

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate April 8, 2026
Rough Draft

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-seventh day of the One Hundred Ninth Legislature, Second Session. Our chaplain for today is Drona Jayanti, Hindu Temple of Omaha in Senator Fredrickson's district. Please rise.

DRONA JAYANTI: Namaste. Let us pray. Today, I offer a prayer from the ancient Vedic tradition of India with a message that transcends time, culture, and belief. A message of unity, harmony, and the well-being of all. I will first chant the prayer in our liturgical language of Sanskritam, followed by an English translation. Om sangacchadvam samvadadhvam, sam vo janatam-- sam vo janatam, deva bhagam yatha purve, sanjanana upasate. Let us walk together. Let us speak together. May our minds be united, just as those who came before us work together in harmony. May we, too, come together with shared purpose and collective responsibility. Om asato maa sadgamaya, tamaso maa jyotirgamaya, mrtiyormaa amrtam gamaya, om shaantih shaantih shaantih. Lead us from untruth to truth, from darkness to light, and from limitation to a state of higher awareness and fulfillment. May there be peace, peace, peace. These timeless thoughts remind us that leadership is not merely about governance, but about guiding society toward truth, clarity, and the collective good. In a place where ideas are debated and decisions are made, may there always be unity in purpose, integrity, and thought, and compassion in action. I humbly offer this prayer in the name of all faiths and denominations with a sincere hope for harmony, wisdom, and the well-being of all. Namaste.

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

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

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

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

KELLY: Are there any corrections for the Journal?

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CLERK: I have no corrections this morning, sir.

KELLY: Any messages, reports, or announcements?

CLERK: I have none this morning, sir.

KELLY: Senator Wordekemper would like to recognize the physician of the day, Dr. Monty Sellon of Fremont. Please stand and be recognized by the Nebraska Legislature. Senator Fredrickson would like to recognize two guests under the north balcony. They're Venkat Jayanti and Mallika Madduri, both of Omaha, and parents of today's pastor. Please stand and be recognized by the Nebraska Legislature. Senator Kauth would like to recognize a guest under the south balcony, Keren Cabrales, who is job-shadowing. Please stand to be recognized by the Nebraska Legislature. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR486, LR487, LR488, LR489, LR490, LR491, LR492, LR493, and LR494. Mr. Clerk, please proceed to the agenda.

CLERK: Mr. President, Select File, LB878. When the Legislature left the bill, the E&R amendments had been adopted. Senator Guereca, I have AM2980 with a note that you'd withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Guereca would offer AM3135.

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

GUERECA: Thank you, Mr. President. And good morning, colleagues. So as promised last night, AM3135 was the compromise amendment with, with the language agreed upon by myself, Senator Kauth, and all of the stakeholders. It includes the guardrails brought to us by DAS, making sure that these are permanent employees, that they've worked with the state for at least 12 months and had the requisite 1,250 hours within those 12 months. And the, the important piece is ensuring that the adoption bit, it's gonna be for children under 12 months. But I want to thank everyone involved. It was a joint effort to make sure we got this across the line. And I'm appreciative of everyone's effort to make this sure this happened. It's gonna help a lot of folks, and I ask for your green vote on AM3135. Thank you.

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

KAUTH: Thank you, Mr. President. I'd just like to reiterate what Senator Guereca said. We, we had a lot of great discussion last night. And by the way, thank you to everybody who kept the bill open while we were running back and forth. I think we made like 15 trips out to the Rotunda and down to the Clerk. So we really appreciate everybody helping with that. I think what we came up with was really pretty good, will serve the people of the state. Corrected the language part that I had problems with, made sure we kept the adoption in, but put some constraints on that. And I think the goal is to look at this and see how it goes. And if we need to make corrections, we will. But I appreciate Senator Guereca working with me on that. We had-- it was a fun evening last night. So I appreciate everyone's green vote on this amendment. Thank you.

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

GUERECA: Good point. Thank you all those that kept the mic open, that allowed for the negotiations to happen. Again, green on AM3135. And thank you all.

KELLY: Thank you, Senator Guereca. Senators, the question is the adoption of AM3135. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

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

KELLY: AM3135 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Guereca, I have nothing further.

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

GUERECA: Mr. President, I move that LB878 be advanced E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. LB878 is advanced to E&R Engrossing. Mr. Clerk.

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CLERK: Mr. President, Select File, LB958. 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 LB958 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 FA614 with a note that you would withdraw.

KELLY: So ordered.

CLERK: Senator Machaela Cavanaugh, I have AM3018 with a note that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Dungan would move to amend with AM2977.

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

DUNGAN: Thank you, Mr. President. Good morning colleagues. I'll try to be brief. I know we're all excited to get things moving today. This is an amendment that incorporates a bill that I brought this year that is very simple and doesn't have a fiscal impact. I know we hear that a lot, but it's true. For those in the body who were here, you may remember my priority bill a couple years back was the Prenatal Plus Program. The Prenatal Plus Program is a program that provides enhanced services to at-risk pregnancies for folks on Medicaid. The whole concept and the whole idea is that if we provide these upstream investments, it has healthier moms, healthier babies, and a healthier Nebraska. The program has been an overwhelming success. I know Senator Holdcroft has shared successes about the prenatal plus program multiple times and I've had the opportunity to speak with Director Corsi of DHHS, as well as other members of DHHS, and they've talked about the success of the program. When we first implemented the program, Senator Clements wisely had suggested we put a sunset on the program in order to make sure we didn't continue to fund something

that didn't work. I'll admit that at the time I was hesitant about that, but I also understood the need for that. So we agreed for a sunset to be put in place in 2028. This amendment simply strikes the sunset provision and allows the Prenatal Plus Program to continue. We have talked to DHHS about this. They were supportive of this bill. There was originally some other facets of the bill that were brought when I introduced the original copy in HHS Committee that included extending some services and broadening some services. That part has been struck. The only part that is being incorporated here is the elimination of the sunset and a clarification of how many breastfeeding counseling classes can be provided through Prenatal Plus. There's no fiscal impact and, again, spoke with DHHS about this, and they are supportive of the bill. Especially with the elimination of the other facets and only getting rid of the sunset. We've seen a really positive return on investment already. I know I've talked a little bit about having a kid recently, I can tell you all, I was actually at a class at Bryan Hospital doing the, the birthing class, and I noticed in the little pamphlet section, they now have pamphlets about the Prenatal Plus Program and how to get enrolled, and the benefits that it provides. And it was really, really cool to see sort of the, the fruits of our labor here, colleagues, where you can actually see the tangible benefit for folks who may need those services. So this is a program that gives that actual benefit to folks, and I would encourage your green vote on AM2977.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, this is a friendly amendment. No, as Senator Dungan said, no fiscal impact. It actually is already accounted for in the budget that we passed. So I would appreciate your green vote. Thank you.

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

DUNGAN: Thank you, Mr. President. Again, colleagues, I'd encourage your green vote. The one thing I just wanted to add that I, I did not mention in my opening is there's a report, reporting period we still have, that we extended, I believe, as a part of this. We agree we don't need reports into perpetuity. This Legislature has been very good about eliminating frivolous reports. But the idea of that

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extended reporting period is just to ensure that we continue to gather data about the Prenatal Plus Program to make sure if we are utilizing this program that it's actually benefiting people. So again, I would encourage your green vote on AM2977.

KELLY: Thank you, Senator Dungan. Senators, the question is the adoption of AM2977. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

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

KELLY: AM2977 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Spivey would move to amend with AM3119.

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

SPIVEY: Good morning, colleagues. I hope folks were able to get some rest from our late night and as we get started, bright and early this morning. So AM3119 is a replay from my LB1033, which we saw last week, which I withdrew. It came out of committee with no opposition. It did not have opposition at the hearing. And it raises the cap for HHS to make decisions around LIHEAP crisis support. As a reminder, LIHEAP funding is a federal block grant, no general funds, no state dollars go to it, and it's used for weatherization, utility assistance, and anything that ensures that people have the-- their basic need of keeping on their utilities. The reason, as a reminder, and we had some of this debate last week, but I just want to refresh people, the reason that we moved it to \$800 because that is the average cutoff notice. And so right now, HHS can do up to \$800, but they have to do a waiver. And so this just removes administrative burden and gives HHS a discretion to do \$800 as their cap for crisis assistance. And if they decide that person is eligible for more, then they will do the waiver. It has no impact to our General Fund. Again, no opposition and came out of committee all in support. So I would ask for your favorable vote on AM3119. Thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Seeing no one else in the queue, you're recognized, and waive closing. Senators, the question is the adoption of AM3119. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

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CLERK: 32 ayes, 5 nays on adoption of the amendment, Mr. President.

KELLY: AM3119 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Spivey would move to amend with AM3128.

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

SPIVEY: Thank you, Mr. President. Good morning, again, colleagues. So AM3128 is my bill that was introduced last year, LB701, which is for doula reimbursement. For those of you that remember the debate on the floor, there was lots of conversation around the "momnibus," and there were kind of three tracks of that conversation: nurse midwives, professional midwives and doulas. My bill as independent was heard in committee. It had no opposition at the hearing. It has the support of HHS, the hospital association, and other interested parties. Our managed care organizations are actually right now running doula reimbursement pilots, that is United Healthcare and Nebraska Total Care. And so my bill came out of committee with one in opposition, and it is standalone. So instead of having the kind of the grouping of talking about interventions for moms and babies, doula reimbursement is specifically separate. What my bill does is say that HHS will do a state plan amendment to CMS around what doula reimbursement will look like in the state. It does not mandate what that looks like. It is not mandate the reimbursement. It just says that they would submit that plan and then they would have over a year and a half to submit the plan and a year for implementation. Because of those dates there is no fiscal impact, and because we in this bill, I am not deciding an amount, that will then be decided at a later date after they submit their state plan amendment. When they do do their state plan amendment, we have already identified a sustainable revenue source which is through a sub fund and the healthcare cash fund that specifically looks at this work. As I mentioned, this does not had-- it did not have any opposition in the hearing. It did not have any opposition as I worked with partners and key interest groups, and only one person from committee voted no on this. And so I would ask for your favorable vote on AM3128. Thank you, Mr. President.

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

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KAUTH: Thank you, Mr. President. If I could ask Senator Spivey a question.

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

SPIVEY: Yes, sorry, I was giving something to the pages.

KAUTH: Thank you. Thank you, Senator Spivey. So for-- I'm going to read from your amendment. For the purposes of this section, doula means a trained professional who provides emotional, physical, and informational support for individuals before, during, and after labor and birth. It includes, but is not limited to, attending prenatal visits, support during delivery, and providing resources during the postpartum period. There is such a thing as an abortion doula. Does this cover people who are supporting people during abortions?

SPIVEY: It does not.

KAUTH: OK does it specific--

SPIVEY: So abortion services are not covered.

KAUTH: They're specifically not covered?

SPIVEY: Yes. That is correct.

KAUTH: Does it say that anywhere in the bill?

SPIVEY: So the doulas-- and that would be defined in the state plan amendment, so that would be considered a scope of like practice.

KAUTH: OK.

SPIVEY: So like if you say doulas are going to be reimbursed for prenatal services in their visits or doing their birth plan, that's what HHS puts together.

KAUTH: OK.

SPIVEY: And so HHS will put together that plan that says here's the exact things.

KAUTH: What they can and can't do.

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SPIVEY: But in general, a full-spectrum doula does not include abortion doula work.

KAUTH: OK, thank you very much.

SPIVEY: Yeah, thank you for your question.

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

ANDERSEN: Yeah, thank you, Mr. President. Would Senator Spivey yield to a question?

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

SPIVEY: Of course.

ANDERSEN: Thanks, Senator Spivey. Hey, looking at your original bill, LB701, is that right?

SPIVEY: Yep, LB701.

ANDERSEN: I see there's a fis-- a significant fiscal note.

SPIVEY: Yeah, so do you want me to speak to it? A little bit of the original fiscal note?

ANDERSEN: Yes, looks like it's half a million dollars.

SPIVEY: So, not quite. So the original fiscal note, because it didn't move to Select, it is an estimate. So the first year would have been \$15,000, and the second year, \$120,000, we worked with Fiscal. That assumed that we set rates. So if you look kind of in the description, it said that the average is around \$725 that is reimbursed. There is no fiscal note for this bill because we are not saying that that is the average that we're using because my bill doesn't set it. What it says is that-- my bill just says that they will do the plan and then, if there is a fiscal note once HHS decides what reimbursement rate is, then it is tied to the sub-cash fund that I talked about that has significant fees to cover. So it still would not, when it does have a fiscal note, not have impact to our General Fund.

ANDERSEN: OK, so if the Medicaid allocation from the federal government was decreased, then we will have to increase how much we would pay to provide the same coverage, is that right?

SPIVEY: That's not correct. So the state plan amendment has to happen first around services. And so that is the first part. This is within the Medicaid bucket. It's for Medicaid-eligible folks. But the, the cost, if there is a fee for this first, comes through the MCOs. So like if they want to cover doula services, that is through the MCOs that provide it. We have three in the state. And then if there's any impact to the state, that would come from the infant vital statistics subfund of the health care cash fund.

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

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

M. CAVANAUGH: Thank you, Mr. President. This is, again, a friendly amendment. And just speaking about the fiscal note, and I think Senator Kauth will be particularly excited that the next bill, the A bill, we get to IPP my own bill. So everybody can vote for the IPPing of the A bill, because there will be no fiscal impact to the general funds. Thank you, Mr. President.

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

HANSEN: Thank you, Mr. President. I am in favor of Senator Spivey's amendment for doula services. And I think, colleagues, if we have the general philosophy of helping provide assistance for mothers who need it during their pregnancy and after, this is a great way to provide that. Doula services, the statistics bear it out that in the long run, they do save us money. They reduce the incidents of complicated deliveries, complicated labors, less C-sections, emotional support, which in the long term then ends up saving the taxpayer money by not having to incorporate some of those other more drastic services through Medicaid down the road. And so again, this is not only from a fiscal perspective how it can help save us money down the road, but also just to make sure that philosophically we're doing our job to help take care of those mothers and children who maybe aren't able to get some those services on their own. I think this is a good way to

provide that, and I appreciate what Senator Spivey is trying to do here. And in a fiscally responsible manner, I think she's really worked this bill well and she's communicated that to everybody else here pretty, pretty good. So I appreciate her bringing the bill, and I encourage everybody to support the amendment. Thank you, Mr. President.

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

KAUTH: Thank you, Mr. President. Can I ask Senators Spivey one more question?

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

SPIVEY: Absolutely.

KAUTH: Can you talk a little bit about the maternal and infant mortality rate in Nebraska? Because we don't do great, is that correct?

SPIVEY: Yeah, that is a great question. And no, we don't. So March of Dimes puts out a report every year where they grade the states. And we are at a D minus for preterm birth, which is preventable. The number of NICU stays, as well as maternity-care deserts, so where people can access care-- actually, Senator Glen Meyer has the worst numbers for maternity-care deserts in the state. And then infant mortality, which is infant death. And the regular mortality rate for moms is one of the highest in the nation based on per capita. We do really terribly in that. And so studies showing what I just passed out in my handout, Nebraska Perinatal Quality Improvement Collaborative. Actually produced a really great report around what are the interventions that we can do to address what we talk about maternal and child health, the infant rates and the death rates. And doula intervention is one, expanding Medicaid coverage to a year postpartum, which this body did a few years ago. And so there are interventions that we can that actually save the state money because these moms and then children are not experiencing these very expensive medical procedures to solve for if we just went upstream on the issue. And so this is a really great proven opportunity for how we can do just that.

KAUTH: Does your bill-- and I'm sorry I haven't had a chance to read through it all-- does it talk about, do we get a report or do we-- are

we able to see if this addition, because it will increase our insurance costs, it will probably reduce them in a certain way. So is there any way that we are getting reports to say here's how this has impacted maternal health and, and, and all of those statistics?

SPIVEY: Absolutely. And once HHS does a state plan amendment, which is what my bill does, they will do that in their regular reporting.

KAUTH: OK.

SPIVEY: And so Director Nicole Barrett now, like that's part of her department, they will look at this program along with what else the MCOs offer to say this is the benefit. As I mentioned earlier, the UHC and NTC, Nebraska Total Care, our current MCOs have pilots. NTC's is still going. UHC has finished theirs, and they actually have a report around the impact. And that's why they're interested in and excited to be able to offer this to their members, because they are already seeing the savings.

KAUTH: Thank you. I appreciate it.

SPIVEY: Yeah, of course. Thank you.

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

ARCH: Thank you, Mr. President. Senator Spivey, could I ask you a question, please?

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

SPIVEY: Of course, Mr. Speaker.

ARCH: So I'm aware, generally aware of their work. Are they licensed? Are they certified? Are they on a, on a registry? How--

SPIVEY: Like how does that work?

ARCH: What's, what's that process?

SPIVEY: Yeah, so every state is really different. And that's what my bill does, is create what the competencies would look like for doulas.

So as a reminder, doulas are not medical professionals. They're not like a med tech.

ARCH: Right.

SPIVEY: They're not like a community health worker, which I know Senator Hardin brought that bill to kind of organize that certification. You can get doula certification from a number of places. And so what this says is that as a state, what competencies do we want them to have? How will they get their certification? Because they are-- think of them like a birth advocate. And so the state would regulate that. And so they don't have to go through like that process that you would typically see for certification. This-- that would be encompassed in the state plan amendment.

ARCH: But, but currently, there is no certification in our state for doula?

SPIVEY: No, so there are different organizations that offer certification. You can also get it online. And doulas are able to work with families now. Because again, they are a birth advocate. So they are attending prenatal appointments. They're working on birth plans for folks. And so they are able, and they're here now, there's just not the reimbursement stream. And so this is really tied into workforce, that we know that it makes a difference on the outcomes for pregnant people, and there needs to be a revenue stream that supports that so they can be in the workforce and be a part of that care team.

ARCH: Do you know if the waiver will specify a requirement for licensure, that the, the state would create a new license for doula or, or a state certification, not a private certification, from their training program?

SPIVEY: Yeah, so my conversations with the state, because there are already pilots happening, that would be over regulation. So what they would put together in the state plan amendment would be competencies. And if have a certification, say, that you got online, you would show like, hey, I attended this around maternal health basics and I took a CPR course. And then they might say, OK, well, you need to do these other things and here's where you can get it and demonstrate it. And so it wouldn't be like a new licensure, but it would ensure that

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people have the right information to be able to support pregnant folks to be then get reimbursed through Medicaid.

ARCH: And that's yet to be determined, I mean, yet to be prescribed as to what that will be?

SPIVEY: Yeah. Yeah, and that's one of the reasons why HHS was in support of this bill because I did not prescribe it. Before there were previous legislation that was very specific--

ARCH: Right.

SPIVEY: --and they really wanted to work with partners, again, this is already has momentum. They want to work with partners to put that together, and they, they have the internal expertise to lead and that as well.

ARCH: OK. Thank you, Mr. President. Thank you, Senator Spivey.

SPIVEY: Thank you, Speaker Arch.

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

ANDERSEN: Thank you, Mr. President. Will Senator Spivey yield to a question?

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

SPIVEY: Yes, I will.

ANDERSEN: Thank you, Senator Spivey. I see in the original bill, LB701, it has the implementation plan having the work group to commence by 1 October of 2026. But in the amendment, it talks about the implementation plan of January 2027. One thing I was kind of curious about is when it looks at the composition of the working group in your amendment, it talks about 30% of any doula professionals, 10% rural, and 10% people who have used a doula services before. But the one thing I was curious about is you have in here a stipulation of 30% of the people on the working group being people of colors-- people of color. Any idea, I don't know why you stipulated that. Maybe you can enlighten me on that.

SPIVEY: Yeah, I'll be happy to answer. So if you look at the data around negative birth outcomes, people of color are disproportionately impacted by their population, meaning we make up a smaller percent of the population but have outsized worse outcomes. And so it's a framework called targeted universalism, where if you at the people that have the disproportionate outcomes that are the worst and you solve for that, then you will see improvements for everyone. And so the idea is that we can make sure that experience is very specific. That can be represented in the partnership with HHS to make sure that we are solving for that because, again, it's shown to have outsized impact for everyone.

ANDERSEN: OK, thank you. Would Senator Riepe yield the question?

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

RIEPE: Yes, I will.

ANDERSEN: Thanks, Senator Riepe. I noticed in the committee report that you were the sole dissenting vote on LB701. Would you care to share why you voted against it?

RIEPE: Yes, I will. I believe that doulas can and do serve a particular function within a given population. I also understand, and I would be favorable to that. My only issue is, is I am not prepared to expand Medicaid to pay for it. It's \$120,000, according to the fiscal note for the state. And in, I think it was yesterday's news, Montana has eliminated its doula service because of the look towards, with One Big Beautiful Bill that's going to be reducing Medicaid reimbursement and our own fiscal situation, I think we have to slow down. Medicaid has grown rapidly in the state of Nebraska to the point it's unaffordable for all of the expansions that we've done. And we keep adding on little by little by little. And I've said, for me personally, enough is enough. And so I will be voting no. Not to be mean, but we have to be fiscally responsible in my opinion. Thank you. Do I answer your question enough?

ANDERSEN: Yeah, absolutely. Thank you, Senator Riepe. I appreciate that. Senator Spivey, can I ask you another question?

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

SPIVEY: Yes, I will.

ANDERSEN: Thanks. Kind of piggybacking off what Senator Riepe said about the Medicaid funding and everything else, and the unknown future of the amounts, that's kind of my comment on the fiscal note, ties into that. Is there a reason why there isn't a sunset clause in this that would allow us to revisit it, look at the successes of it, and then, you know, continue to move it out as it's a successful program, or rein it back in if it proves to be unsuccessful?

SPIVEY: Yeah.

ANDERSEN: Any thoughts to a sunset clause?

SPIVEY: Yeah, I think that is what HHS is for, and that's why the bill is written that they have purview over what the program looks like. They assess their programs all the time. In front of Appropriations, they've brought bills and updates to their closing out this program. They're not doing the program. It's kind of to Senator Kauth's point that that assessment and data does happen. And just as a reminder, they are setting the reimbursement rate and there's no fiscal impact. So if there is a fiscal impact, HHS is setting that, they are accounting for that. And then this is also the fiscal impact, if there is one, comes from a health care cash fund, a sub fund. So it still does not again expand Medicaid and I think in the way that Senator Riepe was speaking to.

ANDERSEN: OK, thank you. I would submit that as the appropriators, it's our responsibility to assess and contact DHHS to find out if it's successful--

SPIVEY: Oh, I agree.

ANDERSEN: --to determine whether we should continue appropriating funds or not.

SPIVEY: I agree, and that's why as a member of Appropriations, I spent a lot of time with that committee-- agency and others around what their budgets look like in a successive program. So I would agree.

ANDERSEN: Thank you. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I just wanted to speak to the, the question about a sunset. State plan amendments are naturally a sunset, they have to be renewed-- excuse me, renewed every three or five years, depending. And so this would automatically be reevaluated, kind of if they wanted to include it in future years. So thank you, Mr. President.

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

ARMENDARIZ: Thank you, Mr. President. Thank you, Senator Spivey. I wanted to speak a little bit to Senator Riepe's concerns about expanding Medicaid and the costs associated. And initially, I do, I do not want to increase any cost to Medicaid. Sitting on Appropriations though, there are grant-- great opportunities to reduce our Medicaid spending in a lot of other ways. I would agree with Senator Spivey that this is kind of a hot spot for Nebraska right now. Our mortality, morbidity rates in births is, is really kind of shameful. So any kind of application that we can expand to increase those numbers, I would be supportive of. And that's quite frankly what we should all be looking at when we are spending money, especially in Medicaid. Let's get rid of those programs we really don't need anymore. And I would rely on the rest of you that will be here next year and in the future to really dig down on where we're spending in Medicaid. Or, I mean, a perfect example is able-bodied working individuals should be working. That's one of those things where we can reduce some of those Medicaid rates as well. So everybody still here should really take a deep dive in where we are spending Medicaid. This happens to be one program that I would support because it is low-cost. And hopefully we'll reduce those really low numbers for Nebraska. I think Nebraska has great, great, great healthcare, and to see that with newborn babies and moms is really kind of shameful for me to see. And I would rather focus on that than maybe some other areas that we're spending Medicaid in. Thank you, Mr. President.

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

STORER: Thank you, Mr. President. A couple of things that I'm just trying to get my head wrapped around here. I appreciate Senator Armendariz's comments, have some concerns that certainly this, this is, on some level, an expansion of services, which generally I oppose. I would ask if Senator Spivey would yield to a question.

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

SPIVEY: Absolutely.

STORER: Thank you, Senator Spavey. I know you've put a lot of work into this and the interim study over the summer. Is there-- or what is the reason behind the makeup of that stakeholder group? It's just very different percentages to represent different groups in the state. Can we look at perhaps just making that sort of an across-the-board representation for people that would potentially utilize these services, which could be not only those that you've included, but, you know, urban moms that don't necessarily fit that-- either of those categories?

