otherwise. And I think about that, and that makes all the late nights, all this kind of arguing, all of that worth it to me, because finding a child in need of a family, their family, building families that way, providing parents who want to be parents or just who have the loving heart to do it that ability to connect with their child and make a family is, to me, one of the most important things that, that we can do. And so, you know, having the ability to do that, I'm really grateful for, for that, and for all the support. We passed that bill with no

opposition. It's really great to be able to do those kinds of things for adoption. But recognizing that importance, I think it's really important to understand that those initial weeks of bonding for a child who maybe have come from a traumatic experience is really, really important. So, I support Senator Guereca's efforts here to extend this ability for bonding time to new parents, adoptive or, or natural birth, but for both kinds of parents to, to have that time to bond with a child. And I think it's extremely important that we get this right, and so that's why I'm standing up here. And hopefully, we will come to some kind of resolution. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. And good evening, for folks that are still joining us and hanging in there with us through these late nights. Negotiations are still happening, so jumping in the queue to be able to give some time to that. For folks who are watching and kind of wondering why we are talking and, and dragging on time is because there is some confusion about the AMs, and folks are coming to an agreement. A lot of our debate and discourse happens on the mic, as well as with a-- as well as off. People try to find a solution or a middle ground and try to figure it out. And so, that is the case right now, and I am hopeful that they will so we can move the underlying bill, LB878, forward. I, I do support paid leave, and I have talked about this previously. I was fortunate before I got into the body to work on expansion of policies that relate to this; are, are not paid leave, but really look at the supports for specifically new families. And so, I was able to help and support as an advocate outside of the body for Medicaid expansion for postpartum moms and babies. It went to a full year, which is super important when you think about the access to care and what does it mean, especially when we know that deaths for that mom and that infant happen in the first year-- having access to medical care is integral. And so, I am appreciative of the senators that were in the body at that time that passed that, and I think this is another juncture in that same type of conversation and the comprehensive approach where you're thinking about how can we, one, stay competitive as a state. We know that employees and folks that want to expand their families with people that are choosing to be pregnant and parent, and those are not mutually exclusive. So, parents that adopt or, again, have surrogates, whatever that looks like for

them, they need to be able to have the right type of benefits to support their families so they're not choosing between their career and their personal aspirations to expand their family, and this really allows for that to happen in that way for State Patrol folks. And so, I think that makes us competitive. We have heard on the mic before that it's really hard to attract talent specifically into those roles, so this is an opportunity for us to hopefully retain and attract a workforce for where there are gaps. And then, you also just think about-- and I think Senator DeBoer talked a lot about this-- just what is needed in a very vulnerable, intimate, precious time to be able to bond with a child in different ways. And let's remember, you cannot put your child into daycare before six weeks. And that is at six weeks or older, that is, if there's even a daycare spot available, and it's hard to leave a little pumpkin that young. And so, this allows time for bonding; if folks are navigating breastfeeding or lactation, they just want to spend time with their child. Like, all of those things are really important, and really should have power and choice for that family. And so, I appreciate Senator Guereca bringing the underlying bill of LB878 and working really hard with interested parties and other stakeholders to try to find a middle ground so we can have that type of benefit here in Nebraska. There are a lot of private employers that are adding it to their offering for employees, as well as we see that state employees, I believe, just negotiated that within their contract. And so, I know at my agency, we have 17 staff, now hiring two more, so we'll be at 19, and we do offer that for our staff. We off-- actually offer three months of paid FMLA. Which, in other, like, countries, it really should be a year. But here we are. We do three months, because, again, we try to recognize the importance, and so we've made that commitment to our staff; if you are expanding your family, this is a benefit that we want you to have because we understand the importance and makes us competitive, and it really aligns to our values as an organization. And so, I hope folks will be a green vote on the reconsider as things are being worked out. It sounds like it would be a no vote on FA1185, and then potentially a green vote on AM2980 if there is not a different solution. But we definitely need a green vote on your reconsider. So, thank you, Senator Machaela Cavanaugh, for ensuring that we had some time and space to make the best decision as we're trying to work on intentional and quality policy. Thank you, Mr. President.

DORN: Thank you, Senator Spivey. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good evening, colleagues. I rise in support of the underlying measure, the initial measure that my friend Senator Guereca has brought forward to try and strengthen and ensure parity when it comes to our family leave programs in Nebraska. I, I think that my understanding is, in most instances, the state provides for parental leave as employees welcome a new addition to their family through birth or adoption, but that there's I think three small groups of employees, public employees that don't have that same benefit that Senator Guereca is trying to ensure have that parity and equity across all state employees. I know that my friends Senator Kauth and Senator Guereca are working very hard right now to try and get a meeting of the minds in terms of some compromise and consensus language. They have asked a few of us to say a few words on the mic to help them have those conversations off the mic with the other relevant parties, and they are doing that, and I appreciate them doing hard and good work together in that regard. I, I guess beyond weighing in on some of the specifics of these amendments-- and the procedure is messy and confusing at this point. I, I just want to note that it's important that we value families, and public employees start a family or expand a family in a lot of different ways. And I think that we need to honor the fact that when people become parents, whether through adoption or through childbirth, that is an exciting thing. And each of us in here, most of us parents, some of us doting aunts and uncles, some of us grandparents, recognize that that is a special and important time for the family. And that, in addition to physical recovery and bonding, there's just also a need for the family to have some privacy and some space to acclimate as a family, to enjoy that special time that will never get back when they welcome a new family member to their home, through birth or adoption. And, and I think rather than being drawn into any sort of distracting or divisive battle, we should just figure out how to support families with starting a family or expanding their family. We've usually been able to find a lot of agreement across the political spectrum, even on challenging topics like reproductive rights, health and safety; when it comes to strengthening prenatal care; when it comes to expanding access to adoption supports. All of those kinds of things under the umbrella of reproductive justice have been areas we've been able to find a lot of common ground, and this should be no different. We can each have deeply-held beliefs on different aspects of these related policies, but I, I do think it's important that we put aside our difference to really honor public employees in an equal way and an equitable way to make sure all public employees

have an option and opportunity that are available to most to have a little extra leave, a little extra support when they choose to start a family or expand a family. So that's, I think, what's at the heart of Senator Guereca's measure. I think that they are working to try and figure out a way to accomplish that with the right language that would allow us to take a thoughtful approach to this issue without being drawn--

DORN: Time, Senator.

CONRAD: --into divisive battles. Thank you.

DORN: Thank you, Senator Conrad. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. I oppose the motion to reconsider. I oppose AM2980. This is-- the issue in my way I read it is, it's six weeks of paid maternity leave for female employees is what DAS was supporting, but this is going to also add fathers for paid maternity leave. And DAS agreed to add the moms, and the NAPE state employees have this coverage for female employees, for the mothers but not for the fathers. And so-- but there's currently no, no coverage for fathers for paid maternity leave, but this would add-- this group of people would get coverage for fathers. Then the next thing we're going to have is all the other state employees asking for that. And this is going to increase the fiscal note, and just saying that I believe there is a fix for this, if we would restrict this to female employees. I think female employees, if they have an adoption, I'm OK with including them. But we don't have very much margin in our budget, and I'd rather, you know-- I'm going to oppose something that's going to increase spending. And the-- if this comes-- gets in with fathers having paid maternity leave of six weeks-- we're talking about six weeks here-- it's going to be costing a lot, especially if all state employees ended up getting it in the next year or two because one group received it. So, I'm going to continue to oppose AM2980 unless an amendment comes to add-- to change it to just female employees. With that, I would yield the rest of my time to Senator Kauth. Senator Kauth. I yield my time to--

DORN: Senator Kauth, you're yielded 2:45.

KAUTH: Thank you, Mr. President. How much time do I have?

DORN: 2:40.

KAUTH: 2:40. OK, so just a little explainer about what's going on. And I appreciate Senator Clements always keeping an eye on the bottom line, the fiscal note. The, the amendment, AM2980, has added back in maternity as being for kind of everyone. And I have problems with saying maternity is for anyone but women, so I would like to have that specified out. One of the things we're looking at is if we change "maternity leave" to "parental leave," because Senator Guereca feels very strongly about the ability to have someone adopt a child to be able to get that, that leave. So, right now, we are-- you're seeing a lot of filibustering and talking, and I do appreciate everyone who's getting on the mic to keep this conversation going so that we can get some answers. We are working with our Fiscal Office, DAS, PRO, Policy Research Office to figure out what would that actually do to the budget? How much will it increase? How much will it expand those benefits? Again, this is, this is something that the State Patrol hadn't actually asked for; Senator Guereca had come up with this. So, even if we have to start out small, I think there's room to grow for next year. But we are still very actively working on negotiations and figuring out what is going to be the best way to move this forward, and with a very, very strong eye at our budget and making sure we don't go overboard, but also making sure that we can have people who give birth or people who-- possibly people who adopt have that six weeks with their kids. So right now, we are all in the middle of discussions, and I would like to point out: very, very friendly atmosphere right now. We're all working. A lot of confusion, but that's how things are on the floor of the Legislature a lot. Things move and change very, very quickly. Sometimes, you don't know how much you're going to be talking about something, so you have to get up and kind of wing it. But we are working collegially together to figure out the best way forward, and I think that is absolutely to be commended, and I appreciate everyone who is helping with this. Thank you, Mr. President.

DORN: Thank you, Senator Clements and Senator Kauth. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. I'm also pleased to see the collaboration that's going on in the room to try and arrive at a solution that is passable and, and amenable to everybody. Just as a matter-- hopefully this doesn't sound sarcastic, but it's also always better if that collaboration happens before we

get to the floor, and before we're in the middle of debate, and before we have to stall on a bill and have 15 people in the queue talk to try and work something out. So, whatever opportunities we have to do that before we get on the mic is, is all the better. My vote in no way is up for sale here. I'm just telling-- I'm giving notice. If this-- the reconciliation, the collaboration on this does not result in a, a-- an, an active intentional consideration for adoptive parents, then my vote is out. We have a long history of adoption in my family. My mom and her twin sister were adopted; my wife and I adopted twins. We have a grandchild that was given up for adoption. We've seen adoption from about every angle, and it's, it's a beautiful thing. And families that adopt are, are every bit as valid and deserving as families that have children in any other, any other way. So, adoption is-- it's-- it-- it's the hill that I will die on here, whether that's included or not included and properly compensated for. When I own-- when I had my construction business 15 years ago, I developed a maternity and a paternity policy because I knew it was important to our employees. As you might imagine, in the construction industry, we had far more male employees than we did female employees, and the, the benefit was not nearly as luxurious as it is for some larger corporations, but, but I thought it was important that we gave consideration to families, and gave them time to, to have that, you know, important bonding time together with their very young children, so. I'm not going to drag my comments out. I will yield the remainder of my time to Senator Guereca.

DORN: Senator Guereca, you're yielded 2:50.

GUERECA: Thank you, Mr. President. So, colleagues, let's-- just kind of a, a refresh of where we're at. I've been in discussions with Senator Kauth. We do have an amendment that has been worked out, and it strikes wherever it says "maternity leave" and inserts "parental leave." We've been in discussions with DAS, with the governor's office. What they want to look at is the number of adoptions, what that number looks like, and whether or not that it will have a big fiscal impact. So, if state employees-- how many state employees are adopting, and try to figure out what that number is. So hopefully, that's not a massive number. I honestly couldn't imagine that that many state employees are actually adopting kids. So, that's the number we're waiting on. Once we have that, if, if it's all good to go, we will reconsider the vote, Senator Kauth will withdraw FA1185, I will drop my FA that will include the agreed-upon language,

and then we move on. So, just kind of at this point, folks, just really waiting on, again, the governor's office and then DAS to see what that number looks like, how many state employees, on any given year, are adopting. And I know that's important to a lot of the members in this body, because there's a lot worthy kids in the state of Nebraska that, you know, want a home. And we want to make sure that if our, if our state employees are willing to step up to that task, that we give them a little support so they're able to bond with their kids. Actually, after the hearing, I had a staffer in this building who told me a story of how, when they adopted their child, they had hoped-- the, they wished they would have been able to have those six weeks to create that bond with their newly-adopted child. I know for a lot of folks that do adopt, that time is incredibly important. And again, we have a lot of worthy kids in this state. And if we have state employees that are willing to take that step and create a loving home, making sure that, that six weeks that they have, they're able to create that lifelong connection that we know goes a very long way to creating that stable base and creating that stable home for their kids. So--

DORN: Time, Senator.

GUERECA: Thank you.

DORN: Thank you, Senator Guereca and Senator von Gillern. Senator Jacobson, you're recognized to speak

JACOBSON: Thank you, Mr. President. I originally got in the queue to call the question, but of course I can't call the question, now because I said something. And there-- there's-- this place is a real stickler for that, I might add. So, so I'm going to talk a little bit because I think they still need some time. I would tell you that I remember when I was first appointed to the Legislature 4.5 years ago. One of the first bills that I supported and on the floor was Senator DeBoer's bill that she had just spoke about earlier that had to do with adoptions. And, as most of you know, both of our children are adopted. And, and I think also most of know that I'm a grandfather just recently. Yeah, hey. Yeah. And I will tell you that over the weekend, I was holding Dennis Michael, also known as "Trip" [PHONETIC], and he now smiles at you, even me. I mean, even me. So, it doesn't take much to please this kid. And so, it was a lot of fun. I, I will tell you, there's a lot similarities between, you know, the naturally-born kids into your family and

those that are adopted. The similarities are that they sleep a lot when they're babies, they fill their diapers and you get to-- and they eat a lot. OK? So eat, sleep, and, and, and poop. So, so that is one thing that's very consistent. I will tell you, the feeling is exactly the same. Those of you that are wondering what it's like to adopt, is that different? And the answer is no, it's absolutely not. When you hold that child in your arms for the first time, it's a very, very special feeling. Life is very precious. Children are a gift. And the fact that we can adopt and bring these kids into the, to the arms of parents who desperately want a child, there's no feeling like it. And what's really amazing are the mothers that give birth and choose to adopt. And I-- I'll never forget Mary's birth mother telling us I really felt that adoption was the only thing I should do, because I felt that every child needs a mother and a father, and I can't provide a father, so this is the right thing for me to do. And we've stayed in contact with her all through the years. She-- we've, we've really appreciated that relationship. And I can just tell you that, that children are very special, and they need to be protected. We need to do everything we can to take care of them. And for that reason, I-- I'm going to be supportive of this bill. I'm a little concerned about knowing what the fiscal note is, and I know they're still working through some pieces here. But, but I, I will tell you that I've also witnessed here, over the last two months, how much work it takes for a new mother to be able to take care of a new infant child. When you're looking at Mary and Denny and the tag-team that they do-- and Denny's come back to work, and I know my wife is spending significant time over there. I still say she's loving every minute of it, but she tells me, oh gosh, I-- this, this is really-- this take-- I, I do get a little bit tired. And it's like, no you don't. You, you know, you take one look at him, and you're glad you're here, so. If she could bring him over to our house, she probably would. But, but it's been an interesting adventure, and I can tell you that having gone through adoption twice, I can tell you that having Trip and spending time with him is like reliving the adoption of both our children, and it's a very special time. And I know Senator DeBoer is term-limited out; not-- she's not going back next year, but I do appreciate, Senator DeBoer, working with you on that original bill. I was brand new. I still remember being appointed one morning, and the next morning, I was casting votes on this floor, so. And, and my first vote was for your bill. So, it was-- that was quite a time. So, I think they're going with potentially an answer on what we're going to do here, and I hope we have the right answer. So, with that, I think there is

somebody behind me in the queue, so I'm going to get out. And I think we're going to have a vote here pretty soon. Thank you, Mr. President.