SPIVEY: Yeah, so it doesn't make up, if you look at the percentages, 100%. There is room for HHS to decide. And then there's also like kind of in the percentages of like rural, for example, it was important because a lot of the conversation around births happened about urban areas. And we wanted to make sure that rural voices were a part of that conversation. Then it also has a spectrum of providers that are there. So like an OB. So an OB might meet two of the different criteria for it, or HHS might decide, hey, we want to add this person. So it does leave room, again, for HHS to decide what that working group for that state plan amendment looks like. And this is not new. This is already happening as well. So this makeup is representative of the work on the front lines that HHS has already started to chip away at, and the MCOs are-- have been committed to.

STORER: I'm not sure, I'm not sure we got to actually the answer, but I appreciate that. In terms of the kind of percentages, and I don't know how many people total would end up on the stakeholder group, but 10% for rural is probably just going to be one individual likely. I would like to see, you know, some expansion of their representation on there. And then my last question is regarding, you know, to Senator-- or Speaker Arch's point of are we getting the cart ahead of the horse, in that we don't have parameters for certification in place yet? So

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we're putting language in here to reimburse without any parameters for how those doulas are certified or approved.

SPIVEY: So we are not. So we-- this, my bill, has the state plan amendment that HHS decides to go to CMS. So I did not dictate what reimbursement looks like. So they have the purview. And doula pilots are already happening. So two MCOs are already doing them. And the third, Molina, is looking at it. And so this is happening. It's been successful. There is a white paper, the NPIC, which is our expert in the state, Nebraska Perinatal Quality Improvement Collaborative, has already done in partnership with UA-- UHC to show the impact. And so it is a proven model already with where we are with how doulas have been integrated into primary care teams for folks that are pregnant.

STORER: But as I read the bill, it will be the stakeholder group that really sets up the determination of how those doulas are approved for reimbursement. Right?

SPIVEY: Correct, which is the technical piece of just the reimbursement process with CMS. And so that's where-- why HHS came not in opposition to that. Previous bills outlined it and that was, that's not the case in this. They decide what reimbursement looks like, the services and the process. And so that is why there was support across the board for that, because they get to the thought leadership for it.

STORER: And DHHS is completely responsible for the appointments on that stakeholder group. Is there an end date, or is this going to be an ongoing-- I don't really see a specific end date.

SPIVEY: So the end date is through the state plan amendment, and then that group can disband unless HHS decides they want to keep, you know, working with that group. That is, again, their purview, and I trust them to make that decision. And then they have a deadline to submit the state plan amendment. And then as Senator Cavanaugh mentioned, state planned amendments are revisited by nature because it's submitted to CMS, the feds, that provide regulation.

STORER: OK. Thank you.

SPIVEY: Thank you, Senator.

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

SPIVEY: Thank you, Mr. President. I appreciate the dialogue and questions this morning, colleagues. As Senator Armandariz mentioned, this is really important work, especially for moms and babies. And I think this is a good place for us to be invested in as a state. As a reminder, there is no fiscal impact. This bill provides for the state plan amendment with HHS. There was one opposition out of committee, and there was no opposition at the hearing. And I ask for your favorable consideration on AM3128. Thank you.

KELLY: Thank you, Senator Spivey. Senators, the question is the adoption of AM3128. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 11 nays on adoption of the amendment, Mr. President.

KELLY: AM3128 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 LB958, be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. LB958 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB958A. There are no E&R amendments. Senator Machaela Cavanaugh would move to indefinitely postpone the bill with MO568.

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

M. CAVANAUGH: As promised, we all get to come together and vote to indefinitely postpone my A bill. So just thought we'd have a little fun. Thank you all so much for supporting Senator Spivey and Senator Dungan's bills. I think we're gonna see a, an improvement in health outcomes for babies in Nebraska as a result of those important pieces

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of legislation. And yeah, so let's have some fun. Vote green on MO568.
Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senators, the question is the adoption of the motion to indefinitely postpone. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 0 nays to indefinitely postpone.

KELLY: The motion is adopted. Mr. Clerk.

CLERK: Mr. President, Select File, LB762. 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 LB762 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 FA391 with a note that you would withdraw.

KELLY: So ordered.

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

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

GUERECA: Mr. President, I move that LB762 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay. The amendments-- LB762 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB1187. First of all, Senator, there are E&R amendments.

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

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GUERECA: Mr. President, I move that the E&R amendments to LB1187 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 FA847 with a note that you'd withdraw.

KELLY: So ordered.

CLERK: Senator Dorn, I have FA962 with a note that you'd withdraw.

KELLY: So ordered.

CLERK: Senator Dorn, also FA963 with a note that you withdraw.

KELLY: So ordered.

CLERK: Senator Ben Hansen, I have FA1043 with a note that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Jacobson would move to amend with AM3068.

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

JACOBSON: Thank you, Mr. President. As many of you know, we, we reached a compromise on the brand bill, LB1187, with AM3068-- or excuse me, AM3037. The effect of AM37-- AM3037 was a white copy amendment which basically became the bill, even though we voted on an amendment after that, the bill is AM3037. So for those, particularly those who are listening at home and have been trying to follow this debate, many are confused, and they need to understand that AM3037 is the bill. Don't read anything else, just read AM3037 Now, when we put AM3037 together, we, we brought in dairy, heifer dairy development. And when that was brought across, there were a couple of errors from previous bills that we needed to get cleaned up. So that's really what AM3068 does, is it makes those fixes so that heifer-- dairy heifer development is going to be handled like RFLs are handled, same inspection regimen, fee schedule and so on. So it's just bringing consistency. This is a very friendly amendment to my amendment which

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is now LB1137. So I would encourage your green vote on AM3068 and also green vote LB1187. Thank you Mr. President.

KELLY: Thank you, Senator Jacobson. Senator Kauth would like to recognize guests in the south balcony, fourth-graders from St. Stephen the Martyr in Omaha. Please stand and be recognized by the Nebraska Legislature. Senator Murman would like to recognize guests in the north balcony from Holdrege High School. Please stand and be recognized by the Nebraska Legislature. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I appreciate the introduction from my friend, Senator Jacobson, but still have concerns about the approach in regards to LB1187. I was hoping that my friend Senator DeKay, as chair of the committee, would yield to a question.

KELLY: Senator DeKay, would you yield the questions?

DeKAY: Yes.

CONRAD: Thank you. Thank you, Senator. I had an opportunity to review the updated fiscal note that was posted yesterday, and there's a lot going on there. But one thing that caught my attention was essentially if this measure moves as amended, there'll be about a million dollars of reduction of revenues from registered feedlots. Is that an accurate assessment?

DeKAY: That would probably be pretty close, yes.

CONRAD: OK, so we're essentially as part of LB1187 cutting fees or charges from some of the largest feedlots by a million dollars?

DeKAY: We're gon-- I don't know what the total would be, but we're going to a percentage basis. So the feedlots would be at 25% rather than the 100% of what they were before.

CONRAD: Right, I see that also listed in the bill and, and in the, the fiscal note as well. And I guess my question is why?

DeKAY: This has been an ongoing negotiation for the last two-plus years. Registered feedlots have been paying the same amount per capacity. And with that, they were also paying more inspection fees

from going, going from grower yard to finishing yard. So over the course of two years, in order to keep brand-solvent and Brand Committee-solvent, we're working toward a compromised situation that would be good for cow-calf producers and good for feedlot producers too.

CONRAD: OK, so I know the original measure started off with kind of a, a modest increase of fees and making some adjustment to, to travel expenses and things like that. But then that process has, well, let's call it evolved through various amendments. But if the goal is to keep the Brand Committee solvent and strong and modern, why are we reducing the current approach to fees for the largest feedlots?

DeKAY: Through conversations over the last couple of years, different stakeholder meetings and stuff, there has been continuing, continuing pressure to either go to a different type of brand inspection or voluntary. And we was working toward a compromise that would keep feedlots involved and feedlots involved in the pay structure of how we're going to fund Brand Committee. But with this, like I said, we're working through our compromise to try to keep everybody involved without going to no-brand laws or to a compromised voluntary system.

CONRAD: Yeah, I, I appreciate that there's a lot of different perspectives out there that you, you and the committee are trying to navigate through. I'm just trying to understand in our long-running discussion in regards to fees, in some ways it seems like this approach actually makes the fee structure even more regressive by giving a significant break to the registered feedlots, but then raising fees on calf-cow producers. Is that right?

DeKAY: That would-- yeah, you could probably presume that. Like I said, there's been pressure on us probably ever since brand line was put in in 1941 to be more uniform. So and the last time RFLs, registered feedlots, that change came in the early '70s and nothing has been changed since then. And we got to the point where we're kind of kicking the can down the road and, and Brand Committee itself was probably going to be insolvent possibly by the end of 2027 if we didn't change up some things and try to reach a compromise. And like I say, with the compromises that we originally had in place, I thought we were in a good spot. And we're trying to keep Brand

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Committee-solvent, and the cow-calf producers said that-- they told me that they were willing to pay a little bit more than--

KELLY: That's time, Senators.

CONRAD: Thank you, Senator. Thank you.

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

HANSEN: Thank you, Mr. President. I'm going to try to maybe alleviate some of Senator Conrad's concerns, because I know she wasn't as involved in the discussions, the negotiations, the seemingly endless hearings, discussions with both cow-calf operations, with RFLs, with people in western Nebraska, people in eastern Nebraska. I feel the, the underlying bill and the amendments, the one especially that Senator Jacobson also brought, the previous one that we all worked on is that Senator Jacobson brought, that was a culmination, I think, of a lot of concessions. You know, when somebody, like we mention on the floor all the time, when kind of people have to walk away from a deal with both parties holding their nose, a lot times it's, it's a good deal. And that's kind of how this ended up working out. From my understanding, and I'm sure maybe Senator Jacobson or Ibach or Senator DeKay or Senator Storer can correct me, registered feedlots actually wanted to be less. They wanted to go to a percentage system. They wanted to be somewhere below 20, again, conceding, going up to 25%. Primarily from my understanding, that a lot, or most, if not all, of the theft and deterrence of theft typically happens more in the cow-ca-- cow-calf operations. And there's little to no theft in the RFLs, the registered feedlots. So essentially, the registered feedlots are paying for a system that may not have much benefit for them. But I understand the idea that they do need to be a part of this. I don't think they should be at zero by any means, and it seemed like 25% seemed like a good concession. And ultimately, from what we heard from the Brand Committee, their concern was the ability to remain solvent, to help their revenue capacity, and they asked us to increase their ability to cap, to raise the cap on the fees from \$1.10 to \$1.50, which was included in the bill. And there were some other concessions as well, the, the, the heifer part that Senator Jacobson was talking about, dairy. There was-- I had a part in, in the bill that I would have liked to see that had to do more with the audit process. But you know what, I have no problem leaving that out when it seemed like this was something that everyone could, could live with. Could keep the

Brand Committee solvent, keep brand strong in the state of Nebraska. And in my opinion, I'm not a huge fan of making it mandatory statewide. That was, that was a conversation, I think, that has been had among certain parties. And so I think when we're looking at the numbers, when we are looking at whys, I think a lot of that has to happen with maybe a lot discussions that happened behind the scenes and what people could live and what couldn't live without, I guess. So that's where I think a a lot this kind of ended up coming together. I think in the end, RFLs aren't happy, in the end, cow-calf operations aren't happy, the Brand Committee isn't completely happy. But in the end, it moves the ball forward, I think, with ultimately keeping the Brand Committee solvent and running in the state of Nebraska, and helping a lot of those cow-calf operations and ranchers out in western Nebraska with the Brand Committee and the brand process. So, I-- so I've never been quite involved in a, in a bill with, not so many moving parts, but with the philosophical and emotional ties to, to something in statute. So I, I've learned a lot, and I appreciate all the feedback I've gotten from people in western Nebraska, from my colleagues here on the floor. I know Senator Jacobson, Senator Storer, Senator DeKay, Senator Ibach has worked very hard on this. And so I appreciate all the feedback from them as well. And I, I would encourage colleagues to vote for the underlying amendment from Senator Jacobson and then the bill as well. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. I, I don't plan to belabor the point. And for strategic purposes, there's little point in extended debate or filibuster based upon conversations with colleagues and being able to read the room and, and read the votes. But I do think it's important that we let Nebraskans know that this Legislature does not think with one mind or speak with one voice on this issue that's very important to our ranchers, to the cattle industry, and because of their prominence in our economy to the state of Nebraska, of course. But I, I do have some additional, I guess, questions that I want to make sure to ask and put on the record. If Senator DeKay would please yield to an additional question, I have a question about the process in regards to the legislative materials available.

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KELLY: Senator DeKay, would you yield questions?

DeKAY: Yes.

CONRAD: Thank you, Senator. I-- and it may be a deficiency of how our legislative website works, and I know that's being updated. But one thing that I think is confusing, if you go and look at the committee statement on this, on this bill, LB1187, you can see that it came out of committee with-- unanimously. And then listed at the original committee hearing were a, a who-- whole host of diverse representatives from farm interests and ag interests, and then there were, I think, no neutral and one opponent from, from the beef industry as well. But I know then, because the measure, as originally introduced, went through some pretty significant amendments, you had subsequent hearings on that. So the substance of the amendments, of course, are included in the committee statement, but the full information about public participation at those subsequent hearings is not included in the record. And I, I know you don't run the website. But I, I was just wondering if that was something just from a technical perspective if, you know, you wanted to maybe talk about what the public feedback was on in the subsequent, subsequent amendment hearings.

DeKAY: There was a lot of public feedback in the form of letters drafted, but there's also a lot of feedback coming to myself and probably others on the Ag Committee that were in the forms of emails to our offices, so that weren't part of the public record that we also took into account.

CONRAD: Sure, yes, that, that is always part of the process. Who-- just so that I can get a better understanding as a senator who wasn't involved in the negotiations, who did you as chair spend the most time kind of talking to about these issues? Who were the parties in the room?

DeKAY: That I actually talked to?

CONRAD: Sure.

DeKAY: I talked to Nebraska Cattlemen, I talked to Nebraska Farm Bureau, I've talked to a lot of cont-- constituents in the cow-calf

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industry, and I've talked to some of the feedlot operators that aren't in my district.

CONRAD: OK. And we know some of them have registered lobbyists here that weigh in frequently on, on ag issues. Some have newly hired lobbyists to represent their interests in the body, which is their right, their First Amendment right. But how do you as a senator and how does the committee kind of weigh, you know, that perspective from the grassroots perspective?

DeKAY: It's, it's been an interesting process. I said-- you can take a look at it one hand. I had registered feedlots and cow-calf producers inside the brand area that weighed in both ways that we need to go to a more voluntary or we need have the same brand laws in place. So and on the opposite side of the line, on the eastern side of line, same deal. I had cow-calf guys that say don't touch brand, and cow-calf guys say do away with it.

CONRAD: Right.

DeKAY: So it was a total perspective. Everybody in the industry was involved, and there was a lot of dialogue and debate on both sides of the issue from feedlots and from cow-calf guys. But we are a cow industry in this state, and to try to reach a compromise over the last two-plus years that I've been involved with--

KELLY: Time, Senators.

CONRAD: Very good. Thank you, Mr. President. Thank You, Senator DeKay.

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

F. MEYER: Good morning, Nebraskans, and thank you for the opportunity to speak this morning. And I, I won't take long, I just want to voice my thank you to Senator Jacobson for making all this happen. He was instrumental in getting all the parties kind of to the table and doing some really tough negotiations. But what we've ended up is some-- a really good spot for the cattle industry. The, the basic business formula for a feedlot is entirely different from a cow-calf operation. So you kind of need to wrap your arms around that before we talk about who, who needs to pay a fair share, because they're, they're very different. They're basically identical to a feedlot out of the brand

inspection area which has no expense. So where we've landed here is kind of where-- I'm a member of the Nebraska Cattlemen. The president of the Nebraska Cattlemen, when he first testified at the very first hearing, said, we need to find a middle ground. And I'm very confident that this is the middle ground that all parties have kind of agreed on. Is everybody happy? Probably not. But I've also been at the last three Nebraska Cattlemen conventions in December in Kearney, and this topic has been brought up every year. What are we gonna do with the brand? What are we gonna do with the brand? Well, we finally reached some resolution here after tough negotiations, and I think where we've landed is a spot that everybody may be not totally comfortable with, but they can live with it. And I think it's also a position that will not come before this body again for a good number of years, because it has enough liquidity in it, enough latitude in the fee increases that are proposed that they may go to, but that they don't have to. And, and the fee increases were something that everybody kind of agreed were necessary. The, the level of increase will set a cap in this bill, but where it actually goes will be up to the Brand Committee. So it's a little bit broader representation of the cattle industry. But again, Senator DeKay has done a wonderful job making all this happen, along with Jacobson and, and Senator Ibach. And I just think a green vote on, on both the amendment and the underlying bill is, is the right way to go forward. So thank you, Mr. President.

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

DeKAY: Thank you, Mr. President. Just to give a little clarity on where we're at with all of this, up till now, the feedlots have been paying more to subsidize brand through the current fee structure with the multiple inspections that they had been going through. So we were working to try to make a compromise that were-- was going to be adequate to fund Brand Committee and let them do their job to the full efficiency that they could. So that was part of it. And Brand Committee has also talked over the years to raise fees and to adjust the RFL fees to be more closely in line with the cost of other cow-calf producers. So through this whole process, it's been a lot of negotiation, a lot a talk between cow-calf guys and keeping Brand Committee solvent. And what we're doing with these amendments and with the original bill was to have a fee structure that was going to keep Brand Committee solvent, it was going keep Brand Committee able to work the way they want to. Brand Committee will not lose any of its

power in hiring the executive director to run it. That will still be on Brand Committee. There will be a little restructuring on how the Brand Committee is allocated through different regions of the state. So it's been a real collaborative effort. I think we're in a good spot as far as what our Brand Committee will be, the makeup of it, and how it will be able to function in the future and keep brands solvent and for years to come. And brand will still, going forward, will still always be a permanent form of identification. And that's one of the things we stri-- strive to keep. And that's one thing that we all push forward to know that this is-- brand is very important as a form of identification, and it's very important to the cow-calf guys and keeping those guys comfortable with where brand is going is a good thing. And when we talked about the perfect bill, there has not been a perfect bill with brand since the line got drawn in 1941. We've obviously been working over the years to, like Senator Meyer said, not everybody's going to be happy with everything in any bill. But as we're trying to strive to get to a point where everybody can be comfortable going forward, know that we have a good system in place that's going to work going into the future for the cow-calf industry, whether it's from the cow-calf producers to the backgrounders to the feedlot finishers. So thank you very much. I appreciate this, and I'll vote for AM3068. Thank you.

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

CONRAD: Very good. Thank you, Mr. President. Hopefully I can get it wrapped up here, but I'm trying to get a better understanding and sense of, I guess, the pressure to make these changes and trying to get an understanding about whether or not the insolvency was a manufactured crisis or an actual crisis, the potential insolvency of the Brand Committee. And I'm kind of trying to go back and think through some of the more prominent pieces of legislation in recent times in regards to this issue, and I had a chance to look up LB572 from 2021, which had a pretty significant fee reduction along with a bunch of other technical updates that probably perhaps precipitated some of this, the fiscal pressures that may have led to the original LB1187 that now of course has been significantly changed. So I, I just, I'm trying to get a better handle on kind of that timeline result and impact. And I know Senator Storer and others have talked about this uneasy and hard-fought compromise. And I guess my question to proponents of this, this legislation is, is this it? Are we going

to see additional runs on brand? Is there going to be an additional push for tags? What I think Nebraska-- I, I think Nebraskans need to deserve to know the intention of this body in regards to this critical inflection point. So I pose that to the record for proponents. I also want to make sure, because it's not clear on the committee statement, perhaps for technical reasons, again, there's a pretty wide group of supporters originally in support of LB1187 at the committee hearing on February 17th, 2026. Key organizations representing grassroots-driven policy and brand issues that their members set. Then if you look to March 12th and AM2503 that replaced the original bill and had a special hearing late in the session, and I had a chance to watch some of that that day, but it had a new hearing because it set new subject materials before the body and the public. I've received complaints to my office that the substance of the amendment was not vetted with cattle producers before the hearing. And when you look at the results of the hearing itself, no proponents, 11 opponents, some neutral testifiers, and the fact that we did, thanks to Senator DeKay's leadership, extend opportunity for online climate-- or online comment due to the tragic wildfires, it looks like there was like 4 proponents, 325 opponents, and a few neutral folks. So totaling up the in-person and online testimony, there was perhaps less than a handful of proponents, almost 350 opponents and some neutral. Seems like that's about-- and somebody did the math for me, because that's not my strong suit, but about 98% of the witnesses opposed the changes from the original LB1187. And friends, I think that's very telling. Why did we take the public out of public policy? Thank you.

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

JACOBSON: Thank you, Mr. President. Well, let me just wrap this up by saying that there very definitely was public input all through the course of this process. I think when we talk about the amendment on that last hearing, that was a different amendment. That was not my amendment. That was not LB3037 [SIC]. LB3037 was, was pulled together as a result of that hearing and speaking to my constituents in District 42, Senator Storer's constituents in District 43, and Senator Storer as it relates to being a cattle rancher herself and having many neighbors who have, have told her what they think and told me what they think. So a lot of my time the weekend of pulling this together was talking to feed yards and understanding what they were willing to accept. Let's keep in mind that when LB646 was brought a year ago. The

impetus of the bill was to totally exempt registered feed yards from being a part of brand no matter where they were located. There would be no fees, there would be not audits, no inspections. That was going to be totally unacceptable to the cow-calf producers. I think, as has been stated before, the cow-calf producers need brand. They, they want positive identity of their cattle. They want a paper trail when those cattle are sold, when they live within the brand inspection area. When Senator DeKay mentioned in 1941 was when the brand law was implemented in Nebraska. They drew a diagonal line across the state of Nebraska. The eastern third was exempt, because that's generally where the feed yards were located. And western Nebraska was in it because that is generally where the grazing land was and the cow-calf producers. I-- we've said-- mentioned several times, cattle are not stolen out of feed yards. They're, they're penned up, they're fenced around, they're lighted. They're not-- nobody is stealing cattle out of feed yards, and so feed yards have long complained that they're paying a significant price to support the brand inspection process and getting no value. The problem is, is that if you locate within a brand inspection area, you're in the area. You're covered by brand. So the question really has become, in order to keep the integrity of the brand system in place, we have to be able to inspect and audit cattle that are coming in and out of the brand inspection area, including feed yards. So what is the right price for them to pay and, and what do we need to do to make this system work? So recognizing those truths, it was really a matter of having a negotiation with the feed yards who wanted to have at least significantly reduced fees, which is what we did. We significantly reduced their fees. However, we also provided an ability for the brand renewal, that would be the actual branding iron itself, and the brand that you, that you have registered, that brand fee could have been \$100, is now-- can go up to \$100 a year, \$400 for a four-year renewal. There are 33,000 brands that are registered. Run the quick math on that, that's \$3.3 million. OK? That's a pretty good chunk of revenue when you consider that you could, the Brand Committee could increase those fees, would be paid by cow-calf producers and by feed yards. These are brands that have likely been in your family for multiple generations. So the negotiation process really, the process was simple. How do we get the two sides to come closer together to understand that cow-calf producers want to keep brand, feed yards want to be outside the brand. So at the end of the day, there was a question of what can we live with? And I think ultimately AM3037 really codified what we could live

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with. That was the agreement. Nobody's thrilled. But nobody's saying it, it doesn't make sense. I agree with Senator Meyer on what he said, that this should fix this bill. We're not looking for anybody coming back. I feel sorry for the senator that would bring a bill next year. OK? I actually feel sorry for them, because it will be ugly. We have, I believe, a handshake agreement from both sides that we're done talking about brand with this bill, that we'll pass the bill this year and we'll live with it. We're also making some changes--

KELLY: That's time, Senator.

JACOBSON: --with the committee. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Senators, the question is the adoption of AM3068. All those in favor, vote aye. All those opposed, vote nay.

CLERK: Record, Mr. Clerk.

CLERK: 36 ayes, 2 nays on adoption of the amendment, Mr. President.

KELLY: AM3068 is adopted, Mr. Clerk.

CLERK: Mr. President, Senator, I have nothing further.

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

GUERECA: Mr. President, I move that LB1187 be advanced to E&R for engrossing.

KELLY: Senators, you heard the motion. All those in favor, say aye. Those opposed, say nay LB1187 is advanced to E&R Engrossing. Senator Raybould would like to recognize some guests in the south balcony, ninth graders from East High in Lincoln. Please stand to be recognized by your Nebraska Legislature. Mr. Clerk, items for the record.

CLERK: Thank you, Mr. President. New LR's, LR505 from Senator Sanders. And LR506 from Sen-- from the Banking Commerce Insurance Committee. LB505 will be laid over. LB506 will be referred to the Executive Board for referencing. Next item on the agenda, Mr. President, Select File, LB966. There are no E&R amendments. Senator Kauth, I have FA622 with a note that you'd withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Machaela Cavanaugh would move to amend with AM3120.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, this is the bill that you voted for last Thursday on school meals. And, and as I promised, that I would not ask the Speaker to schedule it unless I had money for it, the amendment that we are entertaining today, it is creating a five-year pilot program with private funding into a newly created cash fund. The cash fund will be administered by the Department of Education. It authorizes rules and regulations to be done by the Department of Education. The private funding is restricted to public schools, and private schools are no longer eligible for this. I did speak with the Catholic Conference about this. This is-- the funder will only fund for public. And so the Catholic Conference said this is something that they already fundraise for, so they understood. So while I would like to fully fund school meals for all kids, that's where we're at with this pilot program. And it creates reporting and analysis of student performance for groups of students covered by the funding program. So in five years, there'll be a report made public about how this program worked. And it has no fiscal impact because it is going to be funded privately. So with that, I hope that you all will vote for AM3120, and thank you.

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

KAUTH: Thank you, Mr. President. Can I ask Senator Cavanaugh a question?

KELLY: Senator Cavanaugh, would you yield to questions?

M. CAVANAUGH: Yes.

KAUTH: So this, this program is set up for five years.

M. CAVANAUGH: Yes.

KAUTH: What level will it be funded at? How much money?

M. CAVANAUGH: It's going to 100%, whatever it costs.

KAUTH: OK, 100% of the costs for how many schools?

M. CAVANAUGH: All schools that qualify for reduced lunch.

KAUTH: All reduced lunch. What happens after the five years?

M. CAVANAUGH: Well then the Legislature would have to decide if they want to continue with a program or not. It, it, it literally ends in five years. This pilot program ends in 5 years. It's not a sunset. It's the pilot ends.

KAUTH: So what happens when the, the schools get used to this money and they decide rather than budgeting appropriately for what their true costs are, they spend that money elsewhere, and then when five years is up, they come to the Legislature and say, well, you have to keep funding it because we're used to having that money paid for?

M. CAVANAUGH: So this is actually money that families are paying to the schools. And so this program is it's families that are 130-180% of the poverty line, that's who qualifies for reduced lunch. And so, this is filling that gap for those families. So if this program successful and the outcomes are successful, then the Legislature, I think, would then entertain whether it's worthwhile for the state to continue funding it, and possibly partner with the private funder or other private funders at that time.

KAUTH: OK, thank you. My concern with this is every time we create a new cash fund, every time we create a new-- let's just see how it goes, where money is involved-- it's incredibly generous of this private donor to donate money. Little disappointing that it's only going to public schools, but I get it. But after five years, again, these people will be expecting-- we are creating expectations and dependencies by doing this, rather than-- I just, I have real big concerns with this, because in five years whoever is here in the Legislature is going to have people coming and testifying before them and saying, you can't take this away. It's something that we're used to. It's is something that you owe us. How dare you? And it will be seen as taking something away rather than the stopping of a generous gift. I, I think that we are setting things up for our future legislators to have some really, really difficult things to deal with. We've seen how, you know, you try to put a sunset clause in things,

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and it becomes very, very hard even to get sunset clauses adhered to. So even though this is a pilot program with a specific end date, the likelihood is that people will be coming back and saying, no, you have to keep doing it. Find the money somewhere. Because now it's an expectation and, again, it's a dependency. So I will be voting no on this amendment. Thank you, Mr. President.

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

von GILLERN: Thank you, Mr. President. Would Senator Machaela Cavanaugh yield to questions, please?

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

M. CAVANAUGH: Yes.

von GILLERN: Thank you, good morning. Remind me, the estimated cost, was it like \$1.2 million a year?

M. CAVANAUGH: Yes.

von GILLERN: Am I remembering that correctly? OK. So, so obviously five years is going to be somewhere around \$6 million total, total contribution. And I just, I'm thinking along the same-- and I'm just trying to scratch notes here while I was listening to you and Senator Kauth. I think I have the same concerns that Senator Kauth shared. It's a pilot program, it's a model program. We've got five years' worth of funding, but of course what happens at the end of the five years? And we-- it feels like we're maybe giving a gift to a future Legislature to determine what to do at that point. Would you be willing to add a sunset date to, to the program?

M. CAVANAUGH: I mean, it, it is-- it's not even a sunset. It literally ends. And the department will enter into an, an agreement with the funding partner. And the funding partner will not fund it beyond five years.

von GILLERN: OK.

M. CAVANAUGH: And the bill does not extend it beyond 5 years. So essentially, it has a sunset, it ends. It's a pilot. It's true pilot. It's not a-- it's an actual like pilot program.

von GILLERN: OK.

M. CAVANAUGH: If the Legislature does nothing in five years, it doesn't exist.

von GILLERN: OK. Again, I'm trying to read through the amendment as you were talking--

M. CAVANAUGH: Yeah.

von GILLERN: --and get caught up. So, all right, thank you for your-- for the additional information. Thank you, Senator Cavanaugh.

M. CAVANAUGH: Yeah.

von GILLERN: Thank you, Mr. President.

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

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

KELLY: Senator Cavanaugh, would you yield to questions?

M. CAVANAUGH: Yes.

ANDERSEN: Thank you, Senator Cavanaugh. OK, so just to make sure I understand this, this is private funding for only public schools, right?

M. CAVANAUGH: Yes, that was the stipulation of the funder.

ANDERSEN: OK. And the people that are eligible are those that their income is 130-185% of the poverty level. Is that right?

M. CAVANAUGH: Yes.

ANDERSEN: OK. But the process is such that the schools actually apply for the program. They submit, correct?

M. CAVANAUGH: Yeah, so the schoo-- the Department of Education is going to be administering the program, so then, yes, it's basically a grant to the schools to pay for that, that difference.

ANDERSEN: OK, and I see, yeah, like you mentioned, Department of Education, they're actually going to do the selection process annually for what schools they're going to provide funding. Is that right?

M. CAVANAUGH: Well, yes, but they'll be providing funding to any public school that qualifies for reduced lunch.

ANDERSEN: Right, but the public funding-- private money going to the public schools isn't for all the schools, it's only for the ones that are-- that apply, and ones are selected by the Department of Education, right?

M. CAVANAUGH: Yes.

ANDERSEN: OK, do you know what the criteria is for the Department Education for how, how, how they're going to select the different schools?

M. CAVANAUGH: Well, they'll select the schools based on if they have students that qualify for reduced lunch, then they qualify for the program. That's the qualification.

ANDERSEN: OK, so we can assume that most schools have some people that are--

M. CAVANAUGH: All--

ANDERSEN: --between 130-185%.

M. CAVANAUGH: I think every public school in the state has-- will qualify.

ANDERSEN: OK, so there isn't really a selection process as long as they have the people that earn less than 185% of poverty.

M. CAVANAUGH: Yes.

ANDERSEN: All the schools are going to be eligible for this money, right?

M. CAVANAUGH: Yes.

ANDERSEN: OK, and do you know what the administrative cost of that, or is that part of the \$1.2 million that Senator von Gillern mentioned?

M. CAVANAUGH: And that will be part of the-- the private funder is, is funding this pilot program. It's fully funded by private dollars.

ANDERSEN: OK. Thank you, I appreciate the details. But I have a, a macro-level question is that if this is private funding, then why are we creating a government program to manage private funding for these schools? Why wouldn't, why wouldn't the private donor manage it and just leave the government out of it?

M. CAVANAUGH: Because it's a government program that is administered by the state. So we have to do this.

ANDERSEN: OK. Yeah, I-- yeah, I'm not in favor of it, but I appreciate your time. Thank you.

M. CAVANAUGH: Thank you.

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

JUAREZ: Good morning, colleagues. And good morning to everyone online. I really wanted to take a different approach to the announ-- the results that Senator Cavanaugh achieved for our schools in our state, and I want to express my appreciation for the efforts that made to get these funds. A thank you is well-deserved. And I don't think I heard anybody say that. And I, I am sure that she made a lot of effort, put a lot of work into getting the funding that's going to help our schools. And it's going to end, like she said, in five years. So I appreciate the funding source for being willing to work with the state and get the mon-- the money that we need to help these families. And I think it is best for it to stay in the administration that exists right now, because obviously we don't want it to be a burden for the donor to be able to get these funds handled. I think that this is the best and the smoothest way to just continue the process with somebody who is knowledgeable about what needs to get done. And I just want to again express my appreciation obviously of course to the donor and

also to Senator Cavanaugh for her efforts. Thank you, and I yield the rest of my time.

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

DOVER: Thank you. I just-- well, I just want to say first of all, thank you for any donor who's willing to help pay for meals. Second of all, I kind of express the same concern that Senator Andersen did. Basically everyone here kind of knows, I think, how things usually go. And basically you find type-- some type of funding, and it could, it could be a donor-- thank you again, but it could be someone else. When that funding runs out, then we're left holding the bag. Senator-- Senator Riepe had said about a previous bill and Medicaid, I mean-- and so I have a question for Senator Cavanaugh.

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

M. CAVANAUGH: Yes.

DOVER: I just, I guess just to kind of piggyback on Senator Andersen's question is I think it's wonderful that there is a donor that willing to do this. Why, why do we, I mean the government isn't the most efficient thing. And I understand their-- the process and what we could go through it from a statutorial perspective. But wouldn't it be just as easy to have a not-- have a non-profit given that money and then to simply school that wants to utilize could just simply send a bill and say, here's what we need, and then just-- and pay that and, and then that way we wouldn't have to become involved?

M. CAVANAUGH: And I have no idea how that would work. Sure, if you want to find a nonprofit or a funder that wants to do that, then I guess they could do that. That's not how this funder works. And this program works through the state agency, not through the schools. So I mean, yeah, somebody can donate money to schools for food.

DOVER: OK. All right, thank you. Yeah, my concern simply is just eventually being an unfunded mandate. I'll yield the rest of my time to Senator Armendariz.

KELLY: Thank you. Senator Armendariz, 2 minutes, 53 seconds.

ARMENDARIZ: Thank you, Mr. President. Thank you, Senator Dover, for the time. And I, I got up and talked to Senator Spivey's amendment and, well, it's fair is fair. I have a great working relationship with Senator Machaela Cavanaugh as well. The three of us are on Appropriations together. But to remind everybody on Senator Spivey's, I really wanted to support some preventative programs that would be very effective with our tax dollars. This, on the other hand, is one of those that I did bring up in that last speech that it would become an entitlement program. The end of the pilot program, they will-- they would come, or a bill will come to Appropriations to ask us to continue funding that. These are one of those programs that quite frankly have able-bodied parents that could work and pay for these lunches, they qualify for a reduced lunch. I qualified for free and reduced lunch growing up. I did pay that small portion, and I kept up on my bills. Some don't. And, and we have been-- it has been brought to our attention that some kids just aren't paying the bill and the schools are just left holding the bag. They can longer send it to collections, so I understand that conflict as well. But these are-- these are exactly one of those programs that expand tax dollars to more and more programs to pay for. I think parents have the ability to feed their kids. I do not want to become a state giving kids their breakfast and lunch every single day. I want parents to own that when they can. Parents can, you know, feed their kids whatever they want at their direction. You don't want the government taking over your child that much. So this is directly a program that I would consider one of those that we need to watch tightly to not expand in. When you have able-bodied folks that can pay for things, they should pay for things, not the entire tax base. So although I work very well with Senator Cavanaugh, I understand her intent. I really strongly disagree with the intent of giving all kids free meals. All every, every day. So this is just scope creep to me, and I won't be able to support that. Thank you, Mr. President.

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

BALLARD: Thank you, Mr. President. Would Senator Cavanaugh yield to a question?

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

M. CAVANAUGH: Yes.

BALLARD: Thank you, Senator Cavanaugh. First of all, thank you for all your work on this. I appreciate the, the, the funding source. Can you-- looking at Section 7, can you talk about how this funding mechanism works? So it's private donor to state, Legislature then doles out the money to the program, correct?

M. CAVANAUGH: Yes, so basically this is us authorizing this to happen so, and kind of setting those parameters of it being a five-year pilot program. And then the Department of Education and the funder will enter into an agreement on those further parameters and how it will be administered. But it will all be funded by the private donor. Does that answer your question?

BALLARD: It does, it does. So it would be-- so at the end of the day, it still will be an appropriation, but just a private funding appropriation?

M. CAVANAUGH: It would-- no, it would not be an appropriation. It would be just private funding going through--

BALLARD: OK. We can talk a little bit off the mic. I just get a little bit confused--

M. CAVANAUGH: We'd be off--

BALLARD: --by the language. So the money is transferred to a fund by the Legislature is what the language says.

M. CAVANAUGH: Yes. So it will go into-- we're creating a cash fund that will be utilized for the funding of this program. That cash fund will be funded by the private funder, and then it will be administered by the Department of Education under the parameters of the agreement with the funder. So the, the arts-- the cultural endowment that we currently have functions similarly in that private dollars, philanthropists, put money into that, and there's an agreement with the state on how that money is going to be used. In the case of the cultural endowment, the state also puts money into it, but the state doesn't have to. We're not putting money into this year. So it, it's-- we've done this before. This is how we kind of partner. This is a public-private partnership for the state.

BALLARD: OK, thank you. And I just have one more question, and I'm assuming it's boiler-- just boilerplate language, the language about the state investment officer and the excess funds.

M. CAVANAUGH: That's always how we create funds.

BALLARD: OK, perfect. Thank you, Senator Cavanaugh, I appreciate it. I do thank Senator Cavanagh for, for her work on this issue. Like many on this floor, I am disappointed that not all kids in poverty in Nebraska will be eligible for this program. Thank you, Mr. President.

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

HANSEN: Thank you, Mr. President. Dang it, Senator Ballard beat me. I was going to thank Senator Cavanaugh first, so then I wouldn't have to hear it from Senator Juarez. So just wanted to give you a hard time, Senator. OK, there she is. OK. All right, no, I do want to applaud Senator Cavanaugh. It does take a lot of work to go out there and try to find private donation to help the people of Nebraska. It's a lot work and, and so I applaud her for doing that and for caring about this topic and being-- trying to move the ball forward, you know, in, in some aspect. However, I think the thing that does give me heartburn with how we're proceeding with this is what maybe some of my other colleagues have, has mentioned, is the involvement of the government in this process. I feel this is one of the core reasons we give non-profits tax breaks. We hope they can do the work that we don't want the government to do, maybe in a more efficient manner, on behalf of the people of Nebraska. And I think this is a prime example of that. I think this is probably where this would best be formulated and done. I think you have the private donations go to a nonprofit. The nonprofit performs its own pilot program, donates some money to the schools on behalf of this pilot program so the funds are, are used for this purpose. They collaborate and, and get all the information together at the end of five years, then come to the Legislature and say, hey, look, we did this great pilot program. We helped a lot of families. This is the numbers, this is the statistics, this is data, they come have a hearing, and then the Legislature decides maybe this is something we want to then implement with taxpayer money. I think this might be-- I think one of the main reasons it gives me heartburn is what we just did with childcare subsidies. I've been here for eight years, and rarely, if ever, have I ever seen a program, especially

when it comes to education, where we either sti-- start a pilot program, we give money in some way, we set sunsets, and it goes away. Very rarely does that ever happen, and I have a feeling this might be that same instance. And so, not saying the cause isn't laudable. Not saying we don't want to help children, I just feel there's a better way to do this. And so-- and the idea that this might be a public-private partnership would indicate that, that we're using taxpayer money in some way for this. I don't think we would with what Senator Cavanaugh is trying to do for the five-year pilot program. So for that reason, I think this should be a private-private partnership. Get a nonprofit involved. I think that might be the best course of action for something like this. And then, then come to the Legislature. I think that's the best way to do it, and I think Senator Armendariz hit the nail on the head. Typically you have government perform, you know, a program such as this, we're typically not the best and the most efficient at helping people. Costs typically tend-- then tend to go up. We might see the price of lunches in schools go up because when government pays for things, that's typically what happens. I think non-profits are maybe a better way, or the private sector is a better way of reining in those costs. Knowing that, knowing the people who are receiving those funds, it may not be there forever. But the people also know whenever the government gets involved, the funds typically continue for a long time. Just some of my thoughts. I appreciate the work Senator Cavanaugh has done on this, and it does take a lot of work getting some of this money and donated. Just feel like there's a better road to go down. Thank you, Mr. President.

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

BOSN: Thank you, Mr. President. Good morning, colleagues. I rise with a couple of concerns. On the one hand, I am disappointed that this has somehow been earmarked only for students who attend public schools. Either you're a student in need, and you fit that poverty definition and deserve lunch, or you don't. And so I find that disappointing. I was hoping to be able to support this bill as someone who thinks the brown bag lunch program where your mom for-- or dad forgets to put money in your lunch account, so you get some sort of a shame lunch, is, is disappointing. I have never supported those types of policies. And so I think efforts like this are something I typically want to support. But when we start putting earmarks that only kids who attend

certain schools are worthy of donated lunches, I, I just can't get behind that. The other concern I have is that given that this is so particularly earmarked only for students at certain schools, I think, as some of my colleagues have raised, that this is something a private donor could do without legislation. And there doesn't have to be a legislative fix for every problem that we've encountered, as I've routinely been told. I also had a question for Senator Cavanaugh. I wondered if she would yield-- Machaela Cavanaugh.

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

M. CAVANAUGH: Yes.

BOSN: Thank you, Senator Cavanaugh. And I gave you a heads up before I asked this, just I want to make sure we have a record. There are schools right now who are at or below a certain poverty level with enough percentage of the school qualifying for free and reduced lunch and, as a result, the entire school then receives free or reduced lunches?

M. CAVANAUGH: Yes, the community eligibility. Yes.

BOSN: And so my understanding from our conversation is, is that if that school would-- were already qualifying for free lunches, they would not be eligible for this program. Is that correct?

M. CAVANAUGH: Correct.

BOSN: So we wouldn't be double-dipping in terms of--

M. CAVANAUGH: Right. They're-- yeah.

BOSN: OK. All right, so I-- thank you for answering that question.

M. CAVANAUGH: Yeah.

BOSN: And I appreciate your efforts on this as well. But I will not be able to support the bill as is. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. Colleagues, I, I used my personal priority designation on this bill. I, I had some bills that I was

excited about myself, but this to me was one of the biggest priorities that I think we are facing in Nebraska this year in terms of just making sure that youth, that our kids in our schools are able to have lunch. And we know, you know, I don't need to belabor the good outcomes that we know that this has for kids and all of that. I, I want to talk about the process that we're on here on Select File. A lot of the rhetoric that I'm hearing from opponents is very confusing, and I fear that you're being deliberately confusing in an effort to tank this amendment and this bill. The tax base is not paying for it. This amendment removes all the cost to taxpayers. There is no cost to taxpayers. And, you know, what's confusing is you-- a lot of you guys don't want to support a bill when we don't have funds for it, as in the original LB966, but then when we find the funds, you still don't like it. So is it that you don't like that it doesn't have funding in the General Fund? Or is it that you don't like the bill itself, or is that you that you like the introducer, or is it that that you don't public school kids? What is the excuse? Because there's always a freaking excuse. Now the concern is dependency, now the concern is the structure of the program, now the, the concern is whether government should be involved at all. There's always an excuse. It's a good policy. It's a good policy, and Senator Machaela Cavanaugh went above and beyond to use her personal network, to pound the pavement, to find the funding for this bill so that kids can have lunch at school. What is so wrong with that? And also I'll say, a lot of you who are supporters of private schools, you could pound the pavement the same exact way and probably find less than a million dollars that it would take to fund the lunches for these private school kids, to say nothing of the school vouchers for private school, the, the money that we were arguing so extensively about earlier in this session. The answer is always "not government" for some of you. And then when private philanthropy shows up, when private dollars show up, then your answer becomes, OK, not this either. So what you're really saying is there's no solution to school hunger that you're going to accept. Is it the introducer? Is it that I prioritized it? Is it you're mad about something else that happened earlier? What is the reason for the opposition? Because talking one-on-one with members going around the room, there was support for this measure. To the question about why we need a government program, why does government need to administer this, somebody has to actually administer and distribute the funds. It should be the department. It should not be a private donor who's having access to kids' financial information, to parents' financial

information. I don't even know if that's allowable or permissible. That's not a solution at all. The correct solution for LB966 to get it across the finish line is what Senator Cavanaugh did, which is find the funding at no cost to taxpayers to create a pilot project. Into the concern that, oh, this is going to create dependency and then they're going to see it as an entitlement. No, that's not how a pilot project works. That's literally not what it is. They're not going to be expecting the funds after five years because schools know that the funds end after five year. That's the entire point of a pilot. And another part of the point of the pilot project is if, after those five years, if the data which we're collecting, shows that this program really measurably improved outcomes for students, then yes, a future Legislature might find that it's worth considering. Just because this Legislature is heartless doesn't mean future Legislatures will be. So think about that. If a future Legislature decides to fund this, maybe we'll have more funds. I think that's likely. Then they will make that decision with the evidence in hand, with full transparency, with the ability to weigh the costs and the benefits because of this pilot project, which Senator Machaela Cavanaugh so kindly found funding for for you. I think this should be an easy win that all of you should take back to your districts, conservatives. I think you should vote for this amendment and the bill and you can say, constituents, I'm so proud that I helped fund school lunches this year. And they'll applaud you, and they'll reelect you, and they will say thank you so much. And thank you for finding a private philan-- philanthropic solution so it didn't cost my taxpayer dollars anything. Don't you think that's a win? Or are you just looking for an excuse to not support Senator Cavanaugh? I think it's pretty obvious and clear. Thank you, Mr. President.

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

RIEPE: Thank you, Mr. President. I want to look at this as the cap-- cup is half full and not half empty. I think that the other day when Senator Cavanaugh-- Senator Cavanaugh indicated that she would raise the public funds, I think that if you took a vote in here, the general consensus would be as, do you know the definition of fat chance? She'll never make it happen. And so let's go along with her. All of a sudden today she shows up, through our hard work and effort, that she has the money in hand. I'm also a believer that don't look a gift horse in the mouth, and we have a gift horse, someone that wants to

come up with \$1.5 or \$1.2 million to, to provide food to underserved children. So I, I want to echo the congratulations to Senator Machaela Cavanaugh for a hard work effort. I thought about asking her a question, but I wanted to wait until maybe she was totally outside the glass to see her run back in. But she's, she's obviously in place, so I will pass on the question. I would also like to say this legislative session, we've dealt with a number of difficult financial challenges, and, and that is our fiduciary duty to these elected offices. And in five years, this body will be required to make the call, just as though they will on a number of other significant bills that will face them. And that will be whether it's droughts or whether it is Medicaid expanded or whatever. But I feel that this has merit. I also do not want to be among the group that tells this wonderful donor that we don't appreciate their effort because I, for one, do. And I will be voting for this bill. Thank you.