DORN: Thank you, Senator Jacobson. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. So, I think we're getting close. But I do want to outline a couple of reasons that maybe people don't think about how important a father having parental leave is. A lot of these are really sad cases, not all of them, but some of them are. Unfortunately, women still do die in childbirth. Imagine losing your spouse and having to take care of a brand new infant, maybe some other children as well. You need some, some leave for something like that. My sister had a C-section with her last child. She had two toddlers running around, and after you have a C-section, you can't lift anything more than 10 pounds. Both of her children were more than ten pounds. They were lucky to have family and some other things around to help with that, but she could not be left alone with the children because she couldn't lift the children who were themselves not able to get themselves to safety if something were-- a fire or something were to happen. Obviously, she would have scooped them up anyway, but you know, the point is that in the day-to-day activity, she's not even able to lift the children at that point. So, having some flexibility with a father in that kind of circumstance for parental leave would have been really helpful. Women experience all kinds of side-effects and complications from childbirth. We all know that, and we know that in those circumstances, there are situations where maybe the, the mother is in the hospital, or the mother is in some other way incapacitated. The father needs to be able to stay with the newborn and also care for the spouse. So, there might be a single man who adopts a child, and then he would need to have paternity leave or parental leave. When two men adopt a child, they would need have parental leave. There are a number of situations where the sort of 1960s idea that it could just be maternity leave and that would cover every situation doesn't work. Right? I mean, in the very rawest instance, if a mother dies giving birth to a child, that father needs to be at home with that child at least long enough to establish some sort of pattern with the child, to do the bonding. It's already hard enough. I mean, think about that. So, when we talk about paternity leave, this is not-- it is not limited to the circumstances where both a mother and a father are taking leave

and everybody's safe and healthy and happy. There are a lot of instances childbirth is one of the most dangerous times, still, in a woman's life. So, there are a lot of things that can happen still, in this day and age, and do happen in this day and age. And so, having that capacity to have paternity leave is really important. Parental leave is important for both parents. For, for a single parent, certainly; for a newly-single parent who is grieving, or for a woman after a c-section and having some support from her husband. So, I do think we should all think about those kinds of instances. Obviously, with respect to adoption, this is very important as well. But even if the parents are giving birth naturally, those instances exist where a father really needs to have some work ability to be home and, and helping with the children, and helping with the newborn, and helping with perhaps the spouse and the spouse's medical complications. So, these are things just to consider when we're talking about how important it is for fathers to have parental leave as well. Thank you, Mr. President.

DORN: Thank you, Senator DeBoer. Senator Guereca, you're recognized to speak.

GUERECA: OK, colleagues. We had a conversation with the governor's office, with Senator Kauth, myself, and some other folks. The, the amendment that is going to be dropped, again, will, will change-- will strike "maternity leave" wherever it appears, and insert "parental leave," and then it will cap adoption to be able to access that benefit, adopting a child 12 months and under. However, we talked to the Bill Drafters. They're going to need a little time to find-- make sure it harmonizes everywhere in statute. So, for the time being, we're going to pass over the bill, and then it'll come back up on the agenda tomorrow. Is that-- make sure I said that correctly for the Speaker. So, we're going to vote on the reconsider motion; we're going reconsider the vote. So, I ask yes for the-- on, on the reconsider. Senator Kauth will pull her FA1185, and then we'll pass over with the, with the new floor amendment tomorrow morning to then drop it. Speaker is nodding yes and has not shook his head no, so. That's what we're-- so colleagues, again, I ask for your green vote on the reconsider, reconsider. Senator Kauth will then drop her FA, and then tomorrow morning, we'll have a new floor amendment ready to go with the adoption cap at 12 months. Thank you.

DORN: Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized to close on your motion.

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

DORN: Senator Kauth, would you yield?

KAUTH: I will.

M. CAVANAUGH: I just wanted to clarify for everyone that you are in agreement with Senator Guereca that we're going to all vote for this reconsideration, then you're going pull it, and then we're going to come back tomorrow. Is that--

KAUTH: Yes. As much as it pains me to admit it, Senator Machaela Cavanaugh, we are going to vote yes on your reconsider.

M. CAVANAUGH: Thank you!

KAUTH: I-- maybe your first one this year.

M. CAVANAUGH: Oh my goodness. You heard it here, everybody.

KAUTH: So, if everyone is seeing Senator Guereca and I running back and forth, talking to a lot of people-- we probably talked to 50 people in the last 10 to 15 minutes. We are working on an amendment, as he said, that's going to clarify a lot things. So, we are going to reconsider the vote on FA1185. So, everyone vote green. And then, I will withdraw my floor amendment, and then we'll pass it over until we get our new amendment down. And then tomorrow, we'll take it up again.

M. CAVANAUGH: Great, thank you so much. I yield the remainder of my time.

DORN: Thank you, Senator Machaela Cavanaugh and Senator Kauth. Colleagues, the question before the body is the reconsider motion. All those in favor, vote aye; all those opposed, vote nay. Mr. Kirk-- Clerk, record.

CLERK: 44 ayes, 0 nays on the motion to reconsider, Mr. President.

DORN: The motion to reconsider is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Kauth, I have FA1185 with a note that you'd withdraw.

DORN: So ordered. Speaker Arch, for an announcement.

ARCH: Thank you, Mr. President. As we've discussed, please pass over LB878 and proceed to the next item on the agenda.

DORN: Mr. Clerk, next item.

CLERK: Mr. President, next item: legislative bill-- Select File, LB933. First of all, Senator, there are E&R amendments.

DORN: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the ER-- E&R amendments to LB933 be adopted.

DORN: Colleagues, you've heard the motion. All those in favor, say aye. Opposed, say nay. Motion-- they are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Kauth, I have FA592 with a note that you would withdraw and substitute for AM2855.

DORN: No objections, so ordered.

CLERK: In that case, Mr. President, Senator Kauth would move to amend with AM2855.

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

KAUTH: Thank you, Mr. President. And I'd like to ask Senator Storm if he would answer some questions about AM20-- I can't see it. AM2855.

DORN: Oh, Senator Storm, will you yield to a question?

STORM: Yep. Absolutely.

KAUTH: Senator Storm, could you explain this amendment for us, please?

STORM: Yes. Thank you, Mr. President, and good evening, colleagues. AM2855 is the same amendment I brought on General File before on this bill. As a reminder, this is a very

straightforward addition to ensure that true intent of LB933 is patient protection, and to ensure marijuana recommendations are for medical use only. The bedrock ethical principle of "first, do no harm" for medical practice is the foundation upon which this language rests, and what this amendment is about. Section 2 of the bill would read, in the health practitioner's professional judgment and based upon the preponderance of current scientific evidence. As marijuana use becomes more prevalent, the long-term impacts of marijuana use become known, new peer-reviewed scientific literature is published on a monthly basis. This simple addition of language ensures that practitioners writing a recommendation for medical marijuana are exercising their judgment, are using the most current scientific evidence. The standard for scientific evidence is the preponderance of current scientific evidence. Preponderance of evidence is the standard of proof in most civil cases requiring that a claim is more than likely than not to be true, or in a simple terms, greater than 50 percent likelihood. It means the evidence, when weighted, tips the scales in favor of one side, representing the greater weight of evidence rather than the amount. This is the standard of evidence used primarily in civil trials, including personal injury cases, breaches of contract lawsuits, and many administrative hearings. It is the foundational concept in common law, representing a lower, more accessible standard of proof compared to criminal laws, higher thresholds. This is a lower-- lowest standard of evidence, and should be the minimum standard that aligns with the existing language of LB933. That, that-- the potential benefits outweigh the potential harms on the basis of most current evidence. The evidence only needs to tip the scale slightly in, in their favor. This language is critical, as it gives clear direction to practitioners, and protects patient safety by ensuring the decision to provide a recommendation is made based on current scientific evidence, not outdated concepts or vibes. Second, by clearly outlining in statute the need for current evidence as a standard for clinical decision-making, it makes clear the use is for medical, not recreational use. I believe AM2855 is very simple, straightforward, and common-sense addition to LB933 to protect patients and ensure the standard of "first, do no harm" applies. I ask for a green vote on AM2855.

DORN: Thank you, Senator Storm and Senator Kauth. Turning to the queue, Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. Well, we're back on LB933. And for reference-- I might take more than five minutes, so I pushed my light again. So, for reference, where are we at? The voters passed a ballot initiative in 2024 by about 70 percent across the state. Much more than that in some of your districts, less than that in some others. But 71 percent of people in Nebraska wanted medical cannabis. And they voted for two specific ballot initiatives, one that created the patient protection act, which allows patients to possess up to five ounces of cannabis in any form with a doctor's recommendation. Then, they also adopted the cannabis regulation act, which created the cannabis commission, and the cannabis commission is set up to regulate the industry of growing, processing, and then selling at dispensaries of cannabis for medical purposes. The commission has no authority over patients or doctors. So, every-- well, 16 of the 17 states that are medical-only states have some version of LB933. And I brought LB933 because the ballot initiative legalized possession of cannabis with a doctor's recommendation; it, it did not explicitly create a protection for a doctor's license when they make that recommendation. So, LB933 is that additional protection for a doctor's license when they make a recommendation in compliance with the ballot language. So, this is LB933 as currently written, which-- so, this is what this is attempting to amend here. We amended it on General File to include some more language. Subject to the requirements of subsection (2) of this section, a health care practitioner may issue a written recommendation for medical cannabis. Such recommendation shall not be-- or, shall not be the basis of any civil or criminal penalty or disciplinary action, except in cases of malpractice or professional negligence as defined in section-- actually, I'm sorry. This is the amendment. This might be the amendment to the amendment. But-- yeah, this is the amendment. So-- but anyway-- well, I'll go back. So, we have-- here we go. A healthcare practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the Department of Health and Human Services or by any other occupational professional licensing board solely for providing a written recommendation, or for stating that in the healthcare practitioner's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the use of cannabis to treat or alleviate a patient's medical condition. Nothing in this section shall prohibit a healthcare practitioner from being subject to civil penalty or disciplinary action for failing to properly

evaluate the medical condition or patient, or otherwise violating the physical-- the physician-patient standard of care. So, this-- we have worked on this with groups, we have worked with the, the medical association, we have worked with patients. We have looked at all of the other states that have adopted this, and made the most restrictive version of this bill there is anywhere in the country. And I know there are folks who, last time we talked about this, said this was a blanket immunity or a bunch of other things that were misinterpretations of this bill. That is not true. And I actually handed out a letter from the trial lawyers, basically stating that they still believe they can sue under this. So, they will still have a cause of action under this, this bill as written. And so, it still allows folks access to the courts, it still allows people recourse to sue. It just says that purely for the act of writing the recommendation, that doctors can't lose their license and can't be sanctioned [MALFUNCTION] follow the law, they don't follow the standard of care, they don't follow malpractice, they, they, they are negligent, then they can still be held accountable, they can still be held civilly liable, they can have their professional license suspended or, or, or withdrawn. The problem with this amendment-- this is an amendment that was proposed on General File and was voted down. The problem with this amendment is that it diverges from the ballot language, so it inserts additional language into this section that is different than the language on-- in the ballot initiative. So, the, the protection that is being created in this section is--

DORN: Time, Senator. And you are next in the queue, so you're recognized to continue.

J. CAVANAUGH: Thank you, Mr. President. The protection as drafted in the-- in LB933 mirrors the ballot language. Which means it says if a doctor follows the law as passed by the voters, they will have this protection. What this amendment does is says if the doctor follows law and some other stuff, then they will have this protection. And the other stuff does make it unclear. It is unclear what a preponderance of the current-- based upon a preponderance of the current scientific evidence. I don't think anybody here could tell you what that means. Does that mean certain specific journals? Does it mean American journals? Does it mean journals around the world? Does it mean that it has to be published scientific evidence? Does it have to be scientific evidence that people here agree with? And is it

incumbent upon the doctor themselves to go and read all of them, and then add them up? And is it a preponderance of the number of journals? Is it a preponderance of the number of authors? Is it a preponderance of the number of cites to those journals? This-- it's very unclear what this exactly would mean and how it would be effectuated. So, the proponents would tell you this gives clarity. It does not. It creates uncertainty where we have certainty. And it is-- make no mistake, it is intended to undermine LB933. It is intended to make it so no one makes recommendations. The people who are proposing this amendment are the people who have continued to oppose medical cannabis at every step. So, LB933 and the amendment, my suggested amendment that we'll get to later, I hope, is a, a very reasonable step, a very small opportunity that will help patients get access to the medicine that voters voted for. That's it. It doesn't expand cannabis, it doesn't expand anything that the voters did. All it does is say, we want it to be medical cannabis. We want to ensure that, when someone gets a prescription for cannabis, that they get it from their doctor, that they have an opportunity to talk to a doctor in Nebraska. So, there are a lot of folks who have concerns about which doctors people are going to. The way we guarantee that someone can go to a Nebraska doctor is by passing LB933 without AM2855. So, I would encourage your red vote or a PNV on AM2855. If you support patients, if you support the voters, then you should be voting against AM2855. Thank you, Mr. President.

DORN: Thank you, Senator John Cavanaugh. Senator Jacobson, you're up next.

JACOBSON: Thank you, Mr. President. I'd like to see if I could ask a couple of questions of Senator Cavanaugh.

DORN: Senator John Cavanaugh, will you yield?

J. CAVANAUGH: Always.

JACOBSON: I will try not to make this as an "I gotcha," but I-- because I don't think I do. I truly would like to know your candid response.

J. CAVANAUGH: I'd be shocked if you did.

JACOBSON: You know, I, I, I miss serving with you on the, on the committees before, and so we have been somewhat separated here this last couple years. But I, I, I guess my question for you is, in the ballot initiative, is there anything in the ballot initiative that the Legislature's in the way of that hasn't been-- already become law? Like, for example, being able to have possession of up to five grams of marijuana. Is that allowed, with a recommendation?