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

FREDRICKSON: Thank you, Mr. President, and good morning, colleagues. And good morning, Nebraskans. So I rise today in support of the amendment and also the underlying bill here. And I wanted to just offer a quick-- a few couple of quick thoughts on this. I know that a lot that's been said about this and some remarks that I, I might be echoing a bit. But a few things have kind of come to mind as I've been listening to this debate. And so, you know, I think-- so for folks who remember last week when we first had this on General File, Senator Machaela Cavanaugh had, had made the commitment on the mic that she would not bring this bill back on Select if it were to have a fiscal impact on the state. So in other words, it was her mission over the long Easter weekend to find a way to either fund this or to say, look, I couldn't find the funding, so we're going to maybe move on and, and, and-- you know, move on and perhaps pick this up next year. So she hit the pavement, and she found a incredible private donor. And that's something that is not easy to do all the time. That's something can be very difficult. And that is something that I think certainly is, is notable. And I, I also want to underscore with that, you know, Senator Cavanaugh isn't the one who said only public schools for this donation. That was a stipulation of the donor themselves. And so it's not as though Senator Cavanaugh went out and said, I only want to fund this for public education. She was hoping to fund for the entire state. The donor said, look, I'm gonna, I'm gonna step up, but this

is, you know, this is, is what we're able to do. So that, that's one thing that I think we need to keep in mind here. The other thing is that we often pride ourselves as a state, I will certainly, I can speak for the city of Omaha, we pride ourselves for public-private partnerships all the time. We have the Gene Leahy Mall, the new park, we have the new Omaha Public Library, we have a Kiewit Luminarium. We have a lot of generosity in the city, and we're very fortunate for that. And in working with municipal government, working with state government, private donors have really created a very special chemistry for our state in many ways. And this is another such example where I think we have this opportunity to create this kind of magic chemistry where you're really seeing a private donor really help make a public good advance and, and, and move forward. And I would ask us to really lean into our better angels here. I mean, how-- let's, let's celebrate that. Let's celebrate the fact that we have someone who has a connection to our state, who wants to invest in our state, who wants to, to invest our kids in that way. That's, that's something we should be really-- that, that, that's a good thing. We, we have a lot of really tough things ahead of us. We have really tough world right now. But this is, this is a bright spot. This is a bright spot where someone is stepping up to do something good. And I don't know what the fiscal note would be on the, the private school component of this. I, I, I know that we were kind of estimating, I think it was like \$1.2 or \$1.4 million a year for all schools. There are way less private schools in the state than there are public schools. So the private school component, if we were to cut that out and look at the fiscal, I would imagine would be less than, I mean, it's probably around, what, \$500,000 max? Maybe \$200,000? And so maybe we can call in our better angels. For those who are saying, I want to include private schools with this, take a note from Senator Machaela Cavanaugh. Maybe make some phone calls. We've got momentum here. You know, this is, this is how you fundraise, right? We have a donor that has, has, has pledged X amount of dollars to help our public schools. Can you match that? Can we, can we include all schoolkids in Nebraska under this? Let's not look at this so cynically. Let's look at this as-- this is a blessing. This is a really incredible thing that someone's offering us to do. And who are we to say, we're gonna decline your dollars? And it's dollars to feed kids, it's dollar to, to, to help these public school kids who qualify for free and reduced lunch to make sure that they are well fed during the day. We should, we should-- this should be something we're all cheering on. That's an incredible thing to have

happen, and we should all be really proud of that. I'm really proud of it. And I hope we can look at this clear-eyed for what it is and support it. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, last week, the biggest concern on this bill was how we were going to pay for it. And I said, I will find private dollars to pay for it. In four days, I found private dollars to pay for public school lunches. I cannot dictate to an individual or a foundation that they have to fund private schools. I talked to the Catholic Conference. They understood. If you want to fund private school reduced lunches, please file an amendment to do that. Find funds yourself. I did not have the time to find additional funds from somebody else who would fund private schools. Obviously, the intention of my bill to begin with was both public and private schools. Use state dollars, use a cash fund, find your own philanthropist. But don't tell me last week that you want to feed kids if I can find the money, and then tell me today, oh you found the money? You found somebody who is willing to give the state money to feed kids? No thank you. We'll pass. And this is a new relationship for the state. So I don't know what you all want here. Like public-private partnerships are great, and the state is going to need those in the next few years, definitely. We're going to need private-public partnerships a lot. So I guess the choice you have today is do you want to enter into a new relationship, a new funder, who's interested-- not from Nebraska, who is interested in investing in Nebraska. After you all told me that I needed to find this funder to feed kids, or is this the hill you want to die on to not feed kids because I can't feed all of them? I'm feeding as many kids as I can. You want to deprive 20,000-plus kids because I can't feed 27,000 kids. How does that make sense? Make that make sense. Solve that problem. I did the best that I could with the things at my disposal to feed children in Nebraska. I hustled over the Easter weekend. I hustled, hustled, hustled. I did the assignment that you all gave me, and now you're moving the goalposts because I can't feed enough kids, so then 20,000 or more kids don't get fed. Literally, what you are saying on the microphone is we are going to turn down money that we told you to get, because it's not enough. To feed kids. And we're going to make sure that we don't have a relationship with this new funder for the state. I mean, like legitimately, I'm floored. I am so floored, I

don't even know how to address this. We do public-private partnerships all the time, all the time, and this one feeds children. It feeds children. I talked to the Catholic Conference, I proactively went and told them, and I said, listen, I am sorry, I can't get the funding for private schools. Do you want me to include language that keeps it open so that another funder can fund for private schools? And they said, no, we already fundraised for it, so we already do that for our schools. OK. Again, I'm very sorry. So if the largest contingent of private schools recognizes that it's a good thing to feed these kids, maybe you all could get on board too. Or you could solve your own problem. But I am trying to feed kids. I did the assignment. You all gave me the assignment, I did the assignment--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

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

GUERECA: Thank you, Mr. President. Good morning, colleagues. So feeding kids is a good thing. Feeding kids whose parents might not have the money to give them the same meal as their peers, which could be an embarrassing thing for a child, certainly for the parent. Feeding kids is a good thing. I think if you went back to your constituents at every corner of the state, because hunger is something that affects kids in every corner in the state. If you go back to you constituents and say, hey, we found a private way to feed kids and it will not raise your tax bill, 99% of the time, they're not going to have a problem with it. Because hunger is something that affects every single district, every town, every city, and every school. There are kids that don't have breakfast, that go to bed hungry. This helps not solve, but alleviate, that problem of hunger. And we've found a private way to do it. Again, 99% of the time, you can go to your constituent and truly, broadly, a constituent from the middle of my district to the middle of the Sandhills and say, if we found a private way to feed kids, would you be-- would object to that? They won't. They just won't, because feeding kids is a good thing. And when we're facing down a budgetary shortfall north of \$600 million for next year, if we're able to feed kids, and again, in a way that won't affect property taxes, will not deviate from that money going to any other program, I think our constituents would appreciate that. Because

feeding kids is a good thing. And I can appreciate the hesitancy of having government administer it, but the reality is to-- it would be more expensive to have a non-profit, have to create the structure, create the infrastructure, to terminate eligibility, to coordinate with every single school, because again, hunger exists in every single school. That framework already exists within NDE, so that means we can take this limited pot of money and feed more kids with it. So while one could argue that generally government would be less efficient, in this case, in this case, the framework already exists. That those networks and those systems and that ability to distribute that funds already exists. So let's not ask a non-profit to have to expend more money because that will be less money to feed kids. And feeding kids is a good thing, colleagues. So I hope we come to a realization and come to an agreement that feeding kids is a good thing, and vote yes, vote green for AM3120. Thank you.

KELLY: Thank you, Senator Guereca. Speaker Arch, you're recognized.

ARCH: Thank you, Mr. President. So I rise in support of LB966 and AM3120, and I'll explain a little bit why. This is a very unique situation. When Senator Cavanaugh came to me, I think it was the beginning of this week, and told me that she had secured a private donor that was willing to provide private funds to help feed children in the state of Nebraska, I kind of laughed and said do we have a form? Is there a, is there a form for accepting a donation from a private individual? If I want to give money to the state, what, what form number would I look up to find that? Well, there is a mechanism, and that has been created in this bill where an MOU can be signed and an agreement can be reached and, and money can be donated to the state. I don't know how often that happens, quite frankly. I'm sure it's a rather unusual situation. I think, I think turning down money from a private donor because it may go away in five years I think is very short-sighted. In the meantime, we'll have children that will receive some subsidized food and help with their situation. And to turn that down because it may go away in five years, I mean, and some of, some of the members of the body may resonate to this and, and probably, and some might disagree with this as well, but we often do that with federal funds. Federal funds come sometimes with there's a high likelihood or certainly a chance that those federal funds will disappear some day. So should we not take those federal funds in the meantime because they might disappear some day? We've been, I think we've been judicious and sometimes quick to accept federal funding, as

particularly when we have identified a need in our state that, that those federal funds could address. So for that reason, we, we take the risk. We take the risk with the federal government, and I think we should take the risk with a private donor in this situation, where, yes, it may go away in five years. And yes, the Legislature may need to address this issue in five years, but I don't think that's the reason for us to vote no on this or to turn down a generous offer from a private donor. Thank you, Mr. President.

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

MOSER: Thank you, Mr. President. Good morning, colleagues. The days kind of drone on here. I had to look at the clock to see whether it's morning or afternoon. I find myself in kind of strange territory here, leaning towards supporting a bill that Senator Machaela Cavanaugh is bringing. The Speaker told her he would reschedule it if she found funding for it. She found funding for it. And it helps people who are lower income. It's only 40 cents a meal, but 4 times 5 is \$2 a week. And she found funding for it. And I understand where my colleagues are coming from, where they're saying, you know, this sets a precedent. And in five years, we're going to look to be funding it. Those of you who will be here in five years can make that decision when the five years are up. I just think that, you know, it's a kind of public-private partnership kind of thing that, you know, it could develop into other things that are useful. And I, you know, generally, the programs that some of the senators bring I just, you know, I can't support. But in this case, I'm gonna vote for AM3120 and LB966. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. Just briefly, I want to rise in support of my friend Senator Cavanaugh's measure here. I think I'm a co-sponsor and have supported these measures out of committee. And I just want to perhaps connect the dots on a couple of key issues here related to this proposal and related to childhood well-being and success and overall kids' health. I think the Legislature has been able to find a path together to make sure that we can get access to nutritious food to our kids and our kids, and our kids in need. And when you look at the incredible advocacy that

happened in this Legislature, and give credit where credit is due, to Governor Pillen for finding a path forward on the summer food program, that was pretty exciting and a direct result of bipartisan advocacy, community grassroots support, and young voices, young leaders themselves, who I know weighed heavily in the Governor's thinking on that proposal. And it was really meaningful. The other thing that we've always seen when it comes to nutrition programs is that there's a natural powerful alliance between advocates for the poor and the grocery industry and the ag industry. You, you see really a confluence of support across business and community to lift up these issues, because not only is it good for kids and families and our overall health, but it has a significant positive return on investments for our food producers, our grocers, et cetera. So whether it's SNAP, whether it is the summer feeding program, or whether it taking a next step forward on school meals to ensure more accessibility, I'm hopeful that we, we can continue that tradition and that coalition to at least move this today and give time and energy for more questions to be answered or additional solutions to be identified. The last thing I want to do is just note that we worked together to try and make school meals healthier by banning some dyes according to my friend Senator Murman's measure. We've taken steps together to pass my bill to end the punitive practice that schools were utilizing to haul families into collections for unpaid school meal debt, which is important. And this is kind of a next step in the evolution of that policy. The other major item left on the agenda today is a measure to update our approach to strengthen success in reading for our kids. And curriculum matters, teaching matters, support matters, investment matters, ensuring kids have the resources and support they need to be successful readers and be successful in life, making sure our teachers have the resources they need on the front lines. But you know what else helps kids learn and read and think and be at their best? When they don't have hungry tummies. I, I know this, my mom was an elementary school teacher at a rural school, and then also right here in Lincoln, and she always had little boxes of cereal in her desk or granola bars, and that's not unique to her. That is how teachers show up all day, every day to help fill those gaps. I think that we can do more together to help kids and families be successful through this measure, and I'm grateful that everybody has lent their support. And I am hopeful that we can continue to move the ball forward together. Thank you, Mr. President.

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

ARMENDARIZ: Thank you, Mr. President. I just wanted to get up and talk one more time. Since we are on Appropriations, we have a little bit more intimate detail on how these funds work and what's the progression of them. There are multiple, multiple, almost every single time that a pilot is put in place, the Legislature will be asked to fund it long-term. Almost every single time there's a sunset put in place, Appropriations is asked to remove the sunset. Case in point is the child care subsidy that was under sunset. We are now being asked to remove it. That was a short-term program during COVID, and it is now going to be looking-- looks like it will be a permanent extension of government subsidy. This is the exact same issue here. It does not have to go through the Legislature. If a donor does want to give this money, which is very generous, to only public school kids, there are non-profits that would be able to distribute grants to that public school or to NDE to distribute to public schools who have unpaid balances on their lunch bills. All schools feed the kids whether they have the money to pay for it or not. They get fed, then they get a deficit, and they go unpaid. So I get the school wants to be reimbursed for those. This is a great opportunity for this generous donor to public school kids only to go through a non-profit that would provide grants to the school system, to public schools systems through NDE or whatever, and they get reimbursed for those unpaid school lunches. That is how it works. The schools feed the kids, whether they pay or not, they have a deficit. They ask the parents to pay it. If they don't pay it, they try to recover that money through their own budget, or they'll come to Appropriations to ask for that money. The kids are all getting fed. This doesn't have to go through the Legislature. It's setting it up-- up an entitlement expansion that will be on the Legislature now to feed all kids. I know Senator Cavanaugh and Senator Hunt have said that they wish all kids were fed lunch in the state. I don't think that people that can feed their kids lunch should be fed by the taxpayer. That further removes parent involvement in their kids during school. We need to re-engage kids and their parents in school. And the more government takes over all of those responsibilities for the kids, the less the parents get engaged. They hand them-- they'll hand them over and say, they're yours. We need re-engage the parents. This is another, like I said, scope creep to disengage the parents. There are paths that we can get these bills

paid. All the-- like I said, all the kids are already getting fed. And if the schools want to get reimbursed, it can go through a nonprofit granting process. It does not have to go through pro-- to-- through the government. The only reason it's going through this path is when the pilot ends, they will ask the Appropriations Committee to then fund it going forward. Thank you, Mr. President.

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

JUAREZ: Thank you very much, Mr. President. And again, I wanted to thank Senator Cavanaugh for all of her efforts that she made to find this funding for our lunch programs. I think that whatever goals that you have, whatever issues you have with funding lunches, after the pilot ends, whoever's in this body can make those decisions about how they want to go forward. I don't-- I'm very surprised that we're spending all of our precious time talking about this issue. I'm sure Senator Cavanaugh nor I never dreamed that we would be spending all this time in regards to a challenge that you put up to her and that she was successful in achieving. I think that's what the huge issue is. In my mind, that's the huge issue is. And I hope that in five years, who's ever in this body, if this was a nightmare for you, you can stop it at the get-go instead of putting out the challenge. Thank you, and I yield the rest of my time.

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

M. CAVANAUGH: Thank you, Mr. President. Again, colleagues, this was the assignment to have this bill even scheduled. I was told by numerous people in this body that they wanted to do it, but it needed to have private funds. I found the private funds. Unfortunately, the private funder will not fund private schools. But if somebody wants to put an amendment to use state funds to fund private schools, that'd be great. Nobody's stopping that from happening, so feel free to make that amendment. But please vote green on AM3120. It creates a cash fund with a private donor for public reduced lunch meals for people under 180% of the poverty level. It is-- does not have an A bill. It will not have an A bill. It won't have an A bill next year or in the future. It is private cash funds going to this program. So it's a five-year pilot. It doesn't have a sunset because it has a definitive end. It ends. The Legislature in five years would have to make a

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decision and introduce a bill to do anything differently. So yes, somebody might come and ask for this to be extended with state funds, but it will be determined by that Legislature whether or not they want to do that. What we are determining today is to feed over 20,000 Nebraska children with private dollars in a public-private partnership. Please, let's feed some kids. Thank you, Mr. President. I'd like a call of the house.

KELLY: Thank you, Senator Cavanaugh. 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. The house is under call. Senators, please record your presence. All senators unexcused who are outside, please return and record your presence. All unauthorized personnel, please leave the floor. The house under call. All unexcused members are present. The question is the adoption of AM3120, and there's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen, voting no. Senator Arch, voting yes. Senator Armendariz, voting no. Senator Ballard, voting yes. 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 yes. Senator Conrad, voting yes. Senator DeBoer, voting yes. Senator DeKay, voting yes. Senator Dorn, voting yes. Senator Dover, voting no. Senator Dungan, voting yes. Senator Fredrickson, voting yes. Senator Guereca, voting yes. Senator Hallstrom, voting yes. Senator Hansen, voting no. Senator Hardin, voting no. Senator Holdcroft, voting yes. Senator Hughes, voting yes. Senator Hunt, voting yes. Senator Ibach, voting yes. Senator Jacobson, voting no. Senator Juarez, voting yes. Senator Kauth, voting no. Senator Lippincott, voting no. Senator Lonowski, voting yes. Senator McKinney, voting yes. Senator Fred Meyer, voting yes. Senator Glen Meyer, not voting. Senator Moser, voting yes. Senator Murman, voting no. Senator Prokop, voting yes. Senator Quick, voting yes. Senator Raybould, voting yes. Senator Riepe, voting yes. Senator Rountree, voting yes. Senator Sanders, voting yes. Senator Sorrentino, voting yes. Senator Spivey, voting yes. Senator Storer, voting yes. Senator Storm, voting no. Senator Strommen, voting yes. Senator von Gillern, voting no. Senator Wordekemper, voting yes. Vote is 36 ayes, 12 nays on the adoption of the amendment, Mr. President.

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KELLY: AM3120 is adopted. I raise the call. Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB966 be advanced to E&R for engrossing.

KELLY: That's a debatable motion. Senator Bosn, you're recognized to speak.

BOSN: Colleagues, I have a floor amendment that I, I'm working on and have sent up to try to fix what I think is an "unjustice" in terms of who's worthy of being fed and who isn't. And so consistent with my policy on food should not be used as a disciplinary tool or as a consequence, I think we should feed all kids. If you, if you fit the category of being a child who needs lunch, I don't care what school you go to. And so my floor amendment will make this so that while there's, and I'm grateful that there's private dollars that are being used to support public schools, getting lunches for kids, this will use state dollars to fund lunches for the same category of children in poverty at private schools. So I ask for your green vote and on my floor amendment when it comes up, and I-- it probably hasn't been entered on there yet, so I'm just using some time. But when that floor amendment does come up, I hope that the same number of individuals who felt like feeding kids who fit this category of percentage of poverty and who need lunches, doesn't matter where you go to school. If you need lunch, you need lunch. And that's a consistent policy for me, albeit sometimes unpopular. I don't think we should withhold food from individuals with prior criminal convictions. I don't think we should withhold food from kids over the summer. That's just a carte blanche policy for Senator Bosn. So thank you, Mr. President.

KELLY: Thank you, Senator Bosn. Senator Armendariz would like to recognize guests under the north balcony. Nancy Forbes, Patty Bleicht, and Michelle Stalker. Please stand and be recognized by the Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I just thought I'd get in the queue to help take some time for that floor amendment to be processed. Thank you all who voted for my previous amendment. I do support Senator Bosn's upcoming amendment, and it was the original intention of my bill. It will create an A bill on LB966, I believe, because I think we're using general funds, although I could be incorrect on

that. But as for using something other than general funds like a cash fund, then it might not have an A bill. But, but anyways, I just thought I would just get up and speak in favor of the upcoming floor amendment. I think it's great to expand this program to as many kids as possible, and I appreciate the effort to do that. And, you know, I am sorry that I couldn't deliver the full amount for kids in Nebraska. I, I tried, but with time constraints and funding option constraints, I could only do so much in four days. So thank you, Mr. President.

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

KAUTH: Thank you, Mr. President. I just, I want to point out some some things. As people are speaking on the mic, you know, it's very emotional playing at the heartstrings of, of poor starving kids and no one wants kids to go hungry. Kids are not going hungry in schools. They are signed up for free and reduced lunch. These bills are not about making sure kids have food. It seems that they're about making sure that parents have a little bit more money to help pay for their food bill, which might be laudable, but again, to Senator Armendariz's points, the kids are the parents' responsibilities. There should be ways. And if, if a kid has a free lunch, it's a free lunch. If it's reduced lunch, that's where it sounds like this money is coming in. Again, what happens-- and Senator Bosn, I like the idea of setting it up so that the state is able to pay for private school funds for kids who, who would qualify for the free lunch, free and reduced lunch program. But what happens when the private donor for the public schools is done? What happens when that five years is up? Again, we're setting up a structure and an expectation that the state is going to be expected to continue to uphold forever. This kind of program does not go away. Again, I applaud everyone's efforts to, to find solutions. And again, you can see us all kind of scrambling. But it is-- this is something that, if it has legs, then why are we not working on these new ideas? Because these are very new ideas right here at the very end of the session to do for next year, to set up a structure the right way if we're going to have a permanent structure in place. And I know Senator Cavanaugh said that this is just a pilot program, but whenever any of us says this is just a pilot program, please see the air quotes. Just a pilot program means, I'm setting it up now so you can't say no later. So that there will be that expectation and that development of dependency on these funds. Because if you are not planning your budget to pay for your child's food, that

money is going to go somewhere else. And I maintain that it's not the taxpayer's responsibility to pay for that, that gap in between the free and reduced lunch and what the actual cost is. So I will certainly look at Senator Bosn's amendment. I do find it intriguing to think about public funds or private funds going to public schools and then public funds going to private schools. This is kind of a conundrum right now, given some of the discussions that we've had previously. But as soon as Senator Bosn's amendment comes down, I will sit down with her and look through that. But again, I am very concerned about the structures that we're setting up that will last forever, that the state, and by the state I mean taxpayers. Remember, the state doesn't make anything. The state makes no money. The state takes money away from taxpayers, the constituents who work hard for that will be paying for all of these things that we're trying to do. And we've fought a really, really hard budget fight this year. And so when I hear people say, oh, well, we've got a little bit extra. Why don't we just spend it on this? It seems kind of frivolous. And it seems like we may have overlooked something that we said no to earlier that could also use these funds. So I, I have great concerns about the entire, this entire process. So again, I will look at Senator Bosn's bill when she-- when it comes down. Thank you.

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

STROMMEN: Thank you, Mr. President. I was wondering if Senator Bosn would yield to a question or two.

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

BOSN: Yes.

STROMMEN: Thank you. I just wanted to, just to clarify the-- your amendment, will it follow the intent of the original bill? So as a pilot program and will this follow it to its five-year end point?

BOSN: Sure, it would be essentially subject to the same restrictions and limitations as the original intent of the bill was, which was it would apply to all students regardless of where they went to school. Then we had an amendment that changed that. So this would kind of put it back to the terms of how long it is, who qualifies, and under what restrictions.

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STROMMEN: OK, thank you. And then, as far as the fiscal note is concerned on the amendment, what, what dollar of value are we looking at for that?

BOSN: I need a minute to get that because I was told something that I'm not certain has been verified, so we're still working on that. But I will hop back in the queue after Senator Spivey and hopefully have an answer for you on that.

STROMMEN: OK. Thank you. That's all I've got.

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

JUAREZ: Thank you very much. I just would like to say that this goal is a good one to feed kids, of course, that's not something that I object to. But again, the way that things are, not only in my district, my city, my state, and in this country, who knows five years from now what things are going to be like, right? Who dreamed that the changes that are happening right now in our state because of this, the legislative deficit that we had, do you really think that people take for granted what they have today, that it's going to be there tomorrow? I think that a lot of people are awakening to the fact that there are no guarantees in life. And I don't even think that I need to reiterate that point to people in this state because they're living it. They're living the realities of the adjustments that have happened in our budget. It's not going to be anything different with something as simple as lunches and feeding our children in the future. Nobody in this state takes anything for granted, that's for sure. And remember, every day there are other people that we feed in this state too, on our tax dollars. For example, our prisoners, and the people in the detention center. They're all getting fed every day, aren't they? Whose dollar are they getting fed on right now? Lot of pop-- lot of populations are getting fed lunch every day in this state. Thank you, I yield the rest of my time.

KELLY: Thank you Senator Juarez. Senator Spivey, are you recognized to speak.

SPIVEY: Thank you, Mr. President. And I think we're still in morning, colleagues. Yep, almost 11:45. And so I know Senator Bosn is waiting on an amendment and folks are talking, and so I thought this would be

a really great time, because y'all know that I'm a baseball mom, to wish the Hosey's Heroes good luck at their game tonight. It is an away game. And so, I can't remember who they're playing. I could probably check GameChanger. But they have a really good record. So far, they are 2 and 1. They only lost one game this season, only by one run. And so it was really close at our home field, which hurts a little bit more, you know, when it's a home game. But nonetheless, they almost pulled it out. And they're doing really great. I, I think I talked about it on the mic. I forget who I tell because I'm such a fan that Naas, my oldest, hit his first home run of the season. Last season he hit five home runs. And so I'm hoping today he will crush it. He always has RBIs and does really amazing. He's overplaying catcher though, which I think he's really good at catcher and he should stay, but maybe because he's getting so tall-- he's taller than me now, it's bad for his knees, but he really wants to pitch and do third. And so that's what he's been advocating for himself for and trying to prove himself in practice around those positions, but he truly enjoys it. And so it has been such a great experience just to see him really grow within the team. The team, and I think this is important for folks to know as we talk about sports, his team is for kids that don't have access to baseball in the same way. And so our fees are much lower than a lot of the teams. We still travel to two out-of-state tournaments, which gives them really great exposure. And then we do a lot team bonding stuff. So we planned a trip to the Storm Chasers. They've gone to bowling. And that's really because my mom when I played volleyball in high school, and even when I went to college, she was that mom. Like she had all the snacks all the time. She made sure she had the Band-Aids and the things. We had team sleepovers, team dinners before the games, and so she always made it such a beautiful experience where she really invested in me and the success of the team. And so I am excited that my son's team has that and that again they are really starting off this baseball season, the '26 season, in full force. And so they have the game tonight. And then we had to reschedule yesterday because of the weather, and it's always so difficult in Nebraska because, you know, these other sports, and especially baseball, like down south, like they've started practicing since February. And here in Nebraska, it's March and we can have a snowstorm one day and then it's 70 degrees like it is today. And so they had to cancel their game yesterday and we started actually early for the season, March 19th was their first game, and that was the first day of kind of like it's the day before spring and it was 80

degrees. So our first day was actually nice, followed by then a day that was like 38 that they played in. And so I hope tonight gives them great weather, that they are able to pull out another one so I can hopefully come back before we sine die and talk about Naasir hitting another home run and doing really well. You know, thinking about, and I talked a little bit just about my mom being that team mom, so I didn't realize when I transitioned from high school to college that would change. And so in college my mom actually-- I played volleyball. I know I don't look like it, but I did. And my mom would travel to my games and she would bring like Gatorades for the team and like just different treats and stuff, and in like college you don't do that, like you are sponsored by, you know, whomever is providing the drinks. And you have all of the folks. And so everyone loved my mom who I played with because she just was that mom. She always showed up and had all the things for, for all of us because she cared so much. And so I see my light is on, I know folks are in the queue talking to, to make sure this gets situated. For folks that can't see what's going on, there's a lot of conversation and things happening. So we appreciate you bearing with us as we get this amendment worked out and the next steps. And I will punch back in if I need to help take more time. Thank you, Mr. President.

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

BOSN: Thank you, Mr. President. I apologize. Colleagues, I think we're gonna be breaking for lunch here fairly soon, which may give us the time that we need to get things finalized. There was a question that someone asked me about what the fiscal note on this would be, and-- Senator Strommen wants a shoutout. It was Senator Strommen who asked what the approximate cost on this would be, and we are kind of getting various numbers. But what I can tell you is no one has given me a figure that's even close to \$200,000 annually. So there was one figure that was around \$100,000, somebody else said around \$120,000. So I would safely commit that the cost to provide lunch for this population of students who attend private schools would be less than \$200,000 so I will be asking for your green vote once we get to that amendment. We may have to do some finagling to try to get an A bill on that, but I think if the Legislature thinks it's important that we're feeding children universally, and I do, I think that we should not require that to go to one student versus another. And certainly hopefully this can go to all students, and that everyone can have a healthy lunch. I

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know there was a lot of federal dollars that were appropriated for certain upgrades for farm-to-table lunches. We sort of talked about that off the mic and whether or not those funds could be utilized for these purposes. Certainly, I think having a healthy lunch is more important than just having junk food. And so I support those dollars being used federally in our state as well. But I appreciate, ultimately, the time that everyone's graciously given me to try to get this accomplished, and will be asking for your green vote again when that comes up. Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. Senator Andersen would like to recognize guests in the north balcony. They are fourth-graders from Patriot Elementary School in Papillion. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk.

CLERK: Mr. President, new LR, LR507 from Speaker Arch. That will be laid over. And a priority motion. Speaker Arch would move to recess the body until 1:00 p.m.

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

[BREAK]

DeBOER: 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. Record, Mr. Clerk.

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

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

CLERK: I have no items at this time.

DeBOER: Thank you, Mr. Clerk. We will proceed back to the first item on today's agenda. But first we'll go to Speaker Arch for an announcement.

ARCH: Thank you, Madam President. Colleagues, before lunch, I, I know we, we were in discussion on this bill, and we were still waiting for the amendment. So what I'm going to do is we will pass over this bill, but we will come back to it today when, when the amendment has been

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received and people that are introducing it have a chance to review it and make sure it's correct. So I would ask that we pass over, and Madam President, please proceed to the next item on the agenda.

DeBOER: Mr. Clerk, pursuant to the Speaker's request, can we go to the next item?

CLERK: Madam President, Select File, LB929. First of all, there are E&R amendments, Senator.

DeBOER: Senator Guereca for a motion.

GUERECA: Madam President, I move that the E&R amendments to LB929 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor, say aye. All those opposed, say nay. The E&R amendments are adopted.

CLERK: Madam President, Senator Kauth, I have FA588 with a note that you'd withdraw.

DeBOER: So ordered.

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

DeBOER: Senator Guereca, for a motion.

GUERECA: Madam President, I move LB929 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor, say aye. All those opposed, say nay. The bill is advanced.

CLERK: Madam President, Select File, LB962. First of all, Senator, there are E&R amendments.

DeBOER: Colleagues, you've heard the motion. Senator Guereca for a motion.

GUERECA: Madam President, I move that the E&R amendments to LB962 be adopted.

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DeBOER: Now you've heard the motion, colleagues. All those in favor, say aye. All those opposed, say nay. The E&R amendments are adopted.

CLERK: Madam President, Senator Kauth, I have FA618 with a note that you'd withdraw.

DeBOER: So ordered.

CLERK: Senator McKinney, I have AM3094 with a note that you'd withdraw.

DeBOER: So ordered.

CLERK: In that case, Madam President, Senator McKinney would move to amend with AM3130.

DeBOER: Senator McKinney, you are recognized to open on your motion-- amendment.

McKINNEY: Thank you, Madam President. AM3130 addresses the issue that was raised by the Department of Education. It-- the, the bill that we moved to Select File had mention of the Division of Rehabilitative Services of the State Board of Education, and we're striking that out. We're also changing the mention of 2025 to 2023, because that is the LB50 that was mentioned in the bill. And just clarifying some stuff on other existing funding and striking language around the Division of Rehabilitative Services. This addresses the concern with a potential fiscal note. With this amendment, there won't be any fiscal impact, and we could basically vote down a A bill on this bill if we adopt AM3130. So with that, I'll take your green vote. Thank you.

DeBOER: Thank you, Senator McKinney. Senator Murman would like to recognize some special guests: 20 high school seniors from Cambridge Public School in Cambridge, Nebraska, located in the north balcony. Please rise and be recognized by your Nebraska Legislature. Turning to the queue, Senator Kauth, you're recognized.

KAUTH: Thank you, Madam President. And I rise in support of AM3130. And I'd ask for the indulgence of our group here while I talk a little bit about one of-- a constituent who is serving in Italy. This constituent is Bailey, and she is eight years old. I hope she's eight-- I can't remember if it's eight or nine. But this is Military Child Month. And so I want to just say, we celebrate kids who grow up

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understanding service, sacrifice, and strength. This week, one incredible young girl, Bailey, reminded us what it looks like in action, selling Girl Scout cookies abroad, helping others in need, and sending cookies back home as a thank-you to the helpers and police at the Legislature. And by the way, she sent some to me as well. Thank you, Bailey. That's leadership and that's heart, and it's proof that what we do here doesn't stay here. It echoes. So please, everyone, give a round of applause to Bailey, who is serving overseas with her mother who is in the military in Italy with her siblings. So thank you.

DeBOER: Thank you, Senator Kauth. Seeing no one else in the queue, Senator McKinney, you're recognized to close. Senator McKinney waives his closing. The question before the body is the adoption of AM3130. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: The amendment is adopted.

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

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

GUERECA: Madam President, I move LB962 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor, say aye. All those opposed, say nay. The bill is advanced. Mr. Clerk.

CLERK: Madam President, Sen-- Select File, LB1209. There are no E&R amendments. Senator Kauth, I have FA869 with a note that you'd withdraw.

DeBOER: So ordered.

CLERK: In that case, Madam President, Senator Clements would move to amend with AM3133.

DeBOER: Senator Clements, you're recognized to open on AM3133.

CLEMENTS: Thank you, Madam President. LB1209 is the Appropriations Committee shell bill that we've been putting A bills into to consolidate them and to make sure that they harmonize with the budget bills. And we needed to add one more item into that from LB901. Part of LB901 had not yet been added the last time LB1209 was amended. LB901 has cash funds adding to the behavioral health services cash fund, a \$470,000 addition in fiscal year 2027. And there are now six bills in LB12-- six A bills in LB1209. And six of them, let's see, are either on-- they're all on either Final Reading or have been signed by the Governor. And so LB1209 has their A bills, and they're-- they have a total savings of \$18 million in general funds, but their bills have either passed or are about to pass. Also in the Section 22 of LB1209, I'm adding an extra section at the very end. That section transfers \$5 million back to the Tobacco Settlement Cash Fund. That fund finances the Health Care Cash Fund. When the cigarette tax bill failed to bring \$50 million in revenue, the committee took \$50 million from the Tobacco Settlement Cash Fund to help with the budget. This provision in LB1209 would put \$5 million back in the Tobacco Settlement Fund and bring the March 31st balance of that fund to \$695 million. All the A bills that are in process are still funded. There are still-- we have still bills that are going to pass that cost money, but they're all on the green sheet, have been taken into account. In today's green sheet you'll see it reflects this \$5 million transfer out, and the budget still is in balance with a \$2,900,000 surplus. And so I-- seeing that we had a little bit of extra money, we, we had taken money out of that Tobacco Settlement Fund. That's the final provision that's in LB1209. And I ask for your green vote on AM3133. Thank you, Mas-- Madam President.

DeBOER: Thank you, Senator Clements. Seeing no one else in the queue, Senator Clements, you're recognized to close. Senator Clements waives his closing. The question before the body is the adoption of AM3133. All those in favor, please vote aye. All those opposed, vote nay. Record, Mr. Clerk.

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

DeBOER: The amendment is adopted.

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

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DeBOER: Senator Guereca for a motion.

GUERECA: Madam President, I move LB1209 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor, say aye. All those opposed, say nay. The bill is advanced.

CLERK: Madam President, Select File, LB937A from Senator Murman. There are no E&R amendments. Senator Murman, I have MO573 to indefinitely postpone the bill.

DeBOER: Senator Murman, you're welcome to open on your motion to indefinitely postpone.

MURMAN: Yes, thank you, Madam President. It's happened several times so far this session, and it's a good thing. The funding is not needed. We've been able to implement, figure out a way to implement LB937A without the fun-- funding. So I'll ask for your green vote to IPP the bill. Thank you.

DeBOER: Thank you, Senator Murman. Seeing no one in the queue, Senator Murman, you're recognized to close. Senator Murman waives his closing. The question before the body is the adoption of the motion to indefinitely postpone LB937A. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays to indefinitely postpone, Madam President.

DeBOER: The motion is successful. Mr. Clerk.

CLERK: Madam President, Select File, LB962A from Senator McKinney. There are no E&R amendments. Senator McKinney would move to indefinitely postpone the bill with MO575.

DeBOER: Senator McKinney, you are recognized to open on your motion to indefinitely postpone.

McKINNEY: Thank you, Madam President. Following Senator Murman, I ask that you vote green to indefinitely postpone with the previous amendment that was adopted to the bill. We don't need the A bill. So with that, I ask for your green vote. Thank you.

DeBOER: Thank you, Senator McKinney. Seeing no one in the queue, you're recognized to close on your motion. Senator McKinney waives his closing. The question before the body is the motion to indefinitely postpone LB962A. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays to indefinitely postpone the bill, Madam President.

DeBOER: The bill is indefinitely postponed.

CLERK: Madam President, Select File, LB1050 from Senator Murman. First of all, Senator, there are E&R amendments.

DeBOER: Senator Guereca for motion.

GUERECA: Madam President, I move that the E&R amendments to LB1050 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. The E&R amendments are adopted.

CLERK: Madam President, Senator Conrad, I have MO445, MO446, FA1010, FA1009, all with notes that you'd withdraw.

CONRAD: Yes, please.

DeBOER: So ordered.

CLERK: In that case, Madam President, Senator Raybould would move to recommit the bill to the Education Committee.

DeBOER: Senator Raybould, you're recognized to open on your recommit motion.

RAYBOULD: Thank you, Madam President. Good afternoon, colleagues. I introduce this motion in response to the overwhelming number of emails, calls, requests to talk to the lobbyists from our educators, certainly primarily from Lincoln Public Schools. And I think it is worth our, our time today to talk about recommit to committee. First and foremost, I do want to thank Senator Murman and Senator Hughes. I know that they and the Education Committee have really worked tirelessly to try to get this bill right. But unfortunately, based on the overwhelming comments from so many educators, that it's still not

right. The good news is that Senator Hughes has already introduced LR440, which is an interim study that would really take a deeper dive and look at the complexities of this education bill, to make sure that we have it correct. And so I do want to thank their efforts and Senator Hughes. And I think it's worth getting it right, and I'll, I'll get into more details of that as, as we continue this discussion. But it is not lost on so many of us, the efforts of Senator Hughes on the Governor's reading bill to try to make it work. Ultimately, Senator Hughes has done her best she could within the parameters dictated by the Governor's team. And ultimately, retention, which is the one element as a default has stayed in this amendment throughout this entire period of time. And that is what is one of the most troubling things. Even though we have heard from our educators, our educators who have spent years in the field of helping children read-- learn to read, saying that this is, is not what will work, and does more harm than good. It may work for the short term, but in the long term, we want to set up our students for success. So from the beginning, the school education coalition has been opposed to LB1050. And I could read you the name of all the coalition and the education teams that stand in opposition to this bill. Even they remain opposed to the LB1050 and opposed to AM 3052, which we'll probably get to, the amendment itself removes some of the mandates. But there is still a significant expectation that will increase costs. And at this point in time, I want to draw everyone's attention to the current fiscal note for this bill. We should be very mindful of that. You've heard me talk about that, you've heard Senator Clements talk about it. Currently the fiscal note of this first year is \$850,000. And every year thereafter, it's \$800,000. That's just to the state of Nebraska alone. I have heard from Lincoln Public Schools, and I know others have heard from their-- even their small school districts on what it will cost them. And this is the problem. We have the, the Nebraska Department of Education back in January of 2025 they gave another mandate back then. The Nebraska Department of Education published its own research summary on grade retention just one month before LB1050 was introduced. The document states, while retention may lead to initial academic improvements, these gains often fade over time, and retention has been linked to a higher likelihood of dropping out of school. The NDE document recommends targeted interventions, tutoring, summer school as an alternative, and explicitly cautions against using a single approach. And the, the bill continues to focus on retention. A number of the educators have questioned where was this coming from,

and, for the most part, this is being directed by the U.S. Department of Education and individuals who themselves are not educators but are saying this is, this is a trend that we should be following. But there is no evidence base, research base, best practice base, that this is what will work. So I wanted to go over-- we talked about unfunded mandate, the unfunded mandate to the state of Nebraska, \$850,000 this year, \$800,000 next year, \$800,00 the following year. And I just wanna talk about Lincoln Public Schools, and I'm sure someone can address how much the Omaha Public Schools will be facing. And perhaps those senators of the smaller school districts can talk about it. Basically, what this would require for Nebraska-- or for Lincoln Public Schools, is a number of things. With evaluations and specialized training, they initially had \$500,000 a year. Notification to parents on performance on dyslexia screening, \$70,000 per year. Additional staffing, \$3.5 million per year. Estimate was based on one teacher specialist per elementary building. Supplemental reading intervention program, \$60,000 per year. Resources to work on reading skills at home, plus parent training, \$70,000 per year. That amount went down slightly, not much, with the introduction of the amendment, it went from \$5 million to \$4.2 million. Again, this is another unfunded mandate that is really troubling, that will impact schools going forward. And these are the concerns that Lincoln Public Schools has indicated right from the beginning. Lincoln Public Schools has opposed LB1050 due to the following three main points. The harm of retention. This has been well-established but yet we're seeming to go back to that same well of failed educational programs and saying this is what we want to base our programming on. Number two, the infringement of local control in educational decisions. Number three, the financial burden imposed as an unfunded mandate. So just here's some things to be considered. The Nebraska Department of Education's current guidance document indicates and cites research advising against the use of retention. But this bill specifically holds that out as the most fundamental educational tool that helps children succeed, even though there is absolutely no basis in best practice or research or evidence-based programming that helps those kids succeed. Again, I've established that for Lincoln Public Schools, there'll be a \$4.2 million. And, you know, this is, this is way more than just trying to shift the cost from the focus that has been a guideline and a direction from the Nebraska Department of Education on early childhood education and putting those resources. So they're asking us to still focus on that, but then also have an additional amount of resources to deal with those third-graders, to

help them succeed at reading. Where is the money coming from? The state of Nebraska has not allocated a single penny to help those schools fund the additional teachers that they need, the additional training that needs to be done-- not only training for the educators, but also training for their parents. And so this is one of the reasons why they keep flagging it. And this is a thing that I, I hate to say that we are, we are responsible for. We as legislatures come up with great programs with best intentions and we implement these things without recognizing, oh wait, we just implemented something the year and a half before and we haven't even given the school system a chance to absorb it and execute on it. So the Lincoln Public Schools argue that schools need stability and predictability when it comes to budgeting and setting tax levies. The possible addition of these sections of requiring additional type of training and funding wreaks a lot of havoc on any school budget. School budgets are typically a three-year budget for them to do the work they need to do. So this is one thing that I think we need to consider. And I don't believe this bill is ready to be imposed on schools until they've had a chance to fully do the deep dive. And are we following through what our educators are recommending? So again, this is what they say about the retention program. And I, oh, I just want to jump back. I did hand you out one handout from Dr. Kay. Dr. Kay is from Columbus, Nebraska. And what their big concern is, and they've argued this, and I'll-- it will sound so repetitive. Dr. Kay said, however, the bill's centerpiece, mandatory third grade retention beginning in 2027-2028, is the provision that warrants the most scrutiny. A large and growing body of research cautions that retention alone does not produce lasting reading gains, disproportionately affects students of color and low-income students, and carries real social-emotional risk. Critically, the academic benefits most often cited in support of retention policies appear to be driven primarily by the intensive instructional supports that accompany retention, not the act of repeating a grade itself. I will go in a greater deep dive on retention and letters from educators who caution against this practice, but also recommend and support Senator Hughes, her legislative resolution for an interim study to really thoroughly understand what the implications of going forward with LB1050 mean and the financial consequences. And most importantly, the impact it will have on our students.

DeBOER: Time, Senator.

RAYBOULD: Thank you.

DeBOER: Thank you, Senator Raybould. Senator Dungan, you're recognized.

DUNGAN: Thank you, Madam President. Colleagues, I do rise, I believe, in favor of the motion to recommit on LB1050. So there's a, a number of things I wanted to talk about with regard to this bill, so I might punch in to talk at least one or two more times here. But I, I would just echo some of the overarching sentiments that were raised by Senator Raybould with regards to concerns that were raised by representatives from my school district, Lincoln Public Schools, and have been raised by folks across the state about what this bill and its current iteration or even its potentially amended iteration could cause with regards to harms to students and the education system in, in general. I think we'll get into a conversation a little bit more about whether or not retention, holding a kid back in third grade is beneficial. I would agree with Senator Raybould that all of the data demonstrates that retention is a bad thing. And I would also argue that the bill itself and the amendment still just have retention as the default. And even though there are certain overrides in there that I approve of with regards to parental control and things like that, a disengaged parent or a disengaged family could lead to retention, and there's all sorts of issues that come from that. What I want to talk about briefly though was these ads that I keep getting on my phone. As I'm scrolling through Instagram, I keep getting these ads that say vote yes on LB1050. Help ensure Nebraska students are ready for fourth grade. And I thought it was wild that I got these like over and over. So I pulled up my phone like literally 30 seconds ago, and I started scrolling and one popped up. So there's clearly a lot of money or something going into these. So I'm curious what this is. So it comes from a group called ExcelinEd in Action. So I googled that, because I'm trying to figure out who ExcelinEd is. So ExcelinEd is, as I found according to an article from 2025 in January, is the rebranding of a group that was originally called Foundation for Excellence in Education, which is FEE, which was started by ex-Florida Governor Jeb Bush. As explained here, Foundation for Excellence in Education is started by former Florida Governor Jeb Bush in 2008 to influence education policy by, quote, drafting legislation and paying travel expenses for state officials, lobbying lawmakers, and connecting public officials with industry executives seeking government contracts. That's according to the Washington Post. In districts

across the nation, ExcelinEd, which is the rebranded one, their influence has-- as this article argues-- put profits and corporations above the good of public schools. I'm not gonna read the whole article here, but if you look at sort of the background of where FEE, which is The Foundation for Excellence in Education, comes from, it is part of a group, a collection of organizations that I believe from the top down, at the national level, are being used to push various corporate interests in our public education. You know, we've seen at the top level various efforts made by our executive branch, President Trump, to shut down the Department of Education or to further privatize public schools. And I'm not saying that LB1050 is a privatization of public school bill, but I believe it comes from this network of corporate entities that are seeking to influence state policy in a way that does undermine our public education. Let me be very clear. I do support our schools across the state. I want every student to be able to read. I want every student to excel. I believe that our schools in Nebraska do a good job. Is there room for improvement? Absolutely. But if anybody here has ever been to another state where they do have very poor public education, I would say put our schools against those schools any day and the teachers that we have in the state of Nebraska do a spectacular job, even in the hardest of circumstances. But what I'm worried about with LB1050 is that we have this influence from an outside organization coming in and trying to chip away at what is actually best for our students. Now I'm trying to fully understand the amendment, the committee amendments that were passed off of General. I was not a part of that discussion. I'm trying to fully understand the amendments from Senator Hughes. But I do have concerns when we start to see the influence of these organizations that have a proven track record at undermining public education, whether or not the policies that are being furthered by those corporate entities are actually beneficial, or if they are causing problems that ultimately upend the system in a way that I think works. And so I would encourage folks to do a little more of a deep dive into the ExcelinEd, and ExcelinEd in Action is their political action committee that I think is paying for these ads. I'm not saying it's wrong that they do that, I just think it's important that we know who's pushing what. And I'm curious where LB1050's iterations come from and what the connections are between those corporate entities, and whether or not a passage of LB1050 in any of its iterations leads to any kind of giveaways or sweetheart

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deals for these organizations that ultimately seek to modify or change the policy in the state of Nebraska. So I'm listening to the debate--

DeBOER: Time, Senator.

DUNGAN: --and I would encourage further conversation. Thank you, Madam President.

DeBOER: Thank you, Senator Dungan. Senator Guereca, you're recognized.

GUERECA: Thank you, Madam President. Good afternoon, colleagues. So I do rise in support of the motion to recommit to committee. You know, I think it's, it's, it's a lot of a goal to make sure that our kids read. And certainly, the allure of trying to recreate the Mississippi Miracle here in Nebraska, you know, it's, it's a laudable one. Let's see if we can't recreate what they did here in state. But like I've said before the mic and like so many of my colleagues have said, it wasn't a miracle. It was a long, drawn-out, thoughtful, science-based approach, evidence-based approach to tackle what really is a complex thing, right? Making sure every child across a state is able to read by a certain age, or at a certain level. Every child is not the same. Every child doesn't have the same experiences at home, doesn't have the same support structures, where they're from. And that's, that's true in, in Omaha, as it is in South Sioux City, as it is in Imperial, as it is in Chadron, as it is in Broken Bow. Every child's unique, and certain children-- certain children have unique challenges. So my biggest concern is that in an attempt to recreate the miracle, we latched on to this one thing, this, this third grade retention piece. And I was having a conversation with a colleague earlier today who asked the question, in Mississippi, was that the crux? Was that the main point, the main thing that they did that delivered all the results? The answer is no. That was step seven or eight. Unless we take that deep look at what Nebraska's unique challenges are, how we can model legislation that takes into consideration the realities on the ground, because the realities that our kids face, I mean, especially in my schools, take Omaha Public Schools. On any given day, over 120 languages are spoken across the, across the various schools. My district has a high level of immigrant kids, first generation, children of immigrants. So to, to, to say we need to take this one-size-fits-all, suspend them to the third grade, to me that doesn't make any sense. Not even trying to recreate the Mississippi Miracle, that, that one-size-fits-all approach just does not work here in

Nebraska. It absolutely does not work for my kids in LD 7. So, and in conversations with this colleague, we said, well, you know, back in my day, we suspended a kid if they weren't achieving academically. I said, correct. But retention has to be the exception, it cannot become a norm. Because what, what the facts show is that holding that child back, it could work for them. But most likely, it's going to cause real harm. The social stigma these kids-- think back. Think back either if you got held back, or you know someone that got held back, that stigma lasts. That, that lack of confidence affects these kids. So again, adopting a policy that is the, the norm to hold kids back, instead of the absolute last resort, I have a hard time really getting behind that, really rallying behind that. And again, I think if, if we want to-- if we're truly serious about tackling literacy issue here in Nebraska, if want to recreate our own "Nebraska Miracle," we cannot focus on step eight, and skip steps one through seven, colleagues. That will not work. It won't, won't work for the kids in my district, it won't work for kids in your district. And when every single professional who educates children in this state is saying, it's not going to work for us, colleagues, it's not going work.

DeBOER: Time, Senator.

GUEREC: Thank you, Madam President.

DeBOER: Senator Murman, you're recognized.

MURMAN: Thank you, Madam President. We've got a problem in this state with fourth grade reading, with our reading in general. Up till about 2017, we were consistently above the national average and toward the top of the whole country in our-- the National Association [SIC] of Education Progress Testing, which is the gold-star testing for reading proficiency in our nation. Beginning in 2015, our scores nationwide-- or in, in Nebraska started to drop dramatically. Senator Linin-- Linehan and Pansing Brooks brought a bipartisan proposal to start something very similar to what they did in Mississippi back in 2013. And Mississippi went from being right at the bottom in the nation in their reading proficiency scores, and almost all measures on education, to up into the top 10. A dramatically-- dramatic improvement, especially through COVID, when, if I remember correctly, only two states' prog-- actually contin-- went upwards during COVID, and that was Mississippi and Louisiana. The rest of the nation dropped, very similar to Nebraska's drop, only ours has been more

dramatic. Actually, Nebraska went under the national average in 2023. So if we could have done something similar to this in 2017, I don't think we would have had the issue we're having now. The education groups promised Senator Linehan in 2017 that if she didn't push third grade retention, that our reading scores would improve from that point on. It's happened just the opposite in, in a more extreme way than I think anybody suspected could happen. We went from, I believe, 36% proficient in 2017 down to 28% in 2024. So we can't just keep continuing to do what we've been doing and expect different results. The bill with the amendment does do a lot of the things that are very important to turn this, this thing around. And I think the most important thing is to encourage parental involvement as soon as possible. So starting in kindergarten, first, second, and third grade, there is a, a screening of kids three times a year-- and it's not like a test, it's a screening, so the kids aren't, you know, nervous about taking a test. So there will be one unified screener from the Department of Education that will screen all of the kindergarten through fourth grade students in-- excuse me, through third grade students in the state. So if a student is behind in their proficiency in reading, the parents will be well-aware of it starting in kindergarten. And I do agree that it is more important to hold that child back earlier if that is necessary so the parents will have the transparency, knowing where their child's at, and the opportunity to work with the school to do everything they can, including working with their student at home to improve the-- their child's performance going forward. Only the last resort is at third grade, if the child is still behind, and in reading-- because up until third grade, the, the student typically is learning to read. After third grade, they're reading to learn. So if they're behind by third grade, if they remain behind after having all the supports that the schools can provide, the parents hopefully will provide, if they're not caught up by then, the school would recommend their, the child be held back. But even then, the parents have the ability to override what the school recommends. So if they think emotionally it would be too hard--

DeBOER: Time, Senator.