J. CAVANAUGH: It's five ounces, but yeah, that's--

JACOBSON: Oh, five ounces, yes.

J. CAVANAUGH: --that, that is already the law of the land.

JACOBSON: And you can, you can have it in your possession today as long as you have a recommendation, not a prescription, a recommendation from a licensed medical practitioner. Is that correct?

J. CAVANAUGH: That is correct.

JACOBSON: OK. So, that's already in statute, the Legislature didn't have to do anything. What else is in the ballot initiative that, that I-- because I'm getting pushback from people, saying "you're not following the vote of the people." I believe we have. OK? I believe that everything that the-- that's in the ballot initiative is the law of the state today. Would-- is that correct, in your mind?

J. CAVANAUGH: Everything that is in the ballot initiative is the law of the land today, correct.

JACOBSON: Thank you. Now, I will tell you that, as it relates to your bill, I know a lot of people are saying, well, unless you pass this bill, it's not going to-- we're not going to have it available. And I'm thinking, well, then why wasn't it in the-- why wasn't it in your initiative if that was the case? Because I don't know why we have to do anything in the Legislature. We had a bill last year that went well beyond the ballot, ballot initiative, which, I guess if we're supposed to honor the vote of the people, we should have voted it down because it was doing more. And so, those in my district-- I've got five counties; four of the five counties did not vote for medical marijuana. One county, Lincoln County, did, by about a vote of just over 60

percent. So, if I'm going to honor the voter the people and, and four of the counties, they didn't vote, the majority, to have medical marijuana, then why would I vote for something expanded beyond what was in the ballot initiative if a lot of my constituents, nearly 50 percent of my constituents, were opposed to it? So, that's what I'm-- want to get on the record. I'm using, using you a little bit to kind of help me-- help support me in this a little bit. I, I, generally speaking, do not want to see physicians, in this case, held liable for mistakes that they make. The real challenge with marijuana is there's-- it's the-- and I think the reason we're talking recommendations rather than prescriptions, because dosages-- when you look at the strength of the marijuana, when you look at all these other things, it's not like any medication; it's, it's kind of unique to itself. And that's what makes this very slippery in terms of why we would be voting to provide some level of protection. And so, I know you're telling me it's not immunity, but, but basically, the protection, as I understand it, is if a doctor or a medical practitioner gives a recommendation and someone gets deathly sick, that they can't be sued for that. Is that basically what this would do?

J. CAVANAUGH: No.

JACOBSON: What would it do?

J. CAVANAUGH: So, it would be that you can't be sued just for the act of writing the recommendation. If they do it and they gave it to somebody who shouldn't have had it or they recommended a different dosage and they got sick, then yes, they could still be held liable for that. It's just the-- simply that the immunity protection is for the act of writing the recommendation and advising the patient.

JACOBSON: Has anybody been sued that you know of? Any doctors been sued? Is it because they've not made any recommendations, or are they-- are, are--

J. CAVANAUGH: In Nebraska, no one has made a recommendation.

JACOBSON: No doctor. Nobody has.

J. CAVANAUGH: No-- I've-- if somebody could find a doctor who's made a recommendation in Nebraska, I'd like to hear it.

JACOBSON: OK. All right. Well, I'm just trying to figure out why they feel like they have that risk if, if the bill-- if the initiative passed and it said that they wouldn't be, why do we need to do more?

DORN: Time, Senator.

JACOBSON: Thank you.

DORN: Thank you, Senator Jacobson and Senator John Cavanaugh. Senator Storm, you're recognized to speak.

STORM: Thank you, Mr. President. Yeah, preponderance of evidence is used all the time in legal cases. Any kind of civil case, they use that all the time. So, when it's said that this isn't used, it's, it's used all the time. And, and LB933 basically takes-- gives doctors blanket immunity. They could recommend marijuana all the time for anything and, and not be held liable if something goes wrong. And they don't have-- no doctor's afforded that with any other medicine. So, if we're-- marijuana is medicine, then they should treat it like medicine in how they recommend that. And if they recommend it to somebody that shouldn't be having that, and there's some adverse effects, they should be held liable. That's just the standard of care throughout medicine. That's what my amendment does, is we're, we're treating this just like any other medicine. And so, if, if you're a doctor in Nebraska, and, and you want to recommend marijuana, and, and you think you, you can do that, and you have a viable patient that could, that could send-- see some benefit of that, then go ahead and write a recommendation. And-- but do your homework and make sure that that patient isn't going to be susceptible to something, an adverse reaction or something can happen, and you, you could be able to do that. Doctors are scared to write-- they're scared to write recommendations for this because marijuana is a Schedule I drug. And until that gets reclassified to Schedule III, that's going to be a little bit of a dicey situation for doctors. But in, in the, in the meanwhile, we need to make sure we protect patients. Patients have to be protected. We're not here just to protect doctors, we're here and I'm here to protect patients. That's what this is all about for me. So, I think we need to make that very clear. And, and that's what my amendment does. It protects patients; it, it elevates the standard of care for medical marijuana, and that doctors can be held liable if they recommend something to someone that should not have that medicine, just like they would

for opioids. We had the opioid, opioid epidemic where doctors had blanket immunity, basically recommended whatever opioids they could, and look what happened. So, we're trying to avoid that. So, now that we have-- the law of the land is that we had medical marijuana in, in the state of Nebraska, we're here to regulate it like it is medicine and that's what I'm trying to do with this amendment. Thank you.

DORN: Thank you, Senator Storm. Senator Hansen, you're recognized to speak.

HANSEN: Thank you Mr. President. I just want to touch on a couple things. Would Senator Storm yield to a question?

DORN: Senator Storm, will you yield?

STORM: Absolutely.

HANSEN: Good. I want to clarify what you mentioned earlier. You think with maybe this amendment that would give medical doctors full immunity. You said full immunity with the, with the recommendation of medical cannabis with this bill.

STORM: This amendment does not give them full immunity. This-- I said LB933 says that they don't have-- that they have immunity. That's what LB933 does, so. And I know it says that they can be charged with malpractice, but I don't know of any doctor that I have found that's been sued for malpractice in the United States for recommending marijuana. There hasn't been one.

HANSEN: Yeah. Yeah, none have recommended it yet, so that makes sense. But you were mentioning earlier that your, your concern with this bill is that it-- it's [INAUDIBLE] I've heard blanket immunity, I've heard full immunity. So, that's the concern that you have with this bill, that it would provide full immunity?

STORM: Yeah, I think there needs to be some patient protection.

HANSEN: OK. All right. Thank you. Colleagues, I want to read a letter that was handed out to everybody from the, from the legislative chair of the Nebraska Association of Trial Attorneys. So again, if you don't believe me, if you don't believe Senator Cavanaugh, this is more kind of an outside council of people who know what they're talking about. It was handed to everybody here. I have reviewed LB933 and AM2602. The

bill allows for a cause of action for medical malpractice if the prescribing physician fails to meet the standard of care in Nebraska Revised Statutes Section 44-2810, and Nebraska Hospital Medical Liability Act broadly. In addition, Section 2(a) of the amendment sets forth specific baseline considerations for the prescription of medical cannabis-- recommendation of medical cannabis, adding an extra layer of patient protection consistent with the Nebraska statutory guidance for the prescription of opiates. So, again, if you don't want to take my word for it, or Senator Cavanaugh's, we have the president-elect and legislative chair of the Nebraska Association of Trial Attorneys agreeing with that this obviously does not provide blanket immunity or full immunity, and I'm assuming trial attorneys know what they're talking about when it comes to this. Some people might disagree with me. But again, different opinion besides maybe what we're trying to convey here. They do believe that this does provide the ability for somebody, or for these prescribing physicians do be-- to be held liable. And with maybe what Senator Storm said about the preponderance of evidence, it is used in court, but doesn't mean we have to have it in statute. Again, like I mentioned before, I think this can create more harm, more unintended consequences down the road. And I do have to disagree with Senator Cav-- John Cavanaugh. This does not help people in the state of Nebraska get medical cannabis. In my opinion, this bill really only helps those prescribing physicians from not being sued for just writing on a piece of paper with a recommendation. Now, if they do it the wrong way, or if they do it irresponsibly, yeah, they're going to get sued, and they should, just like they would prescribe anything else. If you knowingly have a pregnant female who comes to you with an issue and you prescribe something that could terminate that pregnancy or cause fetal defects, yeah, they're going to get sued. And even probably before they get sued, they're probably going to have their license lost by the American Medical Association, or the Nebraska Medical Association. So, those are all still in place. This bill just says you can't be sued for writing a recommendation on a piece of paper for a patient. The, the physician, the prescribing physician still has the ability to say, no, I don't want to do that; I don't believe in it; I'm against medical cannabis; I'm not going to prescribe it; go find somebody else. And that very well could be the case for every physician in the state of Nebraska. That's a realism I think we have to kind of, you know, understand. And that might be the culture we have, and that's fine. But all we're saying here with this bill is that, hey, you mean-- you-- we're giving you the ability to do your job. And I think the Medical Cannabis

Commission, this is something that they cannot do, and this is an action that we have to do. So, just wanted to convey that to, to everybody here that this is not full immunity by any means or stretch of the imagination. Thank you, Mr. President.

DORN: Thank you, Senator Storm and Senator Hansen. Senator Storer, you're recognized to speak. Excuse-- hold it. Mr. Clerk.

JACOBSON: Mr. President, Senator Hardin would move to amend with FA1187.

DORN: Senator Hardin, you're recognized to open.

HARDIN: Thank you, Mr. President. This amendment proposes two additions to the bill. The first establishes a clear gate for who receives legal protection. To qualify, a practitioner must meet two conditions: they must hold a valid Nebraska medical license, and they must be in full compliance with Nebraska's cannabis laws and all rules established under them. Meet both conditions, and you're protected; fail either one, and you're not. The second addition creates a two-tiered protection for how practitioners communicate with patients. A written recommendation must follow Nebraska's regulatory requirements precisely. However, a practitioner's honest statement of professional judgment, their clinical opinion that cannabis may help a patient, is protected simply because it is genuine medical judgment with no additional requirements attached. The formal document must follow the rules to the letter, but a doctor's honest opinion to their patient stands on its own. Both additions are fair, clear, and strengthen accountability in this bill. And that's why I ask my colleagues to support this amendment. In a nutshell, this deals with, shall we say, the "who" portion: who can prescribe this? It needs to be a Nebraska-licensed doctor because frankly, from a legal and regulatory standpoint, Nebraska has no legal or regulatory authority over a doctor from somewhere that's not Nebraska. It needs to be a Nebraska doctor. Thank you, Mr. President.

DORN: Thank you, Senator Hardin. Senator Storer, you're recognized to speak.

STORER: Thank you, Mr. President. It's all right, Tony. You won't get in my way. I stand in support of FA1187 and AM2855. And just want to, as I-- I was unable to-- I attended the funeral of one of the-- of the mother of one of my classmate--

of my husband's classmate who had lost her life in the fires, and that precluded me from being here the last time this was debated. But I did listen to it on the radio on the, on the drive that day, and it generated all kinds of comments that I wished I could have been here to make. But as I have listened to even the conversation this evening, I'm, I'm still kind of blown away, actually, that we're seeing all of this nervousness and pushback over adding very simple language, "preponderance of scientific evidence," into a statute that gives immunity to doctors for prescribing medical marijuana. And so, I mean, let-- preponderance of scientific evidence. We're talking about medicine, I think, and the medical profession. And so, this should seem like a no-brainer. This should seem very simple. This should-- I don't, don't quite understand all the pushback over including preponderance of scientific evidence. So, regarding-- I did look up the statute regarding the letter that was passed out by the trial attorneys, referencing statute 48-2810 [SIC]. And I will-- it's pretty brief-- malpractice or professional negligence shall mean that in rendering professional services, a health care provider has failed to use ordinary and reasonable care, skill, knowledge ordinarily possessed and used under like circumstances by members of his profession engaged in a similar practice in his or her similar localities. Determining what constitutes reasonable and ordinary care, skill, diligence in the part of the health care provider in a particular community, the test shall be that which health care providers in the same community or similar communities, and engaged in the same or similar lines of work would ordinarily exercise or devote to the benefit of their patients under like circumstances. Here's the challenge to that: we don't currently have a recognized standard of care for recommending, recommending medical cannabis in Nebraska. This is brand new. So, that's good to reference this. I appreciate the trial attorneys saying, oh, no, no, it's, it's OK; there's still a provision for which doctors could be sued. But when you actually read the statute within the medical community, there-- what community of similar practices of recommending medical cannabis are we going to compare that to, in addition to the fact that there is no current standard of care? So, what Senator Storm's amendment is trying to do is just put some really, really basic provisions to base that those recommendations be based on the preponderance of scientific evidence. We're not rewriting the entire statute here. I do have one really quick question, because I guess maybe it's not what I thought. If Senator Cavanaugh would yield to a, a brief question?

DORN: Senator John Cavanaugh, will you yield?

J. CAVANAUGH: Yes.

STORER: Thank you, Senator Cavanaugh. You had mentioned in your comments about dosage, and it's my understanding that medical cannabis cannot be prescribed in a specific dosage. Is that true? And not a lengthy answer, just yes or no. Can it be prescribed in dosage?

J. CAVANAUGH: It can't be prescribed at all. It's recommended.

STORER: OK. So-- and it can be recommended in a dosage, a specific dosage?

J. CAVANAUGH: A doctor could recommend what the appropriate amount is for someone to take.

STORER: And that would be in the form of what? How would-- what-- just as an example, what potential dosage would there be? Just--

J. CAVANAUGH: A doctor could recommend somebody take one five-milligram dosage a day for whatever their ailment is.

STORER: And so, it is possible for someone to go obtain medical marijuana in a very specific dosage and be guaranteed it's in that very specific amount?

J. CAVANAUGH: In places that have a functioning system.

STORER: And--

DORN: Time. Time, Senators. Thank you, Senator Storer and Senator John Cavanaugh. Senator Andersen, you're recognized to speak.

ANDERSEN: Thank you, Mr. President. One of the things I want to discuss briefly is all the senators get hit up in the email saying that you're, you're, you're not adhering to the will of the people, and you're not doing what the will the people said. And 71 percent of the people said to do, you know, give us med-- give us marijuana, give us medical marijuana. So, I just really want to review the two different relevant ballot initiatives. 437 says the object of this petition is to enact a statute that

makes penalties inapplicable under state and local law for the use, possession, acquisition of limited quantities of cannabis for medical purposes by a qualified patient with a written recommendation from a health care practitioner and for a caregiver, and assist a qualified patients in these activities. OK, that's 437. 438 was the one that accompanied it, said the object of this petition is to enact a statute that makes penalties inapplicable under state law for possession, manufacturing, distribution, and delivery and dispensing of cannabis for the medical purposes by registered private entities, and establish a Nebraska Medical Cannabis Commission to regulate such activities. So, having just read-- this is what the people voted on. This is the will of the people; very specifically what they asked us to do. And nowhere in either two ballot initiatives do I see anything saying that the Legislature shall give immunity to doctors for providing recommendations for medical marijuana, nor does it say that doctors shall be forced to prescribe or recommend medical marijuana, nor does articulate what medical marijuana is actually recommended for. Now, let's look at what the Legislature did do. We did establish the medical marijuana commission as it was in 438. We did confirm-- interview and confirm commissioners to be-- for appointment to the commission that were identified by the governor as part of the task of creating the Medical Cannabis Commission. And then, even this year, we expanded even further with LB1235, which does allow the administrative functions to include the fees and how to collect, and everything else to provide the administrative support for the medical marijuana commission. So, when, when people say-- and they're subjected to the misinformation or disinformation they get in social media or in the news media, news outlets, that we're not adhering to the, the spirit and the intent of the law, and that we're not listening and enacting what the will of the people is, it's just not right. It's, it's a bunch of bunk. We did exactly what they asked us to do, and even what LB933 is asking us to do, what Senator Cavanaugh wants us to do, is not what was outlined in either of the two ballot initiatives that the people signed up for. So, we have done what the people asked for. There's a reason why doctors are not recommending it: it's not approved by the, the, by the FDA. There are no true things that it will actually fix, or ailments, or anything else. It's still a category one-- Schedule I drug. And until that changes, the research won't be done that will allow the medical specialists to do the research and figure out exactly how what portions of it are applicable, and how to actually apply it. Thank you, Mr. President.

DORN: Thank you, Senator Andersen. Senator, Senator Sorrentino, you're recognized to speak.

SORRENTINO: Thank you, Mr. President. I do rise in support of Senator Storm's AM2855. The letter specifically from the Nebraska Association of Trial Attorneys caught my attention for a couple of reasons. It brings into play the Hospital-Medical Liability Act, it says broadly. I'm very, very familiar with that act. I actually teach that course at Creighton's law school. So, I'd like to pontificate on that just for a moment. I'm surprised that was brought up. That act actually works in favor of trial attorneys, and the fact that now they have an amount that they can pursue. It's actually \$2.25 million. But \$800,000, the first \$800,000 of that comes from the doctor's private malpractice insurance, which is, by the way, extremely expensive. The next \$1.45 million comes from the excess fund, and that excess fund is funded by those doctors. It's the amount they pay for their underlying \$800,000 times the percentage with changes every year, and that's how we have that fund. So, we've created a \$2.25 million fund that could be pursued by somebody who was, for, for lack of a better word, damaged by an incorrect referral under the medical marijuana laws. As we all know, tort law allows for damages due to negligence based on a particular standard of care, and we've talked about different standard of cares, but up to this point we haven't really talked about the damages and what, and what would go on. Senator Storm's bill simply wants those doctors to be held liable for a negligent recommendation. My question is, why would trial attorneys, you know, want doctors to have immunity from most-- not all, but most lawsuits so that there are fewer lawsuits? Now, we didn't get to a bill this session, aptly named LB1100. It didn't get to the floor for schedule on the agenda, but that dealt with tort reform. And for many months, almost a year, we went back and forth with the trial attorneys who were very concerned that we were restricting lawsuits for damages in, in auto accidents based on tort law. And now, we see a complete change of mind; they're saying no, these doctors should enjoy immunity when, in fact, the very people that they would be representing as plaintiffs could enjoy the fruits of the-- both the \$800,000 policy for malpractice and the \$1.45 million excess fund. I just-- I think that's really interesting. And for that reason alone and others, I do support Senator Storm's AM2855. Thank you, Mr. President.

DORN: Thank you, Senator Sorrentino. Senator Storm, you're recognized to speak.

STORM: Thank you, Mr. President. Yeah, I need to clarify a few things here I've heard. So, you know, doctors cannot prescribe marijuana, they recommend it. I've heard some people talk about prescriptions. So, when you recommend something, you're saying-- yeah, somebody walk in there to his office, or he'd meet with them and he'd say-- this person would say, hey, I have a backache, or I have this or I have that, and he would say, well, yeah, maybe you're a good candidate for marijuana, here's a recommendation. You go off to the local dispensary, and you, you hand it to the local person standing at the counter; it's not going to be a doctor, and they're going to try to sell them their products. That's how it would work. And, you know, when you recommend something, it's, it's-- there's no dosage amount, there's no frequency amount. It's just a piece of paper saying go get marijuana and figure it out. And what could go wrong with that, right? So, I do think, you know, there'd be maybe a place where, if someone was in extreme pain at the end of their life, and their looking to dull their senses, they could use marijuana. A doctor could recommend that, and, and it'd probably be OK in that circumstance. But a doctor needs to truly understand who they're recommending marijuana to, what their conditions are, how they're going to use that, and, and that-- that's how any doctor would treat any medicine. And we truly have to make sure we're protecting the patients in this state, and that's what this is about. So, there has to be some type of consequences, if a doctor is just going to write recommendations for anybody for anything to go to the local dispensary and get marijuana. And it needs to be treated as medicine. So, once again, I'm, I'm all for the patients, to give them patient protection. And I found it very interesting that Tony came up with that about the trial lawyers, because I, I find that kind of odd as well, that they're-- the position they've taken on this with that letter. Thank you.

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

J. CAVANAUGH: Thank you, Mr. President. Well, first, I'm in opposition to FA1187 for a number of reasons, the chief among them being that it would limit the doctors to those in Nebraska. And I've talked about my opposition to this change every time this has come up. This-- the ballot initiative specifically

allowed for doctors outside of Nebraska to make a recommendation because so many people who would benefit from medical cannabis go to specialists in places like the Mayo Clinic or the Cleveland Clinic or MD Andersen or UCLA, or something like that. And in particular, those are the kids that you guys have all met their parents; the kids who have complex, neurological seizure-type issues. They go to specialists. And so, those kids should also be able to go to their specialist and get a recommendation, and that is why the ballot initiative was written that way. So, this bill is a direct assault on the ballot initiative, and a direct assault on one of the very deliberate considerations that was put into the ballot initiative. There's been a lot of talk about why wasn't the, the doctor protection in the ballot initiative. This ballot initiative-- this was the third attempt to pass this. The first attempt was knocked off the ballot because of-- it violated single-subject. So, the, the, the people who brought this ballot initiative, which was a citizen initiative. This was a true-- just the families and friends and community of people who would benefit from cannabis carrying this ballot initiative, which is one of the reasons why it's, it's had some hiccups. But that's what it was, and it was a bare-bones to make it legal for possession and recommendation. And so, FA1187 would be a, a walk-- a step backwards, and would hurt those kids that so many of you have said you want to help. So, FA1187 is something that would be-- undermine not only this bill, it would undermine the ballot initiative itself, and hurt the patients that you all say that you want to help. So, I would I implore you not to vote for FA1187. And AM2855, there's been a lot of talk about how simple this language is. Another word for that would be "insidious." So, it is sneaky, trying to pretend like you're making a constructive suggestion here, and attempting to undermine from within. And so, AM2855 would, again, undermine the intention, the objective of LB933. And we have proposed and made concessions that are constructive, respectful, and do attempt to address the concerns that are raised by folks. I would again point out that the people who have spoken in favor of these amendments and opposed in general are the people that have been opposed to medical cannabis overall. The suggestions here are not ones that are in the interest of making a functioning medical program. So, I would ask for your red vote on FA1187 and AM2855. I would point out to Senator Sorrentino, the trial lawyers are not in favor of this bill. The letter from the trial lawyers simply is a statement to all the folks who say this is blanket immunity; the trial lawyers saying it's not blanket immunity because we think we can still sue under it. That's what it says. So, everybody who got

up the first time we talked about this and said, blanket immunity, blanket immunity, blanket immunity-- the people who would be suing under this say no, we can still sue under it. And so, that's the point of the trial lawyers. They're not supporting this bill, they're not opposing this bill; they have nothing-- they're involved in this bill because it leaves them in a neutral position, doesn't affect them positively or negatively. And that's, that's all that letter is really-- is-- stands for. But I, I understand why there are people who are frustrated here about the, the letters and emails you get. It's because your constituents are mad at you. They're mad at how we are still here two years later, and we can't make any progress to make sure that a single patient in Nebraska has gotten a doctor's recommendation; that a single patient in the Nebraska can go to a dispensary in Nebraska and purchase cannabis; that the people voted two years ago for this, and no one is any closer to getting the relief that they expected they would get. LB933, without these two amendments, will be a step in that right direction. So, I ask you to vote red on FA1187, red on AM2855. Thank you, Mr. President.

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

HARDIN: Thank you, Mr. President. Senator Cavanaugh came before the HHS committee when LB933 came through, and said that in part, not in whole, he based some of his language and his modeling on the medical marijuana program of Oklahoma. I point that out only because Oklahoma's medical marijuana program, established by voter-approved State Question 788 in June of 2018 in Oklahoma, passed with 57 percent support in that state. And then, it quickly became one of the most permissive in the U.S., but faced severe and well-documented problems stemming from its initial design and implementation. Now, they ran into a lot of problems that thankfully our situation has already been saved from through filters that our regulatory commission have put in place. But it still created a huge number of problems. It was choosing a very poor paradigm as something to copy. In a nutshell, I can tell you that when it comes to the question of "Can a doctor outside Nebraska work with a Nebraska patient?" The answer is yes, and in fact, there are many health conditions where this exact same type of thing happens, where doctors from California, Colorado, Kansas City, wherever can work with Nebraska patients, but they still refer to in-state patients-- or, in-state doctors for taking care of the scripts. Why? For

the exact same reason that FA1187 says we need it. That is, we have to have regulatory authority. And so, what Senator Cavanaugh is recommending in LB933 is the wild, wild west that Oklahoma ran into; an unaccountable scenario, where if you want to put doctors in a very dangerous situation, you simply say there are no limits on what you can prescribe. Unfortunately, Nebraska would have no regulatory authority over what those doctors would prescribe somewhere else, and that's why it has to filter through a Nebraska doctor. And that process, that procedure happens frequently. Not just with this, but with lots of health conditions. The problem is, if we don't have that regulatory authority, there's no accountability for how the system works inside Nebraska. So, we want to have a system that will be every bit as broken as the one in Oklahoma, which literally, up to this last year, they were still trying to jettison because it is so fractured and start over. Then, you start with a situation where you have no accountability, and that's what AM2855 and FA1187 is setting out to fix, so that at the end of the day, we can have people who are safe, not a wild, wild west. I would point out, Senator Dungan filed the LR to study recreational marijuana in Nebraska during this interim. Gee, are the two related? Are we trying to embrace the same world that Missouri knows and Colorado knows? We're trying to follow in their footsteps. We don't have to. There are states that are doing medical marijuana better, and that's what we need to accomplish in Nebraska. Thank you, Mr. President.

DORN: Thank you, Senator Hardin. Senator Lonowski, you're recognized to speak.

LONOWSKI: Thank you, Mr. Speaker. I stand in favor of FA1187 and AM2855. And Senator Storer talked about the phrase "preponderance of scientific evidence," or "preponderance of the current scientific evidence," so I decided to do a little bit of search on that, and I'm telling you, Senator Cavanaugh, these rails that are up there will ensure that your bill is more successful. Scientific evidence, the preponderance of scientific evidence supports medical cannabis as an effective treatment for chemotherapy-induced nausea, multiple sclerosis-related spasticity, specific pediatric seizure disorders-- though that is not a first-line recommendation for treatment-- neuropathic pain, and nausea and vomiting related to chemotherapy, and that's what the preponderance of, of scientific evidence limits this to. Then, I thought about the trial attorneys, and of course, they would be for this. They might have more trials

because of it. They might be able to defend these doctors who have to defend themselves in court. It also says many other types of disorders-- sleep disorders, other disorders-- are not recommended for this, because the short-term sleep and the, the short-term effectiveness of cannabinoids does not support the assistance there. Again, preponderance of the current scientific evidence is very limited, and that sets up great parameters for any doctor who is recommending marijuana as a medical treatment. Thank you, Mr. Speaker.

DORN: Thank you, Senator Lewandowski [SIC]. Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. All right. OK. Maybe this is just a opposite viewpoint of what some of my colleagues have mentioned, is since we are doing the will of the people and it's in the ballot language, why should we have to pass this bill? Well, in the same breath, I could ask, why did we pass-- and I don't want to say it's an omnibus bill, but kind of an omnibus bill by Senator Holdcroft-- this might have been the committee bill, funding the Medical Cannabis Commission. I don't think that was in the ballot language. So, just because it's not in the ballot language doesn't mean there are some things that we have control over here, which we have done with other bills, or other ballot initiatives. And so, I would say, then, if we-- using that same argument that it's already in the ballot language, or it's not about language, so why should we do anything, then we shouldn't-- I would think-- I'm confused on why we then voted for Senator Holdcroft's bill. And I believe that had to do with funding, and there was other aspects to it. And I got to-- I got to disagree with a little bit of what might be what my colleague Senator Andersen said. And it might just have been-- he was saying, I wouldn't say "casually," but medical cannabis doesn't help any conditions, or it doesn't help people with illnesses. He mentioned that, and I got to disagree with him, because I really feel that it does. I feel there are certain instances-- not all of them. I think we-- in my previous bill, LB677, I think that's what it was, last year, that failed-- we had a very specific list of conditions, and those might be the ones Senator Lonowski was talking about. People with, like, I believe ALS, or who are on chemo who can't eat, epilepsy, certain very specific conditions-- that was in my language before. Science has shown that that does actually help, to some extent, for those people. Maybe even better than some very strong narcotics or prescription medications that would

ultimately probably cause more harm with the side effects. So, I think actually, medical cannabis can help certain people. I think the idea that it doesn't help anybody so we shouldn't do anything anyway, I don't know if that's entirely true, at least I don't feel like it is. Senator Storm mentioned that we'd-- we write a recommendation with nothing on it, and then they go get it somewhere, and they get a bunch of marijuana. That's also not entirely true, according to the rules and regulations put out by the Medical Cannabis Commission, the one we all talked about last year, about putting a lot of our faith into. The people primarily against my bill, saying let the "metal cannibal"-- cannabis commission do its job, we have to trust them, they know what they're doing, these are experts, or at least these are ones that we should at least follow. They do have, in their rules and regulations, that the-- on the recommendation, it has to be a detailed dosage, and the potency recommendations do have to be on the written recommendation. So, they do have say specifically how much, when, just like with any kind of other prescription-- I know this is a recommendation, but any other prescription that they give, they do have write out how much. Is it once a day? Is it three times a day? How many milligrams is it? They have to do the same thing with this. So, the-- there are some rules and regulations that are already put in place by the Medical Cannabis Commission, and then also, with the Medical Cannabis Commission-- and from my understanding-- and Senator John Cavanaugh, he can maybe correct me. Actually, can you answer a question for me Senator John Cavanaugh? Not Senator Machaela Cavanaugh. Senator John Cavanaugh.