MURMAN: --they can go against it and keep, and keep the child moving forward. Thank you.

DeBOER: Thank you, Senator Murman. Senator Moser, you're recognized.

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MOSER: Question.

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

CLERK: 29 ayes, 4 nays to place the house under call.

DeBOER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presents. All unauthorized personnel, please leave the floor. The house is under call Senator Machaela Cavanaugh, Senator Glen Meyer, Senator Ibach, Senator Bostar, and Senator Bosn, please return to the Chamber and check in. The house is under call. Senator Ibach, please return to the Chamber. The house is under call. Senator Raybould, we are missing Senator Ibach only. Would you like us to proceed or continue to wait? Senator Moser, would you accept call-in votes?

CLERK: Senator Brandt, voting yes. Senator DeKay, voting yes. Senator Glen Meyer, voting yes. Senator Armendariz, voting yes. Senator Andersen, voting yes. Senator Lippincott, voting yes. Senator Storm, voting yes. Senator von Gillern, voting yes.

DeBOER: Record, Mr. Clerk.

CLERK: Vote is 25 ayes, 6 nays to cease debate, Madam President.

DeBOER: Debate does cease. Senator Raybould, you are recognized to close on your motion to recommit to committee.

RAYBOULD: I filed a motion to reconsider the vote.

DeBOER: That was a vote for calling the question, Senator Raybould.

RAYBOULD: Can't you have a reconsideration of that vote?

DeBOER: You can't reconsider that vote, Senator Raybould, but you can close on your recommit to committee.

RAYBOULD: Thank you very much. So again, colleagues, I ask you to review and reflect. I know that we want to have Senator Hughes'

amendment come up for discussion and a vote. But we know that that's not the fix that the educators have been asking us to review and reflect on. I think, once again, we're concerned about the unfunded mandates. We're concerned about doing something that is not entirely evidence-based. You know, and we talked about-- Senator Dungan raised a very interesting point. Why is he getting these texts? And you, you wonder if there's some large donor funder out there. And I think the question that we'll ask Senator Murman, we should have-- hopefully have more time to ask Senator Murman some questions that I gave him, but really, who's funding this? And where did this idea come from for LB1050? And what is the basis of really putting all the emphasis on retention as that silver bullet, that magic bullet that they're touting as the key to success? And this is one of the things one of educators wrote, and it says, I realize that the U.S. Department of Education under World Wrestling Entertainment Executive Linda MacMahon is pushing this approach. Her lack of educational background and her experience should cast doubts on the efficacy of the proposed solution to children's reading deficiencies. A far better approach is to ensure better reading skills for all students is a research-based approach of early childhood education and preschool opportunities. I suggest to you that our taxpayer dollars would be wisely spent at this committee, and the Legislature would pass funding for universal preschool and early childhood education. Well, that's not the issue before us, but the issue before us, are we willing to spend \$850,000 this year, \$800,000 next year, and the following year when our educators of all persuasions tell us quite clearly that this bill is not the solution, this bill not the answer. This bill is a continuation of mandates to our local school districts that are already using limited resources. One of the concerns they talked about were our teachers. Our teachers already face an overwhelming number of mandatory trainings from the Nebraska Department of Education on the science of reading, dyslexia screeners, and other initiatives. Adding more layers of testing, documentation, and compliance leaves less time for actual lesson planning and direct instruction, the very thing students need most. We believe the Legislature should instead invest in the comprehensive supports that have worked in other states: intensive teacher training, high-quality curriculum, and expanded early childhood programs, not retention as the primary solutions. So as we continue the discussion, and I'm, I'm truly sorry that we only had two or three people speak before we called the question. Certainly, colleagues, it is not my intention to, to waste time. My intention is really to make sure that

we fully understand where we're spending our taxpayer dollars and are they gonna achieve the success that we want to see for our children. And I urge you to reach out to your own school districts. Certainly, I imagine you have heard from them already on the impact it will have to their school budgets. And I might add that in addition to their school budgets, they are also going to be losing \$44 million from our votes to take funds from the bureau of education land fund. So they're gonna be missing out on that. And I had a, a chance to talk to someone from Cheyenne County, and they said, our schools get about \$700,000 every year from the bureau of education land funds. So what are we doing to our school districts? We're cutting the funding that they have traditionally received from BELF. We're going to be forcing additional mandates in Lincoln Public Schools. It went from \$5 million to \$4.2 million. That is excessive. Where do they get the fundings from? I'm hearing from them, oh, we're forced to be raising our tax levies when we're in a period of where there's more and more lids on us and restricting us on delivering high-quality education to our kids in Nebraska. So for that reason, I ask for your support on recommit to committee. It's the right thing to do, and then hopefully we will get to Senator Hughes' amendment. And that is a good amendment, but it's not the right fix. Her LR440 is. Thank you, Mr. President-- or Madam President, excuse me.

DeBOER: Thank you Senator Raybould the question before the body is the adoption of the motion to recommit to committee motion. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 11 ayes, 31 nays on the recommit motion, Madam President.

DeBOER: The motion is unsuccessful. Mr. Clerk. I raise the call

CLERK: Madam President, Senator Raybould would move to reconsider the vote taken on MO574 with MO576.

DeBOER: Senator Raybould, you are recognized to open on your motion.

RAYBOULD: Thank you, Madam President. Again, colleagues, I apologize for taking time. I know we have other important matters to get to, but I'm hoping that Senator Murman might yield to a few questions.

DeBOER: Senator Murman, would you yield?

MURMAN: Yes.

RAYBOULD: Thank you, Senator Murman. I had given Senator Murman a list of questions that I hope to be able to have time to ask him. And I do ask for your reconsideration of the vote that we just had. Senator Murman, could you help share with us what is the funding available to the different school districts to support the additional sections of third grade and or staffing for the intensive programs listed in LB1050 and some of the amendments?

MURMAN: Yes, well first of all we, we passed some additional funding, I think it was three years ago. It's been in effect, I think this is the second year. It was \$2 million, if I remember correctly. And then there was also a grant from the federal government for \$55 million that could be used for this program. Actually, Mississippi has 18 different things that they did to improve their reading scores. We've got 14 of them in place right now. And if we can pass this legislation, we'll have 17 out of the 18 programs in place. Mississippi actually funds individual students a much smaller amount than we do in Nebraska. Nebraska, I think we're about \$18,000 per student, over \$18,00 per student.

RAYBOULD: So--

MURMAN: Mississippi, if I remember right, it's about \$12,000 for students. So we have-- and, and we've increased our funding to education the last five years by, I believe, about 5.5%. So the funding is available, it-- we just need to have a stronger focus on the science of reading in K through third grade.

RAYBOULD: Were you aware, did all the funding go towards that or was the funding directed as the Nebraska Department of Education instructed the pub-- the public schools and the school districts to focus on early childhood, those grades of first, second and third grade, with that funding?

MURMAN: Yes, the, the-- that funding was to be focused on early childhood education, and the local school districts can use that funding as, as far as I can tell. However, they best see fit, so this would fit right in with that funding. And the bill does not go into effect for two years, so by that time more funding will be in place.

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In the amendment, there is a commitment for more funding toward this going forward.

RAYBOULD: OK, can you talk a little bit, how does this bill reconcile requiring evidence-based practices while relying on retention, which research has consistently shown has limited or negative long-term academic and social outcomes?

MURMAN: Well, you, you can see research both ways. In Mississippi, you know, I've referenced them many times, they've dramatically increased their reading proficiency scores. Other states have had similar success. Florida also, and Indiana also has research showing that some form of third grade retention did really improve their scores also. But of course this bill and the amendment both did not require retention at third grade. Parents do have the ability to override, so if a parent does feel that is, is in the best interest of their child to continue, even not being proficient in reading, if they think possibly it could have some kind of psychological damage to their child, they can override this.

RAYBOULD: OK, thank you.

MURMAN: So it's not a complete yes-or-no mandate.

RAYBOULD: OK. And we know that that right has been enshrined in statute at 79-12-- 2,161, the right to repeat a grade, and it authorizes parents already have that academic discretion. So here's another question. Does a retained student repeat all science, math, health, art lessons, and field trips they have already received?

MURMAN: Well, in K through third grade, I don't think a lot of those subjects are really relevant. But up till third grade, as I mentioned before, a child is learning to read. Past third grade they are reading to learn. So if a child is not proficient in reading by third grade-- and of course, they have the opportunity to get that we're giving them all the supports before that even, they can still move on and--

RAYBOULD: Well, I, I kind of have some concerns with that because I see my little granddaughter, she's doing science and math already, and art, and she's only in first grade. So I guess what I'm asking is, for those kids that are expected to be retained as a tool of economic

development, do they have to repeat some of the same classes they might actually be proficient in?

MURMAN: If the parent does decide to retain their child, they will repeat whatever the subjects are in K through third grade. So but it would be very difficult to imagine how a child would be proficient in those other subjects that really you need to know how to-- you have to be proficiency in reading to really--

RAYBOULD: OK, and then--

MURMAN: --be good at those subjects.

RAYBOULD: You know, I want to jump back to the evidence base. You know, every single one of the emails that I have received from educators, educators that have, you know, 30, 40 years of experience both out in the school systems, as well as administrators, as clinicians, you know they're people that have Ph.D. after their, their names. How-- I mean, every single email I have received is challenging me to say, hey, evidence-based practices say that retention, which I believe is a tool of the Mississippi schools that you speak about, was an effective one when all evidence is to the contrary. How, how do we as legislatures come to grips with what you are seeing and talking about and saying that contradicts the educators we have right in our state of Nebraska?

MURMAN: Well, I've heard from educators both ways, actually. I've heard some-- from some third-graders and younger educators that, boy, we need this policy. You know, a participation trophy is fine in some things, but if you don't know how to read, the partic-- the participation trophy doesn't do you much good. You, you need to really be-- learn to read before you get past third grade or you're going to be behind in probably every subject after that because you have to know how to read to do well in any subject.

RAYBOULD: So when, when we see this contradiction from educators, and we, we hear from those individuals that we trust, Senator Hughes has a perfectly good interim study, LR44-- LR440. Why wouldn't we want to pause, slow down this process of spending \$850,000 when we have these conflicting ideas and evidence-based practices are not supporting or sustaining some of the, the elements and the tools that were done in Mississippi? So why wouldn't we want to slow down the process? Why

wouldn't want to recommit this to committee? Why wouldn't we want have an interim study and bring the educators, maybe the-- maybe educators from Mississippi, and have them sit down and talk during an interim study-- which I believe is what Senator Hughes is ultimately proposing-- so we have the right course of action, the right spend of our taxpayer dollars? You know, I'm being told by so many public schools that it's going to cost a lot more than what is even anticipated, and the fiscal note acknowledges that there is no determined cost for outside in the school districts except what your school district tells you they're going to have to, to spend. So why wouldn't we-- why, why do you think we need to rush through this and proceed forward when we have a perfectly good interim study to slow it down, investigate, ask the experts from all around the United States?

MURMAN: Well, very quickly, those are the same questions that were asked back in 2017. Our NAEP scores have dramatically dropped since that time. The education lobby back in 2017 told the Education Committee and the Legislature that let's not have any kind of retention policy and our grades will improve going forward. They've done just the opposite. And by the way, this compromise is based on the Colorado retention policy, not totally on Mississippi.

DeBOER: Time, Senator.

MURMAN: We have had Mississippi here to talk about the bill. Thank you.

RAYBOULD: Thank you.

DeBOER: Thank you, Senator Raybould and Murman. Senator Prokop, you're recognized.

PROKOP: Thank you, Madam President. And I've got to start by saying I really appreciate the conversation on these issues today. I think they're, they're critically important, and, and I appreciate the attention that the committee has put on literacy. And I appreciated the attention that the Governor has, has put on literacy and, and really spoken out about that. I will say why-- while I appreciate all that, I would approach it a little bit differently than than what-- or, or the path that's taken in LB1050, and I got to say that I come from a family of educators and I feel as though I have heard about this bill at every family gathering, at every birthday party, at every

holiday because of just the concerns that those that work in the field have about the approach that LB1050 take, takes. And the broader picture, I think there's a lot of good in LB1050. But like others have discussed, I've got some real concerns with the retention piece, just because I think it approaches this issue really from a deficit mindset as opposed to some other things I'll talk about here in a second. But typically when I'm looking at issues, I will immediately kind of go to what does the data say and, and what is other pieces in place that we can lean on to, to, you know, what kind of policies are in place that address these similar type issues? And, and are those not working or do we need to completely overhaul or add something? So I'm going to start off by just sharing a little bit about what NDE's guidance says on retention. So according to NDE's guidance document on retention, it says, quote, research shows that while retention may lead to initial academic improvements, these gains often fade over time. Retained students may continue to struggle academically in later ga-- in later grades, particularly in core subjects such as math and reading. By the time they reach high school, retained students are often performing lower than the peer-- than their peers. So transitioning a little bit then, so taking a deeper look at that, understanding the potential short and long-term impacts then of grade retention is really inse-- essential in how we're going to make some informed decisions on this. And the research really provides some valuable insights into the academic, social and emotional outcomes associated with, with these practices. So, you know, I think looking at the academic consequences of grade retention, you've got to look at that short-term gains for long-term setbacks because ultimately, right, we want students that are going to be successful and, and move forward to graduation. So the research shows that while retention may lead to initial academic improvements, these gains often fade over time. Retained students may continue to struggle academically in later grades, particularly in core subjects such as math and reading, and that also increases likelihood of them dropping out. Retention has been linked to a higher likelihood of dropping out, and students retained in the middle and high school experience increase the risk of disengagement and dropping out. So in this demographic of kind of K-3 and then 4-12, in K-3, while students may make initial academic improvements, they often fade within a few years. Retained students may continue to struggle academically, especially if underlying learning difficulties are not addressed with targeted interventions. In grades 4-12, older students are more likely to experience a widening gap, gap in academic

performance relative to peers. Retention is associated with a higher risk of disengagement and dropout, especially in middle and high school. So not just from the educational standpoint, but there is also kind of the social-emotional consequences of grade retention, particularly around self-esteem. So even in the early grades, students can feel the emotional effects of, of being left behind and that stigma that can sometimes come with being embarrassed or ashamed about being held back, which can decrease their confidence in terms of their educational experience. And then also similarly within relationships within their peer groups, and may feel-- lead them to feel isolated or left out as their friends are moving on to other, other grades. So I think, you know, just to circle back on what we're doing in this state, and I think we're doing a lot of things right in this state, I would point to things like the Nebraska Growing Readers program, which provides book access and encourage an interest in reading. Partnerships that the state's forged with Unite for Literacy, which helps take on book deserts, which we have lots of in Nebraska. The Reach Out and Read program, which encourages books and literacy at well-child visits. And then also something I worked on in the budget, and that was extension of funding for ESU regional coaches.

DeBOER: Time, Senator.

PROKOP: Thank you, Madam President.

DeBOER: Thank you, Senator Prokop. Senator Hallstrom, you're recognized.

HALLSTROM: Thank you, Madam President, members. I am not going to support the reconsideration motion. I'd, I'd hope to move quickly to get this matter resolved. That may not be the case, but I am opposed to LB1050. Many schools already have reading instruction and intervention services policies in place. As a result, AM3052 to LB1050 is redundant in nature. And adds another layer of bureaucracy and extra cost. The Nebraska Department of Education under Dr. Maher has placed emphasis on literacy development across the state with a goal of 70% proficiency by 2030 through grants received through federal funds. A default rule under this amendment is to retain students in the third grade who are identified as having a reading deficiency. I'm not sure that's the best approach, if retention at all is the best approach. It seems to maximize the number of students that will be retained subject to parental override, as opposed to perhaps a better

approach if retention again is necessary to move on the children-- or the students subject to the parental decision to hold them back. I think it's more than a distinction without a difference in that you're, you're maximizing the number of students that are going to be retained under the approach in place under this amendment. I believe the policy increases the administrative and financial burden on schools without addressing the root causes of reading deficiencies. My preference would be to target early intervention in preschool or kindergarten rather than retaining students after the third grade. And as Senator Raybould pointed out, Senator Hughes has a pending interim study resolution, LR440, to examine the identification, evaluation, and efficiencies of reading screeners currently employed by school districts. Maximizing these screening practices should arguably precede implementation of third grade retention policies. I know there are conflicting studies and reports out there regarding the harms or benefits associated with or resulting from grade retention policies, and there is no question that our overriding objective is and should be to help children succeed. No matter the course we take, we need to ensure that school districts are directing their resources toward helping children overcome their reading difficulties. I have a school district in my legislative district which indicates that students enter its building a year behind in their learning skills and reading-readiness. As a result, their students can work incredibly hard, attend interventions and make significant growth but still lag behind state reading proficiency standards by the time they complete the third grade. The required retention under this amendment risks damaging students' confidence, increasing anxiety and can push them away from school and the learning experience. Now I would send a message out. I am not entrenched long-term to this. I, I've heard Senator Murman suggest that back in 2017-18 when Senator Linehan and Senator Pansing Brooks led the charge that retention in the third grade was held back on the promise or the assurance that reading proficiencies would improve. And with one report suggesting that our students are at 28%, that apparently and obviously has not happened. But I think when we go through the legislative resolution, we'll dig down deep and see what the root causes are and we can address those through that process and come back next year with a suitable resolution to the issues at hand. Thank you.

DeBOER: Thank you, Senator Hallstrom. Senator Jacobson, you're recognized.

JACOBSON: Thank you, Madam President. I, too, rise with concerns about LB1050, and for a lot of the reasons that have been articulated. But the biggest one I see is I, I have reached out to my superintendents. I can tell you that I'm very fortunate in District 42 that we have a number of amazing schools. Hershey Public Schools is one that I would do a shout-out for. Their superintendent, Jane Davis, recognized as the superintendent of-- the rural superintendent of the year. Jane has done an outstanding job at Hershey in terms of not only managing the budgets and managing the development of school, but really has done a great job of being innovative on how to help kids get the-- get the best out of the kids she has there. I would tell you, in visiting with her about this bill, she's indicated the program that they've implemented really to provide help for these kids in kindergarten going to first grade and how they're providing that support for those kids as they move along to where they can provide additional counseling and support on reading so that they can catch up as opposed to holding the kid back. I think a lot of the things that have been articulated before concern me that the stigma that it creates for these kids to get held back, the, the problems that they have beyond reading when the pressure to perform and, and what that might do if they get to third grade and get held back. The stigma it creates, we've heard Senator McKinney talk about this a number of times, that sometimes that can be worse than falling behind in reading. Although reading is incredibly important, I agree with everything that's been said about being able to be a good reader, but some of these kids are not there and, and you need to do what you can to try to supplement the growth. But compounding the harm is a prob-- is a concern of mine. So I do like the idea of an interim study. I do think that maybe we've got the cart a little bit ahead of the horse at this point. But I, I do think that so many of our rural schools in particular-- Hershey Public has got about 540 kids and they do an amazing job. I can tell you the same thing. I've talked to the superintendent at Brady and I've also talked to the superintendent at Mullen, and they have the same concerns and are doing similar programs to catch up kids who start behind. Clearly, we'd love to see more parental support at home. But, but and I think you will see that, but, but I believe that, that doing everything you can in school to be able to catch these kids up rather than getting to third grade, taking a test, and suddenly they're knocked back. So I would like to see a little more about what that program's about and not damaging the programs that are put in place. If we could exempt out the schools that have reading

proficiency levels above a certain threshold, I could maybe get behind the bill, but that's probably what it would take for me to be a, a yes-vote on LB1050. Thank you, Madam President.

DeBOER: Thank you, Senator Jacobson. Senator Fredrickson, you're recognized.

FREDRICKSON: Thank you, Madam President. And good afternoon, colleagues. I've been listening to the debate and I've thinking a lot about our discussion both from on General File with this bill as well as the current discussion that we're having now. And I, I appreciate Senator Hughes' work on the amendment. I know she worked hard on that. Similar to, I know, she's been working hard on a number of different projects towards the end of the session, including some design work for our, for our basketball team. But she's worked hard on that too. But I want to say that I, I have a few issues with this bill. I had mentioned that in the General File debate, you know, primarily of which is that this idea of having to have limited measures on how we're measuring success for a student and retaining based on that. And I will say this, the-- I think the introducer of the bill is very well-intended. I think the, I think the goal is very laudable. I think that we all agree that we want to ensure literacy is strong in our earliest learners. And I think about this a lot. I have a seven-year-old son. He's in first grade. You know, a lot of his kindergarten year as well as his current year is, is, is spent on exactly this. It's spent on literacy. It's spend on learning to read. It's spent on, you know, ensuring that those skills are, are acquired and met. And it's really amazing. I've had a first, you now, a front row view of what this looks like in the public school system in Omaha. And so, you know, he is-- you know, he works with another student in his class with a reading specialist one-on-one for I think it's like 45 minutes a day. And so I guess what I'm trying to say here is that, you know, the schools are very much taking this seriously and are looking when students need some additional support and, and working towards that. I, I think that when we just target specific outcomes, and I don't want to say punishments per se, but repercussions to these goals, like a, like a retention for example, it, it, it doesn't really get to the root problem that we're, that we're facing here. You know, this has already been mentioned, but we have a lot of good evidence on retention. You know retained students are, are, are 2 to 11 times more likely to drop out of school. You know, retaining students oftentimes is linked to lower self-esteem, behavioral issues, long-term

disengagement, and the academic gains we see from this are oftentimes short-term in nature. And I keep thinking back to the recent lessons of history, specifically as it relates to the No Child Left Behind Act. This was obviously a piece of federal legislation, federal policy that was passed, gosh, what was this, in the early 2000s, I think. And that of course had a lot of heavy reliance on standardized testing. And what we found as a result of the No Child Left Behind Act, as many of you probably remember, was that teachers were starting to teach just to a test. So it became less about how do we ensure that this student or this child is learning and developing that skill set on how you become a curious person in this world, how you absorb information, how you retain information, how do we make sure that the student is getting all of those skills, what ended up happening was that they were saying, this is what's going to be on this test. How do we teach the kids to memorize what's going to be on this test and so they, they can pass this test? And that, I think, is the unintended consequence of this type of legislation or this type of policy, is that we are going to incentivize a lack of individualized, what does this child need to better engage with what they need to become a lifelong learner, and more of a let's just make sure that they are able to check this box on this specific test, even if, by the way, this is a student that learns in a different way than other kids. You know, one thing I know for sure, after, you know, spending time volunteering sometimes in my son's classroom, is that there are, you know, kids learn in very different ways. There are very diverse learning styles in all of our schools. And so I have a lot of concerns about, about sort of the unintended consequences of a policy like this that might result in students who are held back or are-- and, and, and over-forcing teachers to not necessarily really delve into the science of learning and the science of reading and making that individualized plan, and instead working so hard to accomplish a specific goal based on a specific measure or specific metric that that kid might be able to take that test and ace that test, but do they actually-- are they meeting those markers and those learning goals in reality? And that's, that's kind of like the disconnect here. That's one of the things that is really challenging with standardized testing in general. You know, we talk about this in the clinical world a lot, and Madam President's about to cut me off, which, OK.

DeBOER: Time, Senator.

FREDRICKSON: I'll get back in. Thank you.

DeBOER: Thank you, Senator Fredrickson. Senator Riepe, you're recognized.

RIEPE: Thank you, Madam President. Colleagues, I rise in opposition to LB1050 and amendments to AM2605, and in opposition AM3052. Let me be clear, this bill fundamentally changes the standard. We move from identifying students at risk to requiring they be on a grade level. That may sound reasonable. But it drastically expands the impact. Approximately 50% of third-graders and about 1,500 students could be retained. That would be half of our students. This is not targeted intervention. This is a system overhaul. And what does, and what does it cost? It costs approximately \$3.9 million annually. Colleague-- colleagues, this is an unfunded mandate. We are asking schools to do more with less and less clarity and without resources. This is not policy. This is undue pressure. I urge you for your opposition, and thank you, Madam President.

DeBOER: Thank you, Senator Riepe. Senator Guereca, you're recognized.