DORN: Senator John Cavanaugh, will you yield to a question?

J. CAVANAUGH: Yes.

HANSEN: Was there anybody who came in opposition to this bill? Or what, what-- did the, the-- more specifically, did the, like, the NMA or the Medical Cannabis Commission come in opposition to this bill?

J. CAVANAUGH: No, no one came in opposition to the bill.

HANSEN: OK. Thank you. I just wanted to make sure I wasn't speaking out of turn. I think that, also, colleagues, maybe tells us something. I think if the Medical Cannabis Commission, from my understanding, who cannot do this, what we're trying to accomplish here, really didn't believe this was necessary, I

would think they would come out, at least make some recommendations, and come out against it. Or, if there was a lot of concern among the medical community, that the NMA or somebody else along those lines would come out against it. And so, I think when we read between the lines here and see maybe what we're dealing with here, it's maybe not as nefarious as some people might think. I think this is needed, I think it's appropriate, and again, it does not expand medical cannabis by any means. Thank you, Mr. President.

DORN: Thank you, Senator Hansen and Senator John Cavanaugh. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Good evening, colleagues. I rise opposed to FA1187. I wanted to make two points just briefly. I'm not going to take all my time, hopefully. One, I wanted respond briefly to Senator Hardin pointing out the LR that I introduced, and he's absolutely correct: I did introduce an LR to study and look at the use of recreational cannabis in the state of Nebraska. But I did that because I hear over and over and over again that people are frustrated that they cannot access the medical cannabis they voted for. I introduced that interim study with the hope that it actually gets a hearing. I would appreciate, and I think the people of Nebraska would appreciate an opportunity to have a conversation with the committee about what is and what isn't beneficial about having recreational marijuana. And I hope it's an opportunity for the proponents and opponents to talk about why they do or don't support that. I also hope it's an opportunity where we can have actual open testimony from the people of Nebraska, not just invited testimony, but have the people of Nebraska come in and explain why they do or don't support recreational marijuana, because it's something I hear about on a regular basis. Not because people want to push the boundaries of what's legal, but because people are frustrated that they cannot access the medical cannabis that they voted for. The opposition to this bill, I believe, is disingenuous insofar as I believe the goal is to hamper and further inhibit access to medical cannabis. Senator John Cavanaugh's bill simply does say that a doctor or somebody recommending medical cannabis cannot be held either criminally or civil-- civilly liable for the sole purpose of the recommendation of the cannabis. Right? What that means is there cannot be a criminal charge, for example, brought against that person just because they recommended it. Why is that necessary, you ask? Because right now, doctors are terrified of

recommending it because there is a hostile entity-- be it the Legislature or the executive branch, or the attorney general-- who has made very, very clear that they are opposed to medical cannabis. Doctors are-- I've talked to doctors about this; they are scared to put their license in jeopardy because they know that there are actors out there that are out to get them if they start to recommend the medical cannabis that they otherwise might be able to. This bill simply puts in place a very clear protection that says if the only basis of any kind of criminal or civil litigation, is the recommendation of medical cannabis, and you followed every other rule you're supposed to do as a doctor or as a medical practitioner, but the only thing they're saying you did wrong was recommend medical cannabis, that cannot be the basis of the charge or of the civil suit. That's it. If you screw up as a doctor, if you don't follow your general standard of care, if-- you know, malpractice, whatever it may be, you can still be held liable. So, colleagues, if you think a doctor should be criminally charged simply for recommending medical cannabis pursuant to this ballot initiative, I guess, oppose LB933. But all we're doing here is putting in place a very simple clarification and protection saying that cannot be the basis of a-- of litigation. So, I just wanted to get up because we were talking a little bit about the LR that I introduced, and I hope that we get a hearing on that. I think it would be a really interesting hearing, and my hope is that the people of Nebraska are permitted to actually come in and say how they feel. And I would invite the opponents of recreational cannabis to come in as well and explain to the committee why they think it's bad. But I do think that when we see the number of people that are supportive of that LR's intent, or of medical cannabis in general, it will be clear yet again, as it was clear to all of us with the ballot initiatives, and continues to be clear with the outpouring of comments that we hear from our constituents, that the people are in favor of medical cannabis, and they are frustrated and frankly upset that they can't actually access it. We keep dragging our feet, we keep putting up barriers. It's very clear that's what's happening here. And so, I would encourage your red vote on FA1187 and AM2855, and your green vote on LB933 to make sure that we can better effectuate the goals of the ballot initiatives. Thank you, Mr. President.

DORN: Thank you, Senator Duncan. Senator Hardin, you're recognized to speak, and this is your third time.

HARDIN: Thank you, Mr. President. Just wanted to set the record straight again, because I did speak on LB933 the first time that it was up in General File, and I am in favor of LB933. I'm in favor medical marijuana in Nebraska, and I'm not in favor unaccountable medical marijuana in Nebraska, which is why AM2855 is so important. And it's interesting that 37 of the 40 states that have a medical marijuana program have a list of ailments. When you have a list of ailments, what comes next is that list changes, usually next year or the year thereafter. And then again, and again, and again. And so, frankly, this approach with AM2855 says here's a concept: as long as the preponderance of the scientific evidence aligns, let's do it once and not worry about it. It's a far more flexible approach for supporting LB933. Because as it is, LB933 is like one of three other states in the country out of those 40 that basically has no list. It essentially has no accountability for why it can be prescribed. So, AM2855 helps take care of that "why" thing. FA1187 is important because, once again, it comes back to the "who" can perform the "why." So, a doctor somewhere else can absolutely prescribe, but fully and finally, it gets checked through our regs right here in Nebraska. That way, someone somewhere else can't play the wild, wild west with Nebraska paying the price. So, I fully support LB933 with AM2855 and FA1187. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I appreciate the conversation here tonight, colleagues. What I would say is, by way of, I guess, clarification for Senator Hardin, if you support these amendments, you don't support LB933. So-- and if you support the restrictions that you are seeking to put in there, you're undermining an effective medical program. And that there are many states that have medical and recreational programs, and there are-- I think it's 17 states that had medical-only programs; 16 states that have medical-only programs have something similar to this. And there was a bill last year that had a list of ailments, it had a lot of other restrictions in it. It was Senator Hansen's bill, and that was filibustered by a lot of the folks who are proposing these amendments here today. So, all of these, I guess misdirections or hollow arguments about wanting a functioning system because it doesn't answer the questions that Senator Hansen answered last year that you all opposed because it did too much-- so, this bill is a

very small step that provides some certainty for doctors. Because the question is, why do doctors not recommend in the state of Nebraska? Because they have been threatened. Because they are afraid that they will lose their license. So, we're trying to create an environment where they can't be threatened of their license simply for the act of recommending. Nothing else. They're still held to liability for the nature of the recommendation. If they are negligent, if they don't follow the standard of care, all of those sorts of things are still in this bill. And there's no list, of course, because... Folks oppose that. This restriction in this amendment-- I'm sorry. L, L-- FA1187, that also-- here it is-- includes-- so, there's no nature of the written recommendation in compliance with the rule-- regulations established pursuant to the Medical Cannabis Regulation Act. Again, the Medical Cannabis Regulation Act is for the growing, manufacture, and distribution; it is not about the recommendation from the doctors. So, there's-- the, the regulation act does not have authority over the doctor's recommendations. And again, in this part, the practitioner, licensed in the state of Nebraska, who complies with the Medical Cannabis "Pretation" Protection Act and the Nebraska Medical Cannabis Regulation Act. Again, these doctors-- the, the commission does not have authority over doctors. So, this is attempting to undermine the will and the vote of the people that was specifically delineated the authority over growing, manufacture, and distribution was separate from the possession aspect of this. And the people here who are so afraid of us getting to a recreational system-- the problem is, if we don't have a functioning medical system, people are going to be forced to move to try to pass a recreational system. The reason we had the ballot initiative is because the Legislature failed to enact a medical program many times on the floor of this Legislature. So, we, we need to make steps in favor of this. So, what I would tell you is, if you vote for FA1187, you do not support a functioning medical cannabis program in the state of Nebraska. It's as simple as that. As to the part in AM2855 about the preponderance of evidence, as Senator Hardin talked about, it allows for a sort of dynamic situation where what is available for recommendation changes every year. That's exactly the problem with AM2855, is that it creates this shifting landscape of uncertainty. And that is a problem with the Legislature legislating to this undefined determiner of what is a preponderance. Are we-- does AM2855 anticipate that every medical professional, then, is going to keep a pile, I guess, of scientific journals? Or I, I don't think they can rely upon the Google search that Senator Lonowski did. So, AM2855 and LB-- or,

FA1187 undermine LB933, they undermine the ballot initiative; they are anti- a functioning medical cannabis program. So, if you support a functioning medical cannabis program, I would ask you to vote against FA1187. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. President. My father used to say, "Ah, poppycock." I don't think it's fair to spin the narrative, Senator Cavanaugh, to suggest that people who support this amendment are against medical marijuana or LB933. I could just as easily spin the narrative that about a week ago, I shared with you a copy of an amendment that I thought was a legitimate, realistic approach to this. You're free to deny it. I didn't hear back anything from you at all, crickets. And that was a pretty simple, straightforward approach. It would have said, if you have a written recommendation that is made in compliance with the regulations under the Medical Cannabis Regulation Act, my understanding is those regulations will in effect create a standard of care. If you have a standard of care and you comply with it under the regulations, I'm not sure whether you would need an immunity, but I suggested that an immunity could be provided. We could codify it under that approach. But I could just as easily stand here and say, if you're not in support of that, perhaps you're not as supportive of LB933 getting across the finish line. So, let's, let's call things what they are here. Another issue that I'd have is **with regard to** setting the standard of care. As I read the act, it says that a written recommendation is valid for a period of two years. I don't know of any prescription that any of us can get from a physician that's going to be good for a period of two years. So, you do have some additional provisions in your amendment. And I would suggest, Senator Cavanaugh, that your amendment that you have posed later on this evening is much better than that that was introduced this session. But nonetheless, you-- the standard of care, how does the standard of care apply to a written recommendation that's good for a period of two years when a physician can't make a prescription for anywhere close to that time that I'm aware of? So, with that, I would thank you for your time.

DORN: Thank you, Senator Hallstrom. Senator Storer, you're recognized to speak.

STORER: Thank you again, Mr. President. I'll be brief. I just want to come back to what this-- this is really pretty simple, and I continue to shake my head here. All Senator Storm's amendment is doing is adding the language "preponderance of evidence." And I heard both Senator Cavanaugh Senator Dungan mentioned that within the base bill of LB933, that it allows-- it, it does not preclude a doctor from being sued for malpractice based on a standard of care. But see, that's the problem, is we currently don't have a standard of care for the recommendation of medical marijuana. So, including the very simple language "preponderance of evidence" is in fact developing the standard of care. So, it feels like we're on a little bit of a merry-go-round here. It's that simple, folks. This is not an opposition to carrying out the will of the people and getting things on the road. I am in favor of getting LB933 passed with AM2855 and FA1187. They do different but important things, but it puts protections in place for the patients. So, I encourage your green vote for FA1187, AM2855, and then ultimately LB933. Let's get this-- let's get the show on the road and do it the right way. And again, keep in mind, anybody out there listening, this is, this is-- this argument over including very simple language, preponderance of evidence, which is helping establish the standard of care by which doctors will be held accountable when they make these recommendations. And yes, Senator Cavanaugh, I did hear a comment like, well, do we expect our doctors to be looking through a pile full of medical journals? Yes, actually I do. I hope, I hope that physicians that are practicing are keeping up, and doing that in part through reading medical journals. So, oh my goodness, I do hope they have a pile of medical journals in their office. So, green vote all the way through. Thank you.

DORN: Thank you, Senator Storer. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. Well, once again, I know we talk about medical cannabis, but let's be clear: there's cannabis that's used for medical purposes, supposedly, and for recreational purposes. It's the same cannabis. So, what we're saying is, under-- what are the rules that are out there to be able use cannabis for medical reasons? OK? It-- it's the same cannabis. And the problem with what we've had through the years with this is this isn't something that's prescribed and you go to the doctor, like an infusion, and they treat you. No, there has to be a dispensary that's out there, and you take your

recommendation-- not prescription, but a recommendation-- and you get it filled, and you take it home with you. And what happens there is inside your home. And there's a possibility that others could get into your prescription or your recommendation, and you could go refill that. And, and I get back to Senator Hallstrom's point. Really? The recommendation is good for two years. Are you kidding me? Most people, you would think that if it's actually treating something, what happens if it fixes it in a year? You've got a prescription for two years, or a recommendation for two years. I mean, this whole thing is just phony-baloney. I mean, what we're doing is-- it's the gateway to recreational marijuana. And there-- thereby, that's why we're seeing an interim study to come up with recreational, because it very quickly follows once you set up the infrastructure on this other side. I don't think there's any question, if somebody really needed marijuana and thought it was really good, they've got access to it. I mean, are we supposed to believe that no one in this state has access to marijuana? OK? They have for a couple-- for decades, OK? If somebody wanted to get access to marijuana, they-- there's plenty of places they can find that out, and they can get access today, OK? So, it's not like we're depriving people of being able to get to access. We know that it's happening. So, the point is that we have to get a structure in place that tries to limit the usage to those people that actually are using it for medical purposes. And therein is the challenge. I'm back again to where I get a little upset when I have people arguing and telling me that I have not voted to support the will of the people; I've not, I've not followed the will the people. Folks, I have. You heard Senator Cavanaugh say it on the mic. Everything that was in the initiative has been implemented. There's no need for the Legislature to take any actions to fulfill what was in the initiative. For some reason, having this infor-- this-- the, the language in this bill in the, in the initiative was not important. I refuse to believe that a doctor is going to be sued if, if-- for simply carrying out the recommendation. You should be able to rely upon the law and the initiative itself to have the protections that you need. This is-- I mean, we're splitting hairs on immunity. Well, what is it? Is it immunity, or-- you know, we got the-- we got the trial attorney, which is kind of a rare thing, that a trial attorney would suggest that we can't sue, because they're always-- they'll always sue. So, I'm just saying that, let's, let's quit playing games here. There's nothing wrong with FA1187 and AM2855. And if, and if you don't want those two amendments, then we ought to vote down LB933. Thank you, Mr. President.

DORN: Thank you, Senator Jacobson. Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. I was kind of going over Senator Hardin's floor amendment, and just for some clarification-- and I've talked to him a little bit about this earlier. I don't think I'm maybe entirely against what he's trying to accomplish here, with his floor amendment. I do have a concern that it is under Senator Storm's amendment, because again, colleagues, the terminology, scientific-- "preponderance of scientific evidence" in statute, I do a concern about, and maybe the unintended consequences down the road of what that language could, you know, be used for. But I was hoping Senator Hardin might be able to answer a question. Senator Hardin, yield to a question?

DORN: Senator Hardin, would you yield to a question?

HARDIN: Yes.

HANSEN: Thank you, Mr. President. OK, I think just to, just to kind of get some clarity here, it sounds like with your floor amendment, you're trying to address those patients who might be located in Nebraska and may go-- they went to a medical doctor here, they have a medical doctor here in Nebraska. The medical doctor says, I want you to go see this specialist in the Mayo Clinic. The patient goes to the specialist at the Mayo Clinic. The Mayo Clinic says, you know, we have seen-- you know, I'm trying to just use some analogy here-- we've seen some success with using medical cannabis for this specific condition, I'm going to prescribe it for you. I think with your amendment, you're trying to say they would-- they-- they're unable to prescribe it directly, but they would perhaps have to go through a prescribing physician in Nebraska who then is going to follow the rules and regulations of the Nebraska Medical Cannabis Protection-- Patient Protection Act, right?

HARDIN: That is correct.

HANSEN: OK. Because-- and more now the "why"-- the kind you talked about-- is it-- I'm, I'm-- when I hear maybe-- what's, what's the concern? Is it just--

HARDIN: The concern is--

HANSEN: --people going out of state and getting a lot of recommendations?

HARDIN: The challenge is that when you get a prescription from somewhere else that does not adhere to the rules and regs of Nebraska-- because why should a doctor in Mississippi be acquainted with what our rules and regs are in Nebraska? And so, if we're saying as a Nebraska patient, and I want to get this, you know, filled wherever in the world, we're saying if this is the Nebraska medical cannabis program, we're looking at saying then, in order to have that accountability, those doctors have to be licensed here, or we have no authority over them. And so, it's basically a funnel.

HANSEN: Yeah. I think you're trying to tighten the reigns here a little bit, maybe.

HARDIN: Safety.

HANSEN: So, there-- so this isn't being used indiscriminately,--

HARDIN: Right.

HANSEN: --[INAUDIBLE] patients are getting recommended all over the-- outside the state, and the-- you know, they're not adhering to maybe our rules and regs.

HARDIN: Otherwise, there's no accountability for what happens.

HANSEN: OK. And, and I, I don't think I'm-- that doesn't sound bad. I'm not opposed to that. I, I didn't know if Senator Hardin would maybe be even willing to work with myself or Senator Cavanaugh between now and Final Reading. Because Final Reading, from my understanding, still needs 33 votes. And so, this, right now on Select File needs 25 votes. I wouldn't be--

HARDIN: I'm very glad to work with both of you. You and I have worked together for years on-- in HHS, and every time I get the chance to be with Senator John Cavanaugh, I'm always feeling under-lawyered, and he always helps me, so. Right?

HANSEN: I like how you left me out of that. I'm OK, too.

HARDIN: No, no, no. I said we work together, too. And--

HANSEN: No, that's fine. So, colleagues, I think there might be a path forward here. I just have a concern. I know some of the other people maybe who are in-- for of Senator John Cavanaugh's bill just has a concern with the language of maybe what Senator Storm is trying to accomplish. I get where he's coming from; not opposed to maybe what he's trying to do here, but I think his amendment may-- just may not be the best route, and could cause some problems down the road. And so, colleagues, I don't know if there's some way that maybe we could pass this on Select File. You know what I mean? I'm willing to open the dialogue here and see if maybe there's some way we can tighten those reins to make sure this is not happening, and then maybe see what happens on, on, on Final. I don't know. I just-- just a thought I wanted to kind of put out there for everybody. Senator John Cavanaugh might be against that, but I just at least want to try to find some way for some consensus here so at least we're having some of those guardrails in place, I think, not just for medical doctors, but to make sure guardrails, that this is not being abused outside of our state, which I think is what you're trying to accomplish, which I think makes sense, so. All right. Thank you, Senator Hardin. Thank you, Mr. President.

DORN: Thank you, Senator Hansen and Senator Hardin. Seeing no one else in the queue, Senator Hardin, you're recognized to close. Senator Hardin waives. Colleagues, the question before the body is the adoption, adoption of FA1187, and there has been a call of the house. All those in favor of a call of the house, vote aye; all those opposed, vote nay. Mr. Clerk, record.

CLERK: 35 ayes, 1 nay to place the house under call.

DORN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused senators are present. Colleagues, the question before the body is the adoption of FA1187. All those in favor, vote aye-- oh. Sorry. There's been a request for a roll-call vote. Mr. Clerk.

CLERK: Senator Wordekemper not voting. Senator von Gillern not voting. Senator Strommen voting yes. Senator Storm voting yes. Senator Storer voting yes. Senator Spivey not voting. Senator Spivey not voting? Senator Sorrentino voting yes. Senator Sanders voting yes. Senator Rountree voting no. Senator Riepe

not voting. Senator Raybould voting no. Senator Quick voting no. Senator Prokop voting no. Senator Murman voting yes. Senator Moser voting yes. Senator Glen Meyer voting yes. Senator Fred Meyer voting yes. Senator McKinney voting no. Senator Lonowski voting yes. Senator Lippincott voting yes. Senator Kauth voting yes. Senator Juarez voting no. Senator Jacobson voting yes. Senator Ibach voting yes. Senator Hunt voting no. Senator Hughes not voting. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen not voting. Senator Hallstrom voting yes. Senator Guereca voting no. Senator Fredrickson voting-- not voting. Senator Dungan voting no. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer voting no. Senator Conrad voting no. Senator Clouse voting yes. Senator Clements voting yes. Senator Machaela Cavanaugh not voting. Senator John Cavanaugh voting no. Senator Brandt not voting. Senator Bostar not voting. Senator Bosn not voting. Senator Ballard voting yes. Apologies, Mr. President. Resuming the vote. Senator Brandt not voting. Senator Bostar not voting. Senator Bosn not voting. Senator Ballard voting yes. Senator Armendariz. Senator Arch voting yes. Senator Andersen voting yes. Vote is 25 ayes, 12 nays, Mr. President.

DORN: The amendment is adopted. Raise the, raise the call. Senator-- seeing no one else in the queue, Senator Kauth-- oh, hold on. Mr. Clerk.

CLERK: Mr. President, Senator John Cavanaugh would move to amend with AM3136.

DORN: Senator Cavanaugh, John Cavanaugh, to open on your amendment.

J. CAVANAUGH: Thank you, Mr. President. Looks like maybe we're back. So, OK. AM3136 is the original bill, but with more guardrails. So, I'll just read it to you here. Subject to the requirements in Section 2 of this section, a health care practitioner may issue a written recommendation for medical cannabis. Such recommendation shall not be the basis of any civil or criminal penalty or disciplinary action except in the case of malpractice or professional negligence as defined in Section 44-2810. And then 2(a), prior to issuing a written recommendation, a health care practitioner shall consider the medical conditions of the qualified patient, including potential risk factors for treatment and any prescription drugs the qualified patient is currently taking, determine whether, in the

health care practitioner's professional judgment, the potential benefits of cannabis outweigh the potential harms for the alleviation of a qualified patient's medical condition, its symptoms, or the side-effects from treatment of such condition, and (iii) discuss with the qualified patient or caregiver the risks associated with the treatment and obtain the qualified patient or caregiver's consent. A health care practitioner who issues a written recommendation to a qualified patient shall not offer a discount or other thing of value to the qualified patient or the qualified patient's parents, guardian, or registered agent that is contingent upon or encourages the qualified patient's decision to use a particular registered cannabis establishment; (ii) issues a written recommendation to the health care practitioner or health care practitioner's family member, employees, or co-workers; or (iii) provides product samples containing cannabis; or (iv) accepts compensation from a registered cannabis establishment. And then subparagraph (3), nothing in this section shall be construed to prohibit a health care practitioner from exercising professional judgment in declining to issue a written recommendation. And then Section 3, a health care practitioner shall not be subject to arrest, prosecution, or penalty in any manner or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the Department of Health and Human Services, or by any other occupational or professional licensing board solely providing-- for providing a written recommendation, or for stating that, in the health care practitioner's professional judgment, the potential benefits of cannabis outweigh the potential harms for the alleviation of the patient's medical condition, its symptoms, or its side effects from the treatment of such condition. Nothing in this section shall prohibit a health care practitioner from being subject to civil penalty or disciplinary action for malpractice or professional negligence as defined in Section 44-2810. So, it's a lot longer than the original bill. It has a lot more guardrails in it, requires that they-- basically, the doctor can't have a relationship where you're giving some sort of benefit to a-- preference to a dispensary. So, they can't encourage people to go to a specific dispensary, they can't give out samples. It has requirements that they discuss and take into consideration all of their other prescriptions and ailments. And then, it does have-- where's this part that I was-- so, it does say that nothing in the section shall-- can be, be construed to prohibit a health care practitioner from exercising professional judgment in declining to issue a written recommendation. So, I'd heard someone, I think including Senator Jacobson, say we

shouldn't require doctors to do this. Of course not. We shouldn't require doctors to prescribe anything. But in this instance, it's specifically saying that we're not requiring doctors; we're actually giving them a protection if they choose not to make a recommendation. So, this has more guardrails, it has answers to a lot of the questions that have been raised over the several days of debate on this bill. It, it is a step in the right direction in terms of making sure that patients will have an opportunity to meet with their doctor, talk about their ailments, their other medications, their, their hopes and what their-- what relief they may get from this, what the side effects might be, balance all of those things, and then get a recommendation. So, it allows for all of that, and it doesn't undermine the ballot initiative. It allows patients to have some hope of an opportunity to get their-- the medicine that 71 percent of Nebraskans voted for. And we do need this because, though the ballot initiative is self-effectuating and someone can possess five ounces of cannabis right now in Nebraska with a doctor's recommendation, there are no doctors making recommendations. So, patients are effectively denied care because doctors are afraid of professional retribution repercussions. And so, that's what AM3136 does, and LB933. So, I encourage your green vote on AM3136. Thank you, Mr. President.

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

J. CAVANAUGH: All right. It's getting to that hour where people don't want to talk anymore. So again, if you support a functioning medical program in the state of Nebraska, AM3136 answers those questions, gives patients an opportunity. I encourage your green vote on AM3136. Thank you, Mr. President.

DORN: Thank you, Senator John Cavanaugh. Colleagues, the question before the body is the adoption of AM3136. All those in favor, vote aye; all those opposed, vote nay. Have you all voted that wish to? There's been a request for the call of the house, to place the house under call. The question is, shall the house go under call? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 8 nays to place the house under call.

DORN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please

return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are present. There's been a request for a roll-call vote. Mr. Clerk.

CLERK: Senator Andersen voting no. Senator Arch not voting. Senator Armendariz. Senator Ballard not voting. Senator Bosn voting yes. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting yes. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn not voting. Senator Dover not voting. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom not voting. Senator Hansen voting yes. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes not voting. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKinney voting yes. Senator Fred Meyer voting no. Senator Glen Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop voting yes. Senator Quick voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Roundtree voting yes. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senor Storm voting no. Senator Strommen voting no. Senator von Gillern not voting. Senator Wordekemper not voting. Vote is 20 ayes, 20 nays on adoption of the amendment, Mr. President.

DORN: AM3138 [SIC] is not adopted. I raise the call. Mr. Clerk.

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

DORN: Seeing nobody in the queue, Senator Kauth, you're recognized to close.

KAUTH: I encourage everyone's green vote on AM2855.

DORN: Colleagues, the question before the body is the adoption of AM2855. All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, record.

CLERK: 26 ayes, 16 nays on adoption of the amendment, Mr. President.

DORN: AM2855 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Kauth would move to amend with AM1073 [SIC-- FA1073].

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

KAUTH: And I'd like to withdraw and replace with AM2840.

DORN: Without objection, so ordered. Senator Kauth, you're recognized to open.

KAUTH: Thank you, Mr. President. So, AM2840 is the full ban on puberty blockers and cross-sex hormones that was found in LB732 this year. In 2023, we had the Let Them Grow bill, and we were able to fully ban the surgical procedures on children dealing with gender dysphoria, but we were only able to get a partial ban on the experimental use of puberty blockers and cross-sex hormones. More and more states have recognized that these drugs are experimental and detrimental to growing youth. This summer, the Supreme Court weighed in with the Skrametti decision in Tennessee. When we passed LB574 in 2023, one of the accommodations that we made was to provide a pathway for kids to go through counseling and eventually get to the drugs. The goal was to slow them down. My fear, when we put those pathways in place, was that it would provide them basically a runway, and they would go right there, and we'd also create a cottage industry. There's no way to tell them what type of counseling they should get, so the vast majority of them get nothing but affirmative counseling, which basically says-- you go in and say, hey, I think this might be something that I'm feeling, I feel like I'm in the wrong body, and you're pushed down the pathway. That's really come to pass. We see that this type of counseling has increased significantly. The more-- majority of kids who actually are dealing with gender dysphoria and gender identity issues, if they're not medicalized, they will grow out of it. So, this is something that we, we have increased the amount of-- the ability of kids to be able to get these drugs. These drugs are experimental and they're detrimental, and we've had a lot of changes over the last three years. In 2025, the Health and Human Services put out a gender dysphoria report, and this is-- basically, its, its overriding message is that the number of children and adolescents who question their sex and identify as transgender or nine-- non-binary has grown significantly. Many have been diagnosed with a condition known

as gender dysphoria and offered a treatment approach known as gender-affirming care. This approach emphasizes social affirmation of a child's self-reported identity, puberty-suppressing drugs to prevent the onset of puberty. And there is no such thing as a pause. These drugs can't pause anything. All they're doing is halting those hormones while the rest of the body is, is changing and growing and developing. There are no studies showing that these are healthy or safe. And most of the studies that are out there are of such low quality that they actually can't be used in research. Thousands of American children and adolescents have received these interventions. Sex role nonconformity in and of itself is not pathological and doesn't require treatment, but the use of these pharmacological and surgical interventions has been called medically-necessary, and even life-saving. However, the leader of GLAAD, the gay and lesbian-- I have the full name here-- they came out and said we shouldn't have done this. We should not have been pushing this on kids. We medicalized when we shouldn't. And you have a lot of handouts on your desk, and so if you have any questions about those, please let me know. Many of these children have co-occurring psychiatric or neurodevelopment conditions. That makes them so, so very vulnerable to the suggestions that you're uncomfortable, you feel like you're in the wrong body, well, maybe you are. If kids are dealing with autism or depression, suicide, sexual abuse, all of those things are feeding into this gender dysphoria. A recent study from Finland demonstrated that children who are placed on hormones have a marked increase in mental health issues post-sex-rejecting interventions. So, after they're put on these drugs, they have a significant increase in their mental health issues. For females, that mental health issue increased from 21.6 percent to 54.5 percent; for males, it increased from 9.8 percent to 60.7 percent. These drugs are harmful. There is more and more research proving that we were wrong. We were wrong to allow kids to try these drugs. We were wrong to tell them that this would fix everything. Kids' brains are not fully developed, actually, until they're 25, but this bill covers 19 and under. To say no to the puberty blockers, to say no the cross-sex hormones, to make sure that children are able to grow. Society has a special responsibility to safeguard the well-being of children, and given that the challenges faced by these patients intersect with deeply-contested ideas of moral and social significance, including social identity, sex and reproduction, bodily integrity, and sex-based norms of expression and behavior, the medical practices that have recently emerged to address their needs have become a focus of significant controversy. And this is all from the HHS report.