GUERECA: President-- thank you, Madam President. Colleagues, I continue to rise in opposition-- or in support of the reconsider motion, to recommit the committee, and in opposition to MO574 and LB1050. So the last time I was on the mic, I talked about the, the concerns that I have about jumping ahead several steps to get to the the retention portion, and the struggles that I had with it again becoming the norm instead of the exemption. It really-- it, it really does hurt, it hurts these kids. And if-- I feel if it's used to, well, liberally, we're gonna see some far-reaching consequences. A lot of groups have been distributing different materials, and I wanted to talk a little bit about the, sort of the consequences of that reading retention. This is the academic consequences of grade retention. Short-term gains, long-term setback. Research shows that while retention may lead to initial academic improvements, these gains often fade over time. Retained students may continue to struggle academically in later grades, particularly in core subjects, such as math and reading. By the time they reach high school, retained students are often performing lower than their peers. If we're serious about improving long-term academic outcomes, colleagues, it's things like that that we need to look out for. Increased likelihood of dropping out. Retention has been linked to higher likelihood of

dropping out of school. Students retained in middle and high school experience an increased risk of disengagement. Specifically, students retained in the eighth or ninth grade are at the greatest risk. So, and then it breaks it down into two age groups, K-12. Again while students may make initial academic improvements, they often fade over a few years. Retained students may continue to struggle academically, especially if the underlying learning difficulties are not addressed with targeted interventions. And I think that, to me, was one of the most glaring parts of, of the steps taken in the Mississippi Miracle. And oddly enough, it was brought up by a colleague on the floor who is actually in favor of LB1050. But what this individual and this colleague had heard from the teachers in their, in their district was that oftentimes, these teachers felt ill-prepared to go out and actually teach reading. That's actually one of the first things they did in Mississippi. First, obviously, was a deep analysis of the entire landscape. And the very first thing they did was focused in on the teachers' colleges in their state to make absolutely sure that, as we're sending our teachers out into the workforce, they are truly equipped to teach these kids how to read. And it seems like an obvious step. Well, that's my point, colleagues, is that again, repetition, but the Mississippi miracle was not an overnight miracle. So, colleagues, I urge you to really take into consideration the harm that'll be done by jumping straight to the retention portion of their formula and not addressing those first, those first few steps taken in Mississippi.

DeBOER: Time, Senator.

GUERECA: Thank you, Madam President.

DeBOER: Thank you, Senator Guereca. Senator Kauth, you're recognized.

KAUTH: Thank you, Madam President. So I think everyone in this body agrees, we want kids to be able to read. We want them to be to read at grade level. It's important not just for them and their self-esteem, but it's important for our society as a whole. And Senator Guereca, I agree with you that it's very difficult for the self-esteem of a child to be held back in order to secure proficiency in reading, but what about the self esteem of that child who struggles to read and finds himself or herself further and further behind? Learning to read is what allows you to read to learn. If you can't read, you're gonna watch your fellow students continue to advance while you struggle,

sometimes hiding your difficulties because you're embarrassed. And the further you get away from that, that breaking point, the further that you get from that transition, from learning to read, to reading to learn, the harder it's going to be and the more your self-esteem is gonna be damaged. So at what point is it easier to address the reading and the corresponding self-esteem? And I'd like to point out that when we look at prisons-- this is kind of a, a leap-- but when we look at the prison population, 70% of inmates read at or below a fourth-grade level. 85% of juveniles who enter the court system are considered functionally illiterate. Reading is not-- this is not just a, a third grade thing, we're gonna hold you back and everything will be fine. This is really serious business. And I think that when we look at the history of reading, there was a transition away from phonics, there was a transitioning to some new styles of reading. And I don't think that they've served children well. So now we've got to figure out how to make our way back. I maintain that the closer you get to that split, to that time when you have learned to read and now you're reading to learn to address reading difficulties, the easier it's going to be to also mitigate self-esteem concerns. That's something that could be part of it. How do you work with a kid who you're holding back? Maybe they're be-- just being held back for reading groups. Maybe it's, it's for the whole grade. I think the, the points that if they're redoing math, what if they are great at math? And all of a sudden you're having them do it over again, you run the risk of them getting bored with that. So this is just an incredibly multifaceted issue. But I think that we do need to address the fact that we have some terrible literacy rates in the state. And when we look at, and not to pick on OPS, but in 2023 OPS's literacy rate was about 22% of the kids were reading at level. Now they have lots of things going on in OPS. It's a tough, tough district. Doesn't apply to every, every school district. But we have to make sure that those kids we're able to catch and get them the extra help that they need when they need it, and not wait till they're in high school, middle school, or have graduated or have dropped out of school and are now in the prison system, to get them to the ability to read. I've also spoken at length with Millard-- which Millard is obviously the best school district out there, I'm just saying-- and a few of the, of the other school districts. Their concerns about the ripple effects are legitimate. This is an unfunded mandate. This is something that will cause them to have to refigure out how they do things. People will be-- kids will be held back. Those classrooms will be bigger. We can't

do nothing. I don't know that this is exactly it. I do support holding kids back who need it. When we evaluate Mississippi, their results, it, it doesn't look like they hold up long, long term. I talked with a couple of representatives from Mississippi and they said, yes, it was effective, but it was not necessarily a miracle. There are some issues with how, how they calculated their numbers, and the fact that after about 8th grade, things kind of evened out. And I know Senator Hughes has put on our, our desks the ACT scores. The states where 100% of the kids have taken the ACT, we are in the top three, and we're ahead of Mississippi. So we are doing a lot of things right, so we don't want to throw the baby out of the bath water, but I, I do want us to consider giving the ability of, of kids to be held back, making it more of a suggestion or, or more apparent to parents. That sounds bad. More available to parents to choose for their kids in conjunction with the school. So I am, I am conditionally supportive of LB1050. I do like Senator Hughes' amendment. I think there are some things that could work with that. I do think that there's a lot that still needs to be done on this, but I want us to remember that learning to read allows you to read to learn. Thank you, Madam President.

DeBOER: Time, Senator. Thank you, Senator Kauth. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Madam President. Well, I stand in support of the motion to reconsider, and I think opposed to LB1050. I'll wait and hear about the Senator Hughes' amendment when, when and if we get to it. So I, I just punched my light to talk a little bit about this. I-- so I have four young kids. They're in sixth grade, fourth grade-- my fourth-grader was just here last week with his classroom-- third grade and first grade. So my kids are all in just different varying degrees of-- on this reading journey. My 12-year-old who's in sixth grade is an avid reader and reads for fun and all kind, reads all the time. And then my 10-year-old doesn't like to read as much, and so we put a lot of time into making extra effort to make him read. My third-grader loves to read. And my first-grader is, is really just learning, but he's, he's getting into it. But, you know, it, it is part of a-- we have put a lot of effort into consistently reading to them. I've probably told a lot you about my goal is always to get home at night so I can read to my kids. And we have always read, each kid picks a book and I read like one chapter or section of each kid's book. And I have gotten to the point where now they're old enough and they're reading bigger books. And so I've got them down to we're reading one

book for the big kids and one book for the littlest. And I'm trying to get to the point where we're gonna read all one book so we can read, I want to get to reading The Hobbit and then The Lord of the Rings. So I'm very much looking forward to that. We just gotta finish-- we're on Harry Potter 1, we're about halfway through it. So hopefully finish that soon and then move on to starting The Hobbit. But that, you know, our effort, I think has helped them to be better readers. But the school effort, so my kids go to OPS, and OPS has a "moonshot," which is they want to get all the kids up to grade level by 2030. And so they're putting a lot of effort into that. And one of the parts of it is, is attendance, making sure, you know, kids do much better when they actually come to school. And actually my youngest got a t-shirt for having perfect attendance or something. Although I think it says 95% on the shirt, but he's very proud of that shirt, and he wears it all the time. And by something I think Senator Guereca said the last time he was on the mic struck me, that when kids get held back or retained, they are less likely to come to school. So the-- there's the potential for this unintended consequence of passing this bill, having the kids who are struggling then feel less-- they are less comfortable going to school, less comfortable participating, and therefore going to fall further behind because of this. I, I heard what Senator Kauth just said, and I appreciate that too, which is that maybe there is a, a spike in reading level, but then it, that effect fades over time. I, I would be interested to see that data on this. I think the issue on this bill is everybody agrees with the goal and the, the intention of this bill, which is to find ways to help kids read. Because we, we all know that you need to learn how to read so you can do everything else in life. You know, the-- I'm just sitting here, I have my computer up and just going through articles and things about literacy and the moonshot at OPS and, you know, not a problem, right? Because I learned to read 40 years ago, I guess. But every kid is different. Every situation is different. We need to approach them differently. OPS, my school district, is the biggest school district in the state, has probably the most problems, is undertaking this. They call it a moonshot for a reason. It is a big, you know, step. As I talked about with the Artemis shuttle last week, that it's a hard-- we do these hard things, not because they're easy, but because they are hard. And we-- the problem with this bill as I see it is that it takes away the opportunity for school districts like OPS to address this issue in the way that is best for them, the way they see fit, the way that works with their students. So that's generally my opposition to some mandate

from the top that says this is how we're going to address literacy statewide. I think we need to allow for that flexibility at the school-district level to address these, and maybe we can record best practices and share and, and have some resources available. There are other things we could be doing besides mandating how school districts are going to handle this problem. So at the moment I am in favor of the reconsider and opposed to the bill. Thank you, Madam President.

DeBOER: Time, Senator. Thank you, Senator John Cavanaugh. Senator Moser, you're recognized.

MOSER: Question.

DeBOER: The question has been called. Do I see five hands? One, two, three, four, five. 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, 4 nays to cease debate.

DeBOER: Debate does cease. The question before the bod-- Senator Raybould, you're recognized to close on your motion to reconsider.

RAYBOULD: Thank you, Madam President. Colleagues, I ask you to reconsider, and here's the reason why. When we started this crunch period of trying to rush, rush and race through the bills to get to the finish line, which hopefully is on Friday, but it looks like it might be next Friday, the Speaker was pretty clear that if you have a contentious issue, you need to come and show me a vote card that you have 33 votes. There have been a number of vote cards circulating, and this-- support for LB1050, there's not 33 votes. There is not 33 votes. And so that's why I ask for your reconsideration and of the original vote that was taken, because the appropriate course of action is two, two options that we have at this point in time. We can vote to recommit to committee. That would be the actual best course of action because Senator Hughes has our interim study ready to go. The other course of action is we could do what we have done with other contentious bills. When they don't have 33 votes, we ask the introducer to withdraw them. That has been the policy during this last week, and those are the two options that we have. I ask that you do a green light on the reconsider so that we can get back to the vote on recommit to committee. If not, we will continue the discussion, but I

ask my colleagues, I thought we all agreed. I thought Senator Brandt was very courageous and very diplomatic, and his action was done with integrity, and that's what I sort of expect from all of our colleagues here, and I think that was the right thing to do. So we know that this bill will not pass. It does not have 33 votes. There's two or three votes cards that have been circulating that clearly show that there is not the votes to end this filibuster. And so I ask for your vote yes to reconsider and then we can get to the vote to recommit to committee, and then it'll go back to committee and then we'll have an interim study. Then we'll bring in the experts who can really hash out and present research and data and best practices and evidence-based programs that'll be the best direction, best decisions for our Nebraska students. So I ask for your yes-vote on reconsider and then, once we get there, a yes-vote again to recommit to committee. Thank you, Madam President.

DeBOER: Thank you, Senator Raybould. The question before the body is the reconsideration motion by Senator Raybould. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 11 ayes, 25 nays to reconsider, Madam President.

DeBOER: The reconsider motion is not successful.

CLERK: Madam President, Senator Raybould would move to bracket the bill with MO577.

DeBOER: Senator Raybould, you are recognized to open on your bracket motion.

RAYBOULD: Thank you, Madam President. Here I am, colleagues. This time, I want to really address some of the opposition that has been circulated by many of the educators. And I'll go through these multiple arguments, and I'll read them. Argument number one, the harm of third grade retention. Argument number two, infringement on local control and education. Argument number three, administrative and financial burden. Argument number four, ambiguity in parental versus professional authority. So we'll start with argument number one. The harm of third grade retention, this is why, again, you've heard me say this, that we need to bracket the motion until April 17th, 2026, only because there is more research that needs to be done. So argument number one, the harm of third grade retention. The bill mandates that

beginning in 2028-2029 school year, students with a persistent reading deficiency must, must, must be retained in third grade unless they meet specific exceptions. Argument. Research on grade retention is mixed at best and often shows that holding students back can lead to higher dropout rates, lower self-esteem, and social-emotional distress without guaranteed long-term academic gains. Several of my colleagues on the floor have already addressed that from other information they have been given by our educators. Argument, retention at third grade will mean reallocating resources to grade three and away from K-1, 2 where the intervention at the younger ages are more impactful. Here's a question for all of us to consider. By mandating retention for eight and nine-year-olds, are we prioritizing standardized test performance over long-term social emotional well-being of Nebraska's children? Another debate question, if a parent can have the final say, is it really retention? And I'm gonna share with you my learning encounter from one of my best friends growing up. I remember as a little kid, I was an early reader, and so I was in the highest reading group. And my dear, dear friend, she was put in a lower reading group. But I've known her all my six years of life, and I knew my friend was smart and she was talented and capable. And I thought, how could she be sent down to the lower reading group when she's so smart and I know that she's smart? And I can tell you that that had an impact on her, her entire life. I don't think she performed her absolute true potential, and the reason why is because everyone said that she wasn't qualified or smart enough to be in an upper reading group. That's my impression of this type of social-emotional impact on little kids. Argument number two, infringement on local control. The bill explicitly bans some specific instruction method and mandates structured literacy instruction in Section 1. The Nebraska Department of Education is supporting and training Nebraska teachers on the science of reading. Here's an argument. Education policy should be set by local boards and trained educators, not by state legislators. I know Senator Hughes has spoken to me about that too. Should there be a carve-out for allowing the local educators to be making those type of determinations rather than having the Board of Education make those determinations? Striking specific instructional models from the law removes the flexibility teachers need to reach students who may learn differently. [INAUDIBLE] --tell you as my children were growing up, the most amazing teachers were those teachers that understood how you learned. The way you learn would be different from another way a child learns, your colleagues, your, your classmate. And it's those amazing teachers in, in our

school system that have that capacity to be able to unlock that potential of every child, and they should have that flexibility to do exactly that. Because teachers understand that students learn differently. Here's a debate question. Why is the Legislature codifying specific theories and state law, and what happens when scientific research evolves past the narrow definitions currently written into this bill? And that's why the definitions are, are way too narrow and do not allow the local control the ability to make additional determinations, what is the best course of action and learning practice for this child. Argument number three, administrative and financial burden. You heard me talk about that. So we want to pass LB1050 with the financial fiscal note on it, without fully understanding and developing the programs. I recognize that they have a full year to do it, but are we-- aren't we redirecting our resources and pulling teachers away from something that they've already been directed to do? And giving them another mandate with their limited hours of the day instead of doing the things that they know that can really help those children that might be a little slower in learning, but giving them that time instead of working on new initiatives without fully giving that child the attention that they deserve. The bill requires three reading assessments in Section 7; annual dyslexia screenings for K-12, Section 8; and extensive reporting requirements, Section 3 and 16. I know the argument has been these require an unfunded mandate. I know that Senator Jacobson spoke that he's already heard from the superintendent in his school district and, and maybe even another one on the impact it will have on them and their limited dollars to spend towards what they know that research tells them is the best practice of allowing that child to succeed. So again, these requirements create an unfunded mandate or a data entry nightmare for already overstretched rural and urban districts. The time spent screening, testing, and reporting is time taken away from the actual classroom instruction. That's what we've been saying. We are distracting our teachers from doing the fundamental things they know best, and that is to work with a child who seems to be having a little bit of difficulty and unlock that child's true potential. A debate question, what does it mean to have an intensive acceleration program or class? Does this require a different teacher? Does this take away from other instructional time, time taken away from learning or experiences? What does the bill say on this? Does it acknowledge this? I don't think so. And that's why it's so important that we slow it down, that we send it back to committee, that we give the interim

study an opportunity to really take that deep dive, work with the experts, and develop a, a realistic plan of success. Debate question. This would cost LPS over \$5 million for one year. Just one year. Granted, they've done a revision based on some of the amendments. It's gone from \$5 million to \$4.2 million. Does the, the school district have \$4.2 million to invest in hiring more teachers, hiring additional trainers, hiring additional testers, hiring individuals who are willing to train the parents on how best to do this? We heard that Senator Murman mentioned there's \$2 million. \$2 million? \$2 million? I mean, that's literally a drop in the bucket when it comes to Douglas County and Omaha Public Schools and the requirements they'll need. If in Lincoln, it's \$4.2 million, that's not even gonna cover what the cost of the Lincoln School District would need. Does \$2 million annual appropriation truly cover the cost of training, screening, intensive acceleration classes for all schools, or is the state shifting the financial burden onto local taxpayers? How many times have we heard this said about unfunded mandates? That's something that I had introduced and Carol Blood had introduced, and I believe Senator Sue Crawford had introduced that before her. We need to put breaks or guidelines or restrictions on the Legislature to not do unfunded mandates. That has been something that has required, because why? We clearly don't have the discipline in house, in our senators, in our Legislature right now to stop and say, this is an unfunded mandate. We're going to put it on the local taxpayers who are already complaining about property taxes. That's the only resource the school districts have other than getting grants or additional funding from the state of Nebraska, which is not included in this bill. If this is important for public school children to read, does this apply to private schools too? If not, why? Why aren't we requiring the private schools to do this if it's that critical and that important? The one thing that is clear as a, a retired grocery operator, we need an educated workforce. We absolutely, positively need an educated workforce. And I'm proud to say, I think Nebras-- the state of Nebraska is one of the most outstanding states in delivering on that commitment to make sure our workforce is educated. The last argument is number--

DeBOER: Time, Senator.

RAYBOULD: Thank you, Madam President.

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Rough Draft

DeBOER: Thank you, Senator Raybould. Senator Fred Meyer would like to recognize some special guests, 30 students from the fourth grade at Elm Creek Public Schools in Elm Creek. Please stand and be recognized by your Nebraska Legislature. Senator Murman, you're recognized.

MURMAN: Question.

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

CLERK: 23 ayes, 0 nays on the motion to place the house under call.

DeBOER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Raybould, please check in. Senator Lonowski, Senator Hallstrom, please return to the Chamber. The house is under call. Senator Lonowski, please return to the Chamber. The house is under call. Senator Murman, we are lacking Senator Lonowski. Is it OK if we proceed? Senator Lonowski, the house is under call. Please return to the Chamber. Senator John Cavanaugh would like to recognize a group, youth and adults of the Church of Jesus Christ of Omaha and Lincoln located in the north balcony. Please stand and be recognized by your Nebraska Legislature. All unexcused senators are now present. Senator Murman, there was a vote underway. Would you accept call-in votes?

CLERK: Senator Hardin, voting yes. Senator Lippincott, voting yes. Senator von Gillern, voting yes. Senator Hallstrom, voting yes. Senator Holdcroft, voting yes. Senator Dover, voting yes. Senator Lonowski, voting yes.

DeBOER: Record, Mr. Clerk.

CLERK: 25 ayes, 6 nays to cease debate, Madam President.

DeBOER: Debate does cease. The question is the bracket motion. Senator Raybould, you get a close.

RAYBOULD: Thank you, Madam President. Thank you, colleagues. I ask for your support to bracket it, this motion. There are many other options for us to consider. I went over them before. I know that Speaker Arch says if you can-- don't have and demonstrate that you have 33 votes, that it's something that you should pull. We already dismissed the recommit to committee. That would have been another option. But again, your support to bracket it until April 17th, 2026 is another path forward. Many of the success stories that we hear from other states like Mississippi are misleading. Often their gains appear inflated because they exclude retained students from testing cohorts, and those gains frequently disappear by middle school. We shouldn't be importing policies driven by outside influences that don't, that don't understand Nebraska's unique landscape. Our own educators and literacy experts were not meaningfully invested and involved in shaping this proposal. We have a better path forward. LR440, Senator Hughes' interim study resolution is the right approach. It allows us to examine the effectiveness of current screeners and determine if we need to refine our practices before we even consider a retention policy. We've talked about the unfunded mandate, and this is an opportunity for the legislators to step up and demonstrate that they themselves can show their fiscal conservatism by not passing these costs onto our already-strained public school systems. You've heard me mention this before, and it's worth mentioning again, we just are taking money from our local school districts, from the funding that they would normally get from the bureau of educational land funds. They were slated to get \$83 million throughout our school districts this year. One school district in Cheyenne County mentioned that that was \$700,000 that they could have used towards buying a new school bus or resurfacing the gym floor or fixing a roof. I think we need to be mindful of our choices. This already has a fiscal note that if someone else were to be up here talking besides me, you would soundly reject it. The first year is \$850,000; the second year, \$800,000; and the following, \$800,000, and continuing that. And that's just the state and Nebraska taxpayer money we're talking about. We're not talking about our local school districts. They've already lost their distribution from the taking of-- from the bureau of educational land funds. So I'm asking you colleagues, I ask for your support to bracket this. Otherwise, I ask Speaker Arch to, to follow his policy and ask Senator Murman to withdraw it. He clearly does not have the 33 votes to get this passed. Let's choose the collaborative, data-driven path that respects our teachers and students. Let's support LR440, Senator

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Hughes' interim study, and reject the costly, burdensome requirements of LB1050, even as amended. Our students deserve solutions developed here in Nebraska, for Nebraska, that will develop the potential of all Nebraska students. For that reason, colleagues, I ask you to please vote yes for the bracket until April 17th, 2026. Thank you, Madam President.

DeBOER: Thank you, Senator Raybould. Colleagues, the question before the body is the bracket motion. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 10 ayes, 30 nays to bracket the bill.

DeBOER: The motion to bracket the bill is unsuccessful. Mr. Clerk.

CLERK: Madam President, Senator Raybould would move to reconsider the vote taken with MO578.

DeBOER: I raise the call. Senator Raybould, you're recognized to open on your reconsider motion. I'm sorry, Senator Raybould, it is out of order because--

RAYBOULD: Voted no.

DeBOER: --of the voting.

CLERK: Madam President, Senator Machaela Cavanaugh would move to reconsider the vote taken on the bracket motion.

DeBOER: Senator Machaela Cavanaugh, you are then recognized to open on your motion to reconsider the vote which we just took.

M. CAVANAUGH: Thank you, Madam President. I'm actually actively not getting involved in this debate, but I am a stickler for the rules. And so since Senator Raybould voted for the motion and it failed, then only those that were present, not voting or on the prevailing side can reconsider. So I'm just doing my friend Senator Raybould a, a favor here by reconsidering her motion, and I'd to yield the remainder of my time to Senator Raybould.

DeBOER: Senator Raybould, you are yielded 9 minutes, 17 seconds.

RAYBOULD: Thank you, Madam President. And colleagues, I'm embarrassed. That was a rookie mistake, and so I'll try not to, to do that again.

So again, I want to talk about compliance versus collaboration. You know, our state has a success rate of working together with the Department of Nebraska Education, but our teachers, our educators, those that have experience not only in the classroom, but those that have traveled to conferences to study and learn what are the best practice-- practices that we can implement to continue to drive forward successful educational curricula for our students in our state of Nebraska, particularly when it comes to reading. We recognize that there is a reading difficulty situation in our state of Nebraska. But just to go forward with a plan that has not been proven, that did not include our educators in the process, is deficient from the get-go. So I think what we need to do is just focus on compliance and collaboration that we have done within the past. And again, an interim study is the most appropriate course of action. When we have these conflictive ideas and, and examples from other states that, sadly, when you have someone that you disagree with, often we default to discrediting their research or discrediting their data. That's generally not my MO, but in this case, we're hearing from educators the very same thing when we're continuously quoting the-- these "Miracle in Mississippi" and the success that they have had in really increasing the children's reading rate. Granted, it's the numbers they're using. I can always question and make people pause and say, show me your numbers. How did you achieve them? And I think one of the concerns that was raised is that they're not testing the same pool of students because some of those students have advanced on to third grade or advanced on to fourth grade. So you have to be consistent about the data testing pools that you use. But again, I stand in opposition to LB1050, and I know that we will be getting to Senator Hughes' AM3052 shortly. But I can tell you that for decades, Nebraska has thrived on a model of collaboration between our local districts and the Department of Education. This is the only way you can truly succeed on any endeavor you want to do: you need to involve the stakeholders. You need to involve the individuals who are in the classrooms, working with the students, trying to help that child succeed, and also working with those school districts and how they can better improve the delivery of the educational tools that work. And how do we get there? How do we get there? Well, we don't get there by mandating a model policy that incorporates retention. We are trading local wisdom for a top-down compliance model. Where did this model come from that is being actually like forced onto the schools without utilizing the appropriate experts, the appropriate educators, the

appropriate teachers who have been doing this for years and years, not only in Lincoln Public Schools, but all the school districts throughout our state of Nebraska? Our districts are already doing the heavy lifting through the Nebraska Reading Improvement Act, that's NRIA. They are already using multi-tiered systems of support, the MTSS, and science of reading practices. Why are we telling the experts in our own communities, the people who know our students, that who know our students' names, that their expertise is secondary to the one-size-fits-all mandates? Here I am. I'm not even on the Education Committee, yet I'm defending the educators that I trust, that have shared with me their research and data, that have shared with me the best practices, that have shared with the economic-- or the education tools that they use that have been successful in helping those children advance in reading. This amendment limits the flexibility that the districts need to address unique student needs. We shouldn't be threatening schools with acc-- accreditation loss over a policy that distracts from the research-grounded work already underway. Let's trust our educators and not compliance checklist. I think this is one educator, an associate superintendent for teaching and learning in the Lincoln Public Schools. And these are some of the questions that she put forward. What funding is available to support additional sections of third grade and or staffing for the intensive programs listed? This is one element that has not been considered. So if we're going to be retaining that third-grader an additional year, how is that going to impact the classroom size? How is it going to impact the number of students in that third grade class or the third grade-- third grade class for next year? How does this bill envision intensive interventions happening during the reading blocks for different reading needs? What direction do the teachers need to get in order to be compliant with the intent of this bill? Some students will need intensive intervention in phonics and decoding, others in fluency, others in comprehension. Multiple adults may be needed to address these needs. Again, you're forcing the school districts to look to additional resources, to hire additional teachers to specifically focus on those students that might need this intensive instruction. And as we know, all children are different and all children learn at different intervals and with different methods. So it's saying, are we gonna have to have a teacher that is an expert in phonics and decoding? Are we gonna have to have another teacher in fluency? How can a teacher be all of these things in one person while addressing the needs of their entire classroom? What are, what are you projecting

as a class size impacts for both retained students and incoming third-graders in the following year? This is a big concern. When, when teachers and, and school districts plan for the upcoming year, they're gonna have to really rejuggle teachers and resources to be able to deliver on those additional third-graders that will be staying back. How will student records reflect retention and what messaging is expected to be included in transcripts or cumulative files that indicate retention? I think what we're seeing is that moving forward with LB1050, even as amended by Senator Hughes' amendment, is still dysfunctional, it's vague, it doesn't allow flexibility at the local school level. But again, it comes down to dollars and cents. Right now we have a deficit. Is, is the state of Nebraska willing to continue to spend more? Where are they going to get that \$800,000? They are-- the state of Nebraska has already been struggling to pay the \$250 million for our Education Future Fund that we committed to back in 2023. This year, I think, I, I remember Senator Clements say that they had to-- it was on page 42 of our goldenrod book that they have to seek out multiple sources of funding just to fulfill that \$250 million commitment. They used some general funds, but again, they had to go back and sweep funds from so many other funds to be able to do the \$250-million commitment. If the state of Nebraska has failed to live up to that commitment, do you think they're gonna actually be able to live to the commitment of \$800,000? Or \$850,000 this year, \$800,000 the next year, and the next year. And what about the local school districts? They're not gonna see any compensation, they're not gonna see any reimbursement. Oh yeah, there's that \$2 million. \$2 million to be spread out through all the entire school district? Not likely to see much impact on a school's budget. And here we are, back again, the state of Nebraska telling the school districts, you have to pay for this. And the school districts are saying, we are already strapped.