There's a growing international concern about pediatric medical transition. Having recognized the experimental nature of these medical interventions and their potential for harm, health authorities in a number of countries have imposed restrictions. The UK has banned the routine use of puberty blockers as an intervention for pediatric gender dysphoria. Health authorities have also recognized the exceptional nature of this area of medicine. That exceptionalism is due to a convergence of factors. One is that the diagnosis of gender dysphoria is based entirely on subjective self-reports and behavioral observations without any objective physical imaging or laboratory markers. The diagnosis centers on attitudes, feelings, and behaviors that are known to fluctuate during adolescence. Additionally, the natural history of pediatric gender dysphoria is poorly understood, though existing research suggests it will remit without intervention in most cases. Most kids grow out of this. Medical professionals have no way to know which patients may continue to experience gender dysphoria and which will come to terms with their bodies. The gender-affirming model of care includes irreversible endocrine and surgical interventions on minors with absolutely no physical pathology. These interventions carry risk of significant harms, including infertility and sterility, sexual dysfunction, impaired bone density, adverse cognitive impacts, cardiovascular disease, and metabolic disorders, psychiatric disorders, surgical complications and regret. There's been inadequate research into the frequency and severity of these harms. Systematic reviews of the evidence have revealed deep uncertainty about the purported benefits of these interventions. The controversy surrounding the medical transition of minors extend beyond scientific debate; they're deeply cultural and political. Public discourse is dominated by intensely polarizing narratives. We've seen that here. Some view the medical of transition of minors as a pressing civil rights issue, while others regard it as a profound medical failure and a sobering reminder that even modern medicine is vulnerable to serious error. In the midst of this highly-charged debate, children and adolescents and their families who seek only to support their flourishing have found themselves caught between competing perspectives. They require and are entitled to accurate, evidence-based information to guide their decision. One of the things that, that people talk about is the fact that these kids are-- they're in crisis. They are in pain. They're confused. They're scared, their families are scared. They're worried. Parents have been told, "Would you rather have a dead son or a live daughter?" when talking about transitioning their son. That has been proven to be not true. In

the Supreme Court decision this summer, the Skrametti decision, the lawyer for the opposition, Chase Strangelio [SIC], had to admit that that is not true. There is no increase in the suicides for children who are dealing with gender dysphoria. It's very, very comparable to the kids who are dealing with depression, to kids who are dealing with eating disorders. There is no increased risk. So, that's one of those things that, that families are guilted into allowing their kids to do this, and supporting their kids doing this because they're told, "Well, your kid's going to kill themselves." Kids don't come upon that by themselves; that is something that is pushed into their thought patterns. As I said before, the studies that were done, none of them have any validity. There are 53 studies that are listed, and a lot of the research-- and it's very circular logic, they kind of refer to each other. But when you look at the systematic reviews, every one of those studies is so poorly designed and so badly flawed that it cannot be used for research. So, we're basing all of this information and, and all these things on falsehoods, on false tropes about what is best for kids. Here are just a few of the things that can happen with the access to drugs: heart attack, adverse lipid profile, erythrocytosis, blood clots, high blood pressure, subclinical atherosclerosis, ovarian damage--

DORN: Time, Senator.

KAUTH: Thank you, Mr. President.

DORN: Thank you, Senator Kauth. Senator Dungan, for what purpose do you rise?

DUNGAN: Mr. President, I would object to this amendment on germaneness.

DORN: Senator Dungan, Senator Kauth, please come forward. It is the ruling of the chair that they are germane. Returning to the queue, Senator Riepe, you are up next to speak.

RIEPE: Thank you, Mr. President. I guess the one thing that I would like to say is, I think we have to be careful not to overdrive our headlights. Just a few years ago, we had the state medical director who drew up the guidelines-- he spent a great deal amount of time in consultation with a lot of other people. I think that there's so much, and it's exhibited by all of the handouts that we received, and anything that you read or watch.

There's a lot of discussion, there's a lot of unsolved problems, a lot of questions out there yet, and I think it's premature to take additional action and restrictiveness on this thing. I think that it needs to go back to the medical director and the Department of HHS, and have him go back and take a look at, review it, and see if there's some update, given the fact that it has been a couple of years. And the fact is, in this particular area of science, it goes deep. I know there are some people that are faith believers in Robert F. Kennedy Jr., but he has a different methodology about medicine, and I personally would not put my hopes in terms of his recommendations. That's a personal position on my part. But I think this is-- to move forward on this and to make this even more restrictive, I think, is too much of a preemptive strike on our part. I think we need to be reflective, and we need think better and do better, and-- we have a very serious issue, particularly with a number of our young people. And so, that's extremely important, and I would simply plead for your consideration about how we approach this particular problem in a mature manner. Thank you, Mr. President.

DORN: Thank you, Senator Riepe. Senator Kauth, you're recognized to speak.

KAUTH: Thank you. And I do appreciate the, the decision that this is germane. And part of the reason it was is because LB933 is not a bill about pot; it's a bill about doctors and what they can and cannot prescribe. AM2840 is a bill [SIC] how doctors can prescribe and treat kids dealing with gender dysphoria. Some of the titles that are on your desks-- "The Tide Goes Out on Youth Gender Medicine," and this article actually is written by a author named Helen Lewis, and she writes for the Atlantic, which is not a conservative newsletter or newspaper. Ideology, not science, animates medical interest groups on trans interventions on minors. Puberty blockers aren't curing gender dysphoria; they're manufacturing it. HHS draws a red line; gender-affirming care has been reclassified as child mutilation and predatory. These are just a few of the things that we're looking at. When we allow kids to be prescribed these drugs, we are causing harm. There is no reason that they can't wait. The suicide risk has been greatly exaggerated. These drugs will hurt children. They're causing harm. The de-transition rates are something that people aren't even able to study, because there are no medical codes for de-transitioning. That's one thing that the CDC is actually working on right now, is how do they write codes for people who have been dealing with gender dysphoria, who have

received treatment to try to help themselves, and then who realize this didn't work. And when you talk to the people who have gone through this, and you talk people who were children when they were pushed into this, and they say, where were the adults? Why is it that I was allowed to have my breasts cut off, or be put on testosterone when I was 15? And now, I'm in constant, chronic pain, and I don't know if I'll be able to have kids. The ability to consent to these drugs is not possible. There's no way a kid can understand the ramifications of taking these medications. Parents can't accept that on behalf of their child. They want to, and parents want to do everything they can to help their kids. But putting them on puberty blockers and cross-sex hormones is not the answer. It will cause more problems. So, I'm asking everyone to vote yes on AM2840 and put these final protections in place for kids who are dealing with gender dysphoria. Thank you.

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

J. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. Almost 10:00 on April 7. So, about a year ago, we had Senator Hansen's bill, which was, I think, LB677. And a lot of folks here said that they thought it went too far, and that there were a lot of other problems. But they supported the doctor protection in it, and-- so then, I brought that as a floor amendment. I think it was the next day, on a night like this. And folks voted against that in part because they thought it was not germane to that bill. But they said-- I, I distinctly remember, many people in here say, well, I did, I did tell Teddy that I would, would do something for him and to make sure that he gets access to medicine, or I did tell Will's parents that I would do something to make sure they get access to medicine. And the votes you took on the previous amendments on, on LB933 would take a step backwards and make the medicine that those kids and their parents so desperately hope they can get access to unavailable. And so, if you think that you have placated the constituents who have emailed you and are mad about the fact that you are frustrating their desire to get life-saving and desperate medicine for their children, their family members, their loved ones, you're mistaken. You've taken a vote-- if you voted for those amendments, you've taken a vote to undermine a functioning medical system in the state of Nebraska. And if you had said to anybody at any point in time, thinking that you're going to placate them; if you said, I'm with you, I'm for a

medical cannabis program, I support you, I want your kids to get medicine, the people know better than that. They see through you. So, your votes will be marked, and everyone knows that. This bill has been hijacked by people who are disingenuous, who are not-- have the best interests of Nebraskans at heart. This most recent amendment is another attempt at a hijack. There's a later amendment by Senator Hallstrom that is another attempt at a hijack, to protect businesses that poison their community. And so, this bill no longer serves the goal of ensuring that kids get access to medicine. This is no longer following through on the promise that so many of you made to your constituents to ensure that Teddy and Will can get the medicine that you all told them that they were going to get. So, they will have to wait for another year, and hopefully, after the elections, to have a Legislature that will respect the will of the voters, the 71 percent of Nebraskans who voted for access to a functioning medical cannabis program. So, of course I'm disappointed. We got close. We got 30 votes on General File. Many of you voted for the bill on General File, and then did not vote for an even more restrictive version of it just a few minutes ago. But in the interest and respect for what the Speaker has asked that we get through more of this agenda, I'm going to ask the Speaker to pull this bill so that we don't spend more time on a bill that does not achieve the goal of making a functioning medical cannabis program available to these sick Nebraskans. So thank you, Mr. President. Mr. Speaker, I'd ask you to pull the bill.

DORN: Thank you, Senator John Cavanaugh. Speaker Arch.

ARCH: Thank you, Mr. President. At the request of the introducer, we will pass over this bill. Please proceed to the next item on the agenda.

DORN: Mr. Clerk.

CLERK: Mr. President, next item: Select File, LB304 from Senator DeBoer. First of all, Senator, there are E&R amendments.

DORN: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB304 be adopted.

DORN: You've heard the motion. All those in favor, say aye. Opposed, nay. Motion is adopted.

CLERK: Mr. President, Senator DeBoer would move to bracket the bill with MO535-- with a note that she would withdraw.

DORN: So ordered.

CLERK: Mr. President, Senator DeBoer, I also have MO536, MO537, FA460, FA1090, FA1091, FA1092, and FA1093, all with notes that you'd withdraw.

DORN: So ordered.

CLERK: Senator Machaela Cavanaugh, I have FA1100 and FA1101, both with notes that you'd withdraw.

DORN: So ordered.

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

DORN: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB304 be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor, say aye. Opposed, say nay. Motion is adopted. Mr. Clerk.

CLERK: Mr. President, LB304A, Select File. Senator, I have nothing on the bill.

DORN: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB304A be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor, say aye. Opposed, say nay. The motion is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB1096. First of all, Senator, there are E&R amendments.

DORN: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB1096 be adopted.

DORN: Colleagues, you've heard the motion. All those in favor, say aye. Opposed, say nay. Motion is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Bostar would move to amend-- excuse me. Senator Kauth, I have FA755 with a note that you'd withdraw.

DORN: So ordered.

CLERK: In that case, Mr. President, Senator Bostar would move to amend with AM3030.

DORN: Senator Bostar, you're recognized to open.

BOSTAR: I'd like to withdraw that amendment.

DORN: So ordered.

CLERK: In that case, Mr. President, Senator Bostar would move to amend with AM3101.

DORN: Senator Bostar, you're recognized to open.

BOSTAR: Thank you, Mr. President, and good evening, colleagues. This amendment makes three adjustments to underlying bill. The first is, it changes the sections of a definition of consultant and where that appears in statute. So, Speaker Arch had a bill that was brought, I think, functionally at the request of the Clerk to provide some clarity within the same statutes that the NADC had asked me to provide clarity in as well, and that's where this consultant definition came from, which was in the bill already. All we're doing is we're moving where that language is going to appear in statute to align with the Speaker's bill. So, that's the first thing it does. The second thing it does-- and I want to thank Senator Conrad for, for working with us on this-- is it makes adjustments to the language in the bill that was brought forward by the city of Lincoln in order to protect information related to critical water infrastructure. So, what we've done is we've narrowed what is effectively exempted from open records laws. So, we're ensuring that the following things cannot be withheld. So, I'm going to-- I'm going to list those out, because I think it's important. Information relating to water quality, including consumer confidence reports and sampling results, public notices of violations, and compliance monitoring data; 2) information

relating to general descriptions of facilities, projects, budgets, or maintenance activities that does not reveal specific vulnerabilities; or 3) information relating to water usage, water consumption, or water emissions. So, this is all so that we are ensuring that critically-important information for the public, like regarding water quality and water supply, are not being shielded from access to the public. So, I appreciate that. And then, the third thing that this amendment does is it changes a "shall" to a "may" related to some of the specific duties of the attorney general. This was worked out between the AG and the governor's office, and effectively, it removes the A bill and removes the fiscal note. So, those are the three things this amendment does. I appreciate everyone who worked hard to put this together, and I would ask for your green vote on the amendment and the underlying bill. Thank you.

DORN: Seeing no one in the queue, Senator Bostar, you're recognized to close, and Senator Bostar waives. Colleagues, the question before the body is the adoption of AM3101. All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, record.

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

DORN: AM3101 is adopted.

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

DORN: Senator Guereca, you're-- for a motion.

GUERECA: Mr. President, I move that LB1096 be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor, say aye. Opposed, say nay. LB1096 is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB1096A. Senator Bostar would move to indefinitely postpone the bill.

DORN: Senator Bostar, you're recognized to open.

BOSTAR: Thank you, Mr. President. As I said, with the amendment that was just adopted, we no longer need this A bill, so please vote to indefinitely postpone. Thank you.

DORN: Senator Bostar, you're recognized to close. Senator Bostar waives. Colleagues, the question before the body is to indefinitely postpone AM-- LB1096A. All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, record.

CLERK: 41 ayes, 0 nays on adoption of the motion, Mr. President.

DORN: The motion is adopted. Mr. Clerk.

CLERK: Mr. President, Select File, LB1165. First of all, Senator, there are E&R amendments.

DORN: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB1165 be adopted.

DORN: Colleagues, you've heard the motion. All those in favor, say aye. Opposed, say nay. Motion is adopted. Mr. Clerk.

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

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

CONRAD: Thank you, Mr. President. I'd like to withdraw my motions and get right to the amendment, please.

DORN: So ordered.

CONRAD: Thank you.

CLERK: Mr. President, Senator Conrad, in that case, I have MO382, MO381, MO383, all with notes that you'd withdraw.

DORN: Without objection, so ordered.

CLERK: In that case, Mr. President, Senator Kauth would move to amend with FA825.

DORN: Senator Kauth, to open.

KAUTH: I'd like to withdraw and replace with AM3035.

DORN: Without objection, so ordered.

CLERK: Mr. President, Senator von Gillern would offer AM3035.

DORN: Senator von Gillern, you're recognized to open.

von GILLERN: AM3035, correct? Thank you, Mr. Clerk, and thank you, Mr. President. AM3035 is amending LB1165, which is our ImagiNE incentive bill. Due to the late hour, I'm going to skip my four-page opening on that and skip right to the AM. That accomplishes a number of things. You should have a one-page-- actually, it's two pages, front and back, but an explainer on each ones of your desks that covers a few things that the amendment does. First, the issue of potential retroactivity for the ImagiNE credit enhancements is addressed with an enacting clause ensuring that the enhancements only apply to future projects. Both the Department of Revenue and LFO have indicated that this will reduce the fiscal impact and total cost of implementation. Second, it clarifies that Nebraska residents will be eligible for and have equal opportunities to claim the new high-wage jobs created by the bill. Third, it clarifies that capital improvements may begin prior to a change in ownership in anticipation of the 500 new employees who must be hired in order for the components of the bill to be activated. Lastly, it clarifies that existing and future ImagiNE credits may be used to offset childcare costs for employees at the location and provider of their choice. Importantly, this will not increase the cost of the bill; these credits already exist, and the state has accounted for them in the budget process. This will simply give employers another way to use their credits, helping to cover their workers' child care costs at the location of their choice. The result of AM3035 is a savings from the published fiscal note estimated by the Fiscal Office to be between \$1 and \$2 million. I'm happy to take any questions, and I encourage your green vote on AM3035. Thank you, Mr. President.

DORN: Seeing no one else in the queue, Senator von Gillern, you're recognized to close. Among-- Senator von Gillern waives. Colleagues, the question before the body is the adoption of AM3035. All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, record.

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

DORN: AM3035 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Conrad, I have FA940, FA941, and MO384, all with notes that you'd withdraw.

DORN: So ordered.

CLERK: In that case, Mr. President, Senator Conrad would move to amend with AM3117.

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

CONRAD: Thank you, Mr. President. Good evening, colleagues. I was joking off the mic, and it bears repeating, but it's, it's been a long week since this morning. And I can read the room, and I can read a vote count, and there is no strategic reason to expend additional time on this measure, even though I feel very passionately that this is a, a misguided step for our state to take. But there's no reason to have extended debate. Of course, members are free to govern according to the dictates of their conscience, and if they have things to say pro and con in regards to this amendment or the bill as a whole, that, that may very well be, but I, I don't think that there's any reason strategically to conduct extended debate in this regard. But I do want to make a few, points and I do want a record vote on this amendment. This amendment is pretty straightforward: I'm asking you to choose. We've heard over and over and over and over again that the top issue in Nebraska is-- should be property tax relief, and I actually think there's a lot right about that focus. I think we have differences of opinions in terms of solutions to try and address rising valuations and property tax pressures for our constituents, and they hit different in rural communities versus urban communities, but they, they do need to be addressed. And so, we've heard time over time over time that we need to do more for property tax relief. So, my contention is straightforward: if we have \$50 million-plus to take off the books and give to Union Pacific to do things that they're already going to do and that are in their best interest, I think we should take that \$50 million instead and give it directly to the people in property tax relief. So, that's the simple choice in front of you: to give out a new, richer, unnecessary corporate welfare payment and package to one of the wealthiest, most successful companies in the state, if not the country, if not the world, or give an extra \$50 million directly back to the people in regards to property tax relief, to try and provide some additional relief in regards to rising valuations and property tax pressures. So, I think we can just

have a clear vote on this, and people can see very clearly what our priorities are. I do also want to make a few additional points about this measure. And like I said, I'm not planning to belabor the point, but I don't want this to necessarily go unsaid. So, I would direct members' attention to the committee statement on this measure, LB1165. And you can see again, it was supported by the governor's office, the various chambers of commerce, Union Pacific themselves, somebody who came in, Mr. Cassling, a well-known businessman who came in on his own behalf, the city of Omaha, the Platte Institute, Economic Developers Association, and the League of Municipalities. And for those who haven't had a chance to look at the committee statement, or who might be watching at home, there were no opponents. There were no opponents. And I want to be clear about this: I remember thinking about this a lot when I served on Appropriations for eight years, and we had so many stakeholders and so many citizens come forward with good ideas about Appropriations matters, but of course, we have constraints in terms of what state resources are available, and part of that is also due to decisions being made in the Revenue Committee. And I always found it very curious that progressive groups, or safety-net groups, or the university or the schools, what have you, that have a significant stake in Appropriations-- hospitals, nursing homes, roads, the list goes on and on-- can't bother to lift a finger to raise question or concern about major proposals that eviscerate our tax base and make it harder for us to make investments in roads, and schools, and healthcare, and the university, and the list goes on and on in that regard. The same is true in regards to this measure. I also find it particularly interesting that many of these same supporters continually approach the Legislature with their hand out, not only for favorable tax treatment in regards to millionaire and billionaire tax cuts, income and corporate, that have created a structural deficit in our budget that's ever-growing to almost a billion dollars on the horizon in the next biennial, but then they also fight tooth and nail to protect tax loopholes like the extraordinary capital gains dividend, the SALT component, the S-corp components, these small pieces of tax loopholes that also benefit the ultra-wealthy and the largest corporations. And then, they also want the state to pay for their intern programs, and they also want the state pay for their job training programs. But they've created an irresponsible, reckless fiscal situation, and I'm not going to forget that when they come with their hand out again for these other expenditures, or when the time comes in the very near future where we'll have to take up a massive and comprehensive reauthorization, perhaps, of our

corporate welfare programs as a whole, beyond just this one significant giveaway for Union Pacific. And I'm not going to forget that, and I hope the citizens of Nebraska don't forget that either. For rural Nebraskans, you've been fleeced. If you can't achieve meaningful property tax relief, it's because of programs like this. For my colleagues in the Legislature, why is it that you expect a poor child with disabilities to pull themselves up by their own bootstraps, but not the largest corporation in the state? Make it make sense. The amendment before you is simple.

DORN: Time, Senator.

CONRAD: Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. I appreciate this opportunity we have before us from Senator Conrad to take the taxpayer dollars that we were going to give to one of the most successful, prestigious companies in the state, if not the country, as she said, and give it back to the taxpayers instead. Money where your mouth is, colleagues. And I did have some remarks that I wanted to share on this measure regardless of the time, you know, that, that we find ourselves in in this late night, in light of Union Pacific's support of Donald Trump and their increased support of him over the last year. Last Wednesday night here, on a late night, I was talking to a colleague about some of the things your favorite guy Donald Trump said during his address to the nation last Wednesday that was ostensibly supposed to be about the war in Iran. And some of the things he said, which my colleague was in some disbelief about as I read him the quotes-- quote, when someone's nice to me, I love that person. Even if they're bad people, I couldn't care less. I'll fight to the end for them. Or, we can't take care of daycare. We're a big country. We're fighting wars. It's not possible for us to take care of daycare, Medicaid, Medicare, all these things. An opposition party, if one existed, could do a lot with that clip. He also said-- on Somali Americans in Minnesota, he said, quote, they're low-IQ. I can generalize. They're low IQ people. They're bad people. He later went on to say that Indianapolis is in Minnesota in this speech. He also said, on Palm Sunday, Jesus entered Jerusalem as a king; now, they call me king, comparing himself to your Lord and Savior. Soon after

his speech, his spiritual advisor, the televangelist Paula White, was on stage saying that Donald Trump is akin to Jesus Christ. She said, quote, because of his resurrection, you rose up. No one has paid the price like you have paid the price. It almost cost you your life. You were betrayed and arrested and falsely accused, comparing the president to Jesus. And today, he said, with regard to Iran, quote, a whole civilization will die tonight, never to be brought back again. I don't want that to happen, but it probably will. Colleagues, enough is enough. I think that Congress and the states have a responsibility to say something in opposition; to try to do something to stop the impulses of this narcissistic, violent, dangerous president. Members of Congress must call for impeachment and removal, soldiers must resist unlawful orders, and every American who loves their country must speak out and say, finally, enough is enough. In a sane country, this man would be removed from office immediately, and it would have been a long time ago that that happened. The people of Iran and its history and its culture are not disposable; it's thousands of years old, and the entire world should be rallying to protect them. But why would we expect that, when we see how the world has turned its back on Gaza, on the Congo, on Sudan, on countless humanitarian crises caused by the imperial capitalist greed that is coming directly from this country? Compare it to the inspiring message that Donald Trump shared on Easter morning. He said on Easter, Tuesday will be power plant day and bridge day, all wrapped up in one in Iran. There will be nothing like it. Open the effing straight, you crazy bastards, or you'll be living in hell. Just watch. Praise be to Allah, President Donald J. Trump. That was his inspiring Easter message for you. What's happening in the United States is the most shameful thing I have ever lived through. In the last three years, it has been a nightmare that has just kept getting worse and worse. The lack of resistance, the complete apathy, the failure of every politician in every institution to stop this. Donald Trump, a con man who raped his wife and said he would marry his daughter if she wasn't his daughter, is the logical consequence of a system that allows the world's greatest parasites to commit a genocide for the world to witness every day on their little phone, which has made us hard-hearted and apathetic and politically impotent. Think about what's going on in the state of humanity when, in the span of one hour, a man vowed to reduce a nation to a crater while his fellow citizens set eyes on lunar craters on the moon that had never been seen before by human eyes. Before the Artemis II crew lost contact with Earth, the last thing they said was, quote,

"To all of you down there on Earth and around Earth, we love you from the moon."

DORN: Time, Senator. Thank you, Senator Hunt. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Again, good evening, colleagues. Try and get it wrapped up here as, as quickly as possible. But I do want to, again, make a few points. We've heard the governor and members of this body tout how much they've done for property tax relief, and I think we have tried to, to make some strides together in that regard. But I think if you go and talk to your constituents, basically in any district, regardless of their party registration, they're not seeing it, and they're not feeling it, for a bunch of different reasons. It's getting gobbled up by valuation increases that are skyrocketing; the program design is, in many ways, inelegant; and we're just not keeping pace with the pressure on property taxes. And the other piece that's important to remember that gets left out of the equation, both in terms of balancing our budget, not only on the backs of the most vulnerable in this biennium, but people conveniently forget about the missing year of property tax relief from the special session that Senator Hardin, Senator Brandt, myself, Senator Holdcroft added his name, Senator Juarez, Senator Hughes, Senator Meyer attended press conferences with us to try and raise that issue. The missing year of property tax relief that was taken away from property taxpayers; over a \$100 million in '25, \$500 million-plus in '26, and \$31 million in '27. So, that clawback of property tax relief is baked in to our budget, and has never been remedied, and should be noted here. And I find it very curious that representatives from places like the League of Municipalities run to the Revenue Committee to sing the praises about a proposal like this, despite the fact that their members continue to email me about how these programs hurt local communities and their finances. And we see this detailed very clearly in Auditor Foley's ongoing analysis of these corporate welfare programs, and his most recent letter to this body and to the public in February of 2026, detailing the fact that not only has the state lost \$1.2 billion in lost revenue just over the last four fiscal years with these corporate welfare programs, but also our partners in local government have lost over \$180 million in local sales and use taxes, resulting in the reduction of tax revenues to local governments that levied them, putting more pressure on property tax. So, I see the League on this

committee statement, I see the impacts detailed by our Auditor, I hear the concerns expressed by our partners in local government individually to me about these impacts in their community and what that means for civic needs, what that means for property tax relief, et cetera, and it's noted. And I had a chance to read some of the policy recommendations and analysis on General File that Auditor Foley brought forward: 12 policy recommendations and additional fiscal analysis about these programs, none of which were followed up on by the Revenue Committee. The type of guardrails that he suggests to make these programs more responsive to taxpayer and the state are not contained in this legislation. And if you hear things like, "oh, it's transparent," it's not. All we know is the name of the company, the number of jobs, and if they completed the application.

DORN: That's time, Senator.

CONRAD: Thank you.

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

CONRAD: Thank you, Mr. President. And I will just note for the record that, when it comes to the merger itself, communities don't speak with one voice on this issue. And in fact, if you check the record, there's a growing chorus of political leaders from across the country and across the political spectrum who have expressed concern or opposition. There's also a host of leading stakeholders who've expressed opposition, including the American Farm Bureau, by the way. And there's an ever-growing chorus from our citizenry saying enough's enough, enough corporate welfare. We need tax equity, and we need investments in critical infrastructure, in education, in health care, particularly amid an affordability crisis. And Union Pacific's benefiting from a reduced individual income tax rate, corporate tax rate, benefits under the property tax credit program, all of the additional tax loopholes which benefit them. And if you go and check the subsidy tracker from Good Jobs First, you can see that on the state and local level, they've received 128 awards in corporate welfare totaling almost \$58 million, and we're adding another \$50 million just here in this state with this package in the forthcoming years. I'd ask for your favorable consideration of the amendment so that your citizens can see who you stand with. Do you stand them in property tax relief? Or, do

you stand with the largest corporations who don't need additional beneficial tax treatment, sweetheart deals and giveaways on top of what they are already reaping from our coffers? Thank you, Mr. President.

DORN: Thank you, Senator Conrad. Seeing no one else in the queue, colleagues, the question before the body is the adoption of AM3117. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 13 ayes, 19 nays on adoption of the amendment, Mr. President.

DORN: AM3117 is not adopted.

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

DORN: Senator Guereca, for a motion.

GUERECA: Mr. President, I move LB1165 be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor, say aye. Opposed, say nay. LB1165 is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB1165A. Senator, I have nothing on the bill.

DORN: Senator Guereca, for a motion.

GUERECA: Mr. President, I move LB1165A be advanced at E&R for engrossing.

DORN: Colleagues, you heard the motion. All those in favor, say aye. All those opposed, say nay. LB1165A is advanced. Mr. Clerk.

CLERK: Mr. President, items for the record. Amendments to be printed from Senator Clements to LB1209; Senator Kauth to LB933; Senator Dungan to LB958; Senator Spivey, LB958; Senator Spivey, LB958 as well; Senator Machaela Cavanaugh, LB958A; Senator Jacobson, LB1187; Senator Machaela Cavanaugh, LB966; Senator McKinney, LB962. Name add: Senator Conrad name added to LB744. And finally, a priority motion: Senator DeKay would move to adjourn the body until Wednesday, April 18 at 9:00 a.m.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate April 7, 2026
Rough Draft

DORN: Colleagues, you heard the motion. All those of-- in favor, say aye. Opposed, say nay. The body is adjourned.