DeBOER: Time, Senator.

RAYBOULD: Thank you, Madam President.

DeBOER: Thank you, Senator Raybould. Senator Rountree, you're recognized.

ROUNTREE: Good afternoon. And thank you so much, Madam President. Good afternoon, colleagues, and good afternoon to all of those that are watching online today and have been with us throughout the course of our late nights. My emails have been constant and steady, so I know

that you have been engaged in our legislative process. And that's what we want as Nebraskans. Today, I rise in support of the motion to reconsider the bracket motion. And so we'll continue to have debate on that today, but I just wanted to talk very quickly. May not take the whole time, but I might run out of time. I don't know. I was listening to a lot of what the discussion has been and a lot what Senator Raybould has talked about earlier today. And we talked about some of those key points, one being ambiguity, ambiguity and the parental and professional authority. Well, we crossed that bridge yesterday on LB841 when we dealt with the IEP, that process. It was stated very emphatically by all of our educators, our lobbyists, and everyone else. When we pushed that bill down, it did not go through because we trusted more so in professional authority than we did parental opportunity. If that's what's at stake here, if it was good enough yesterday, it's good enough today as well. So our professional authorities should not be mandated, but if they have their processes in place, they know what they need to do for the reading programs, and we should give them that opportunity. So I've kinda gone to the end to talk about the fact that I'm gonna support fully the LR that Senator Hughes has so that we can get a good study on this, but give the professional educators their opportunity to do what needs to be done. Being involved in the reading process, I talked the last time we talked about this bill, talked about my wife being a home daycare provider and also having education for the young kids that were in the daycare with her. They had a very avid reading program, so my kids grew up reading and having a love for reading, and they still have a love for reading. That being said, my daughter, who has our only granddaughter, she's going to be four in July, but she is already reading at the kindergarten level already. Why? Because of early intervention, parental intervention. We talked about that. It takes the home. It takes, you know, when she's down to her daycare, it takes all of that to bring them to that level. So I am a big proponent of having our funds take care of that through five years old, six years old. So by the time they get to the grade, they are reading proficiently and any of the deficiencies have already been discovered. They've had an opportunity to have intensive training or intensive care with them. And they should be ready at that time of their third grade. And regarding being held back, I didn't realize until I graduated high school that some of the people that graduated with me should have come out of high school two years earlier. So we were the third to hold back on that. Didn't realize it until people older than

me started talking. So yeah, they were in my grade. I don't know if it was for reading or whatever it was, but I know impacts of being held back. So with that said, I want to talk about Ms. Williams. Ms. William was our first grade teacher, and we loved her so much. I remember every one of my teachers, 1 through 12. But Ms. Williams, I remember the day she said, listen. How many of you want to stay with me for next year? You know, we loved her so much that we all raised our hands and said, oh yeah, we want to stay with you. We don't want to change teachers, we want to stay with you again next year. But the fact was that there was a kid that had to be held back. And so not to embarrass that one individual, we all raised our hands and say, oh yeah we want to stay with you. But she said, but I'm sorry, I can only keep one. And little Johnny, you, you're going to be able to stay back. So we were all mad because we didn't get to stay back with her, but she used it as a cover to let little Johnny stay back because he had to stay it back. So yes, these can have some critically impacting things on people's lives. But I want to just finish as I say, I would certainly not support this bill, but I do think that we should go ahead and complete that LR. Let the educators do what need to be done, bring our kids up through the reading levels that we need and not retain anybody, hold them back. So with that, Madam Chair, I do yield back the remainder of my time. Thank you so much.

DeBOER: Thank you, Senator Rountree. Senator Hansen, you're recognized.

HANSEN: Was that me? Sorry, I wasn't paying attention. All right. Thank you, Madam President. All right. Colleagues, just briefly here and then I'm going to yield the rest of my time to Senator Storer. I want to touch on the whole idea of reading and maybe how important that really is, and the idea of, in my opinion, that is the foundational most important thing a school is supposed to do. More than sports, more than drama club, more than murals on the wall, more than updating their gym is reading. So the idea that maybe some, and they may have different opinions about this, but the idea that we're con-- we're worried that maybe this might possibly be an unfunded mandate on schools, I think the idea of teaching our children to read and unfunded mandate should never be in the same sentence. If all of their money has to go towards teaching children how to read, that should be their primary goal. Because if they can't read, what do they do the rest of their life? They try to memorize, they, you know, the creativity lacks. They can't teach themselves, which I think is a

fundamental job of a school, is to teach a kid how to teach themselves. After you do that, then comes the education portion, how to interpret that, creativity, expanding their horizons. But they have to read first. It's like getting the keys to a car. You can't start the car until you have the keys. And then they take off. It's the foundation of all future learning. Once a child can read independently, the teacher no longer needs to be in the room. We want them in the room to help educate them. The child who reads well becomes an autodidact, a self-teacher. Parents and educators, let's make early reading our top priority. Read aloud daily, build rich classroom libraries, and celebrate small victories to help these children crack the code. I like this bill. I like LB1050. I like the amended version of it. I wasn't a huge fan of mandating that they stay back. I can understand the purpose behind it, but I really like the idea and I think this across the aisles, this is whatever part of the lobby you're for, whether you're a parent or a teacher or a superintendent, if we can get more parental involvement, I think that is fundamental. Because that really is where, where reading comes from: parental involvement. So I think that's what this bill tries to accomplish. And so any bill that really gets the parents more involved-- and I think when the parent has to make a decision on whether they're gonna have to hold their kid back or not, maybe that instills a little bit more of a sense of responsibility on that parent. I made this decision. I made the decision to not hold them back, move them forward. Now, maybe some more of that onus is on me to make sure that they can continue reading. That's not a bad thing. So I'm in favor of LB1050, and I know Senator Hughes has an amendment that we're hoping to get to here shortly, so I'm sure we'll be hearing about that shortly. So with that, I'll leave the rest of my time to Senator Storer. Thank you.

DeBOER: Senator Storer, you're yielded 1 minute, 30 seconds.

STORER: I don't know if I can get it all in in 1 minute and 30 seconds, but I am in a slightly different position. I am-- let me, let me just say this, reading absolutely is fundamental. It is the number one goal, probably, that I couldn't agree with Senator Hansen more on that issue. The challenge is this body continues to hand down requirements, specifically through State Department of Education, that's called Rule 10. And those are the requirements that every school has to meet as determined, ultimately, by this body in order to be accredited. So we can say that they can shift all their resources

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to reading, but yet they can't, because we keep giving them rules and mandates in order be accredited. So this is still, while I support 100% the goal of this, 110% that we need to get our students in Nebraska reading-proficient, we also cannot ignore the reality of cost. And it's about how we get there and in a way that makes sense, not only academically, but financially. I believe in the purpose of this bill, I believe in the goal of this bill. I'm not convinced we're there yet in terms of the vehicle to get there. I do know there are some amendments still yet being worked on and may come soon.

DeBOER: Time, Senator. But you're next in the queue.

STORER: Question.

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

CLERK: 21 ayes, 6 nays to place the house under call.

DeBOER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house under call. Senator Rountree, please check in. Senator Hallstrom, Senator Lippincott, Senator Bostar, Senator Dorn, Senator Bosn, please return to the Chamber and check in. The house is under call. All unexcused senators are now present. Record, Mr. Clerk.

CLERK: 26 ayes, 7 nays to cease debate.

DeBOER: Debate does cease. Senator Rabyould, you're recognized to close on your reconsider motion. Once again, Senator Machaela Cavanaugh, you're recognized to close on your motion.

M. CAVANAUGH: Thank you, Madam President. I'm gonna yield my time to Senator Conrad.

DeBOER: Senator Conrad, you're yielded 4 minutes, 43 seconds.

CONRAD: Thank you, friends. Thank you to my friend, Senator Cavanaugh. And friends, I, I appreciate the opportunity to address you at, at this juncture of debate. I've been listening very carefully, and I've been watching the communications that have come in from the schools and from the citizenry. And I think well over 90% of the concern about this legislation has been left behind and resided in the original legislation. What emanated from the Education Committee was a significant revision that left behind the restrictive one-size-fits-all retention policy. We were responsive to criticism and concern at that point. That has been let behind. What the vehicle before us today, once Senator Hughes' amendment gets on the board, and hopefully that will soon, also doesn't contain those components. It asked the State Board of Ed to come up with a model policy. That is an open process. There are iterative drafts. There are public hearings. There are opportunities for every stakeholder to weigh in. They have expertise at the Department of Education to conduct this, to update their policies surrounding literacy and literacy improvement and retention and literacy supports. These things are not new, different or scary. It is not asking too much to ask schools to improve reading success. That's all that's at the heart of this legislation. And there's been considerable influxes of public funds to support that. Almost \$80 million. And that's a good thing. We've made in curriculum, we've made updates in terms of how we're teaching teachers to teach reading. We have reading coaches in place. But we need to keep going and we need to be honest about what the debate is before us. There is not a restrictive third grade retention policy on the board any longer. And if you have concerns about the language in Senator Hughes' model policy component, bring her concerns about the language or go share them at the State Board of Education level as they promulgate policies that are open. The response from the schools is very surprising to me in this regard. They have policies about retention, and they have practices for that. Use common sense. It's not like the first time we've ever heard the word retention was during the Governor's State of the State address. This happens in schools, and schools are smart and they know how to have conversations with experts and parents to figure out the best track based on each kid's needs. Nothing about this legislation or the model policy is going to erase that expertise, care, concern, and attention for each kid. But what we are doing in this body is directing our partners at the State Board of Ed and at the local schools to say, if you haven't updated your policies, update them. If you can be doing more to see greater

improvements in literacy, do them. Let us know what you need. Let us what the investment is. This is an ongoing, important process. But we have to be honest about what is the vehicle to move forward now. It is not the bill that was originally introduced. And I understand there's always a little theater and political theater and in this body. But be honest what's coming and going to be on the board. It's a direction to adopt a policy to improve reading, for goodness' sakes. That shouldn't be controversial. And I think the optics are really troubling and really sad that schools are fighting tooth and nail against a policy that improves root-- reading. We need to get Senator Hughes' measure up on the board. We need to ask hard questions. If there's ways to improve it with language, let's do it. This shouldn't be a filibuster. This is common sense. Thank you, Mr. President.

DeBOER: Thank you, Senator Conrad. The question before the body is Senator Cavanaugh's motion to reconsider. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 6 ayes, 34 nays to reconsider.

DeBOER: The motion to reconsider is not adopted. I raise the call.

CLERK: Madam President, Senator Murman-- excuse me, Senator Kauth would move to amend with FA688 with a note that you would withdraw.

DeBOER: So ordered.

CLERK: In that case, Madam President, Senator Murman, I have FA690 with a note that you would withdraw.

DeBOER: So ordered.

CLERK: Madam President, Senator Hughes would move to amend with AM3052.

DeBOER: Senator Hughes, you are recognized to open on AM3052.

HUGHES: Thank you, Madam President. Before I start, I handed out, everyone got one of these on their desk. It is from the ACT website, and it was average ACT test scores by state from last year, 2025. And I just want to point out, if you look at the top nine on that list, those are the schools that 100% of kids took the ACT. Nebraska switched junior year to give everybody the ACT instead of other

testing. And then this is the average scores. We are number one folks. We're number one. We average 19.2 for that composite score of these nine schools. I just want to point that out because we have really good public schools. We have really, really good public schools. Can we make them better? Absolutely, absolutely, and that is what we're here. We're here to support our schools. We want to do the best by our kids because that is the future. So I rise to talk about AM3052 as amended to LB1050. This is a white copy amendment. It completely replaces LB1050, that language that is in there. I had the same concerns that many of you shared about that original LB1050 bill. I listened to when we debated this a week ago Thursday. And after that day, we went into Senator Murman's office and said, I think there could be a better way to do this. The original bill was-- he was asked to introduce on behalf of the Governor. And the proposal was really brought late, like as in December. And I feel like it was just a little bit pushed through too quickly. LB1050 is important. It's about reading that K-3 grades. It's very important. The period around third and fourth grade is critical, because studies show that what grade level the kid is able to read at is a strong predictor of future success for those kids. So let's talk about what this amendment does. It shifts from a prescriptive policy mandated in statute, which was the language in the original LB1050, to a model policy developed by the Nebraska Department of Education. We have done this before with model policies. That's kind of why we have the Nebraska Department of Education. They have the expertise in some of these. So what this amendment does, in Section 2 we spell out what is gonna be covered in this model policy. Think of a model policy as a framework or a skeleton that then our schools look at to create their own policy for their district. So the first item in this Section 2 is identification of students with a reading deficiency. This is very important, and it's very important to be done early. Our schools are doing these things, so it's not like this whole thing is all brand new. We are checking our kids' reading and the, the milestones they need to meet, kindergarten, first grade, second grade. Reading interventions for K through third grade, the earlier the intervention, the better. Reading screening. We need to operate off of one screening tool, so we're comparing apples to apples. When we look at maybe how the assessments are done in Seward Public School, first grade, we can compare that to Lincoln, and now it's from the same screener, so we're looking at the same numbers. Just like when I shared you this ACT, that is the same test for the whole nation. So when you look at our scores compared to

Nevada, who is ninth, it's apples to apples, right? Same type of test. We add in this model policy dyslexia screening and technical assistant-- assistance. If students show a reading deficiency, we need to make sure they're also getting screened for dyslexia. Those impacted by dyslexia simply process information differently, and we need to screen them early so we can get them the proper instruction they need to get on board. Parental involvement is also part of this model policy in reading interventions. Interventions are most effective if you do have parents involved in giving feedback. We also list the right of a parent to retain their child. This is already in statute, 79-2,161, which was passed by this body a few years ago. So a parent already can de-- you know, ask that their child get held back kindergarten, first grade, whenever, and the schools have to honor that. Similarly, we have the right of a parent to override any other suggested retention. Ultimately, this decision to retain or not should be a parent, parent's decision, period. Now, the part that has gotten everybody in a "kertuffle" is in this model policy, it says retention at grade three for students with persistent reading deficiencies. The intention is that the NDE's policy model will lay the framework about how that could work, if it's in the best interest of the student. This needs to be flexible to ensure the student can get caught up in summer school, then maybe they wouldn't be retained in third grade. If the child has been showing improvement through interventions, they can keep moving forward, perhaps, because you know they'll be catching up in fourth or fifth grade. There needs to be flexibility in this process to make sure that whatever is recommended is the best situation for the student. I know the original LB 1050 was very prescriptive and had certain things like a two-year English language learner ramp-up and things like that. The reality is we have 245 very different school districts across Nebraska and one policy doesn't fit every single one. You have different populations of students. We've, we've got a school in the Bellevue area that has a base nearby. They have a 30% turnover, right? Your kid, on average, when you get assigned there, you're there two or three years. These kids are coming in and out. That model, their policy needs to probably look different than a school that has kids that, you know, a lot of kids stay, K-12 or whatever. So that is why you need that nuance by district. You can also look at it, certain school districts have much higher English language learners. There are school districts that have 40, 50 languages spoke. If you have a kid come into your school in second grade coming from another country that doesn't speak any English, you would not hold that kid in third grade

because they can't read. That doesn't make sense. That is why one prescriptive policy doesn't work for everybody. We also have language in, language in this model policy which was at a request, which I thought was really good. The model-- model policy has to incorporate best practices in the science of reading instruction. So what is best practice around the nation for these things? We require data reporting so we can assess the effect-- effectiveness of our interventions and any effectiveness with what's going on. We require NDE to ensure flexibility in the model policy for school districts to-- listen to this-- to implement it within their existing resources or funding. So I know like first round with the original LB1050, there was, OK, if you-- if a kid is retained in third grade, they have to be in a smaller classroom. Well, we have schools that have one classroom of third grade. And maybe there's 12 kids in it. And then we're going to add a third grade classroom for the one kid that gets retained? That makes zero sense. So in this is language, they have to implement it within the requirements of their existing resources, meaning we don't want a completely unfunded mandate on schools. NDE has shared they intend to have an ad hoc committee to advise them on this, and I am certain in that committee would be literacy instructors, curriculum directors, and educators and administrators that deal with this versus a body of us 49 creating something. NDE has till July of next year. I've heard that we're rushing through this. The model policy would be created by July of next year, 2027, and then school boards have until August of 2028 to develop their own policy. The district has-- they have to adhere to the policy they adapt. AM3052 also requires that NDE provides technical resources, including staff, training, and an approved list of high-quality instructional materials to each school district. These things are already happening. We have switched to the science of reading. I know this year, teachers across the state, were getting kind of retrained in that science of reading. And I have heard from many people that the instructional materials they're getting are the best that they've seen. So we are already going down this path. There's an amendment. This amendment also builds on what Senator Prokop worked on in Appropriations to make sure we're funding reading coaches through fiscal year '29-30. And this amendment extends that funding every year going forward because the reading coaches are critical. When we see schools that have areas that the kids aren't reading, we need those reading coaches to come in and work with the teachers in that school to get them up to speed to teach those kids.

DeBOER: Time, Senator.

HUGHES: Thank you, Madam President.

DeBOER: Thank you, Senator Hughes. Senator Fred Meyer, you're recognized.

F. MEYER: Thank you, Madam President. I want to rise in support of AM3052 and LB1050. This has been a long and interesting discussion this afternoon, touching on a lot of different things. And I-- whenever you shine the bright light of accountability on something, all kinds of things happen. And that's, I think, what's happening here this afternoon. I think I want to thank the Governor for putting a spotlight-- for turning the light on to this problem here in Nebraska and bringing this discussion a long way this afternoon. There's been a lot of really good topics brought up, a lot of good points. Fortunately, I think we are at a, a pretty good place in Nebraska now to, to start to turn this trend around. This has basically been since 2015, this trend of the NAEP score has been happening. Now the NAEP score is a little bit different when-- than our state assessments, but that's the, that's the test that states across the United States are compared to, 4,200 students in every state. So looking from 30,000 feet and trying to put all the pieces together where we are now, I think I have a great deal of trust and respect for Dr. Maher over at the Department of Education who has assured me that they are refocusing a lot of effort on this exact situation. He doesn't like the statistics of decreasing test scores since 2015. In fact, I thought it was just the last few years kind of since COVID. And he's the one that told me actually it's been since 2015 that we've been going down. So the need for some sort of reassessment, I think, is pretty obvious. And I think he started us down that road. Going back a little bit further, I guess I remember-- or another thing that I want to talk about quickly is, is how prepared our teachers are when they come into, into the profession. The pre-service teachers that I've talked to for years when they first enter the classroom, especially in the lower elementary school, coming out of our teacher prep programs, are not prepared to teach reading. So in a nutshell, they come out with a pretty good heavy student debt load and still really aren't prepared to come into classroom until they get additional teaching how to teach reading, which I find that a little bit troubling. No, a, a lot troubling, because I think that's just not right. Most people, when they finish college, with a little experience, they're ready to

hit the ground running. But that's not necessarily the case with pre-service teachers. So ESUs have played a part in some of that. But I also think the initiatives now of the Department of Education and what they're trying to do is going to make a big difference. And I think this amendment and the underlying bill, I'm really hopeful moves us in the right direction. You know, we spend roughly, give or take a couple hundred million, \$2.5 billion a year from all sources on public education in Nebraska. So I think as the Legislature, we're kind of the ultimate end of the road for accountability, stops here. So when we spend that kind of money for us to talk about these types of issues in third grade reading, I think, is very fitting and appropriate. I think it's our, our responsibility to look at these things and not just say, well, the schools will take care of it. I think we have great public schools in Nebraska, but it does help sometimes to refocus the, the accountability spotlight squarely, squarely where we are today. And I want to refer also to the handout that Senator Hughes handed out about the ACT scores and how we compare at the high-school level. This started back, yeah, but previous to 2010 when I was kind of involved in that and that shows that by time our students get to be juniors in high school, some of the deficiencies in the lower elementary grades are, are overcome. And our students actually do quite well on the ACT. In fact, before it was mandated that 100% of our students took that test, we scored right at the top of the nation of all states that took the ACT. But then we weren't testing all of our students. As soon as we started to test all of our students, that scored differently. And all you have to do is look at the states where they only test 20 or 30% of their kids. The top kids are taking-- or the top students are taking the test and they are scoring very, very well. So interesting statistics to look at, but I'm in full support of AM3052 and LB1050. I think we're at, we're at a good spot to move forward with this legislation today. Thank you, Mr. President. Madam President.

DeBOER: Thank you, Senator Meyer. Mr. Clerk for an amendment to the amendment.

CLERK: Madam President, Senator Raybould would move to amend with FA1189.

DeBOER: Sam Raybould, you are recognized to open on FA1189.

RAYBOULD: Thank you, Madam President. It strikes just a simple word on model and changes it slightly. But I want to say good afternoon, colleagues. I want to address some of the things I've heard said. Number one, I believe Senator Conrad clearly said that the bills and amendments have just taken care of that tough issue of retention. Well, I can share with you, and I believe I handed this out. It's a memo from Nebraska Education Collaboration, and it was dated Tuesday, April 7th. So that was yesterday. And it says: To the members of the Nebraska Legislator [SIC], opposition to LB1050 as amended by AM3052. So I just want to share with you the names of those members that are considered part of this collaboration. Number one is the Nebraska Council of School Administrators. Number two, Nebraska Association of School Boards, Nebraska State Education Association, Schools Taking Action for Children's Education, and in parentheses they're called STANCE, Greater Nebraska Schools Association, Nebraska Rural Community Schools Association, Educational Service Units Coordinating Council, and Stand for Schools. They are all in opposition to LB1050 as amended by AM3052. Here's what they're saying. The Nebraska Education Collaboration, a statewide coalition dedicated to supporting the interests of students, student-- school employees, and school districts, writes to express our opposition to LB1050 in both its current form and in AM3052. We appreciate Senator Hughes' efforts to craft a compromise through AM3052, which seeks to establish a model policy on reading deficiencies, interventions, dyslexia screening, and related measures while allowing some direct-- or district flexibility. However, the amendment still mandates the school boards adopt a policy consistent with the State Department of Education's model in order to maintain accreditation, shifting Nebraska's long-standing collaborative approach to literacy improvement into a top-down compliance model. This change risks limiting school control and the flexibility districts need to address the unique needs of their students, distracting from the thoughtful, research-grounded work already underway through the ongoing partnerships between districts and the Nebraska Department of Education. So we want to put a pause right there. One of the primary concerns is the language is still in LB1050 on retention. That has not been modified in either LB1050 or the amendment from Senator Hughes. This is their primary concern. Our primary concern remains the bill's continued emphasis on third grade retention as a central intervention for students with persistent reading deficiencies. Retention is a complex decision with documented long-term academic, social, and emotional implications that often fail

to produce sustained gains in reading proficiency. Sustained gains in Reading proficiency. I have about six other emails from other educators that address that same point, that this is not being removed from this bill, LB1050, nor is it being removed from Senator Hughes' amendment. And then I heard some of our other colleagues say that we should be throwing all kinds of money-- the primary thing of any school is to make sure kids understand how to read. Well, you know, I couldn't agree with that more. But it's also, they have to be proficient in math and they have to be proficient in science. If we are going to compete in our global, global environment right now, we need highly educated kids. And that's what we should be focused on, and not adopting some model that has been in Mississippi or some other states without thoroughly vetting it and working with our stakeholders. And I think the interim project over the summer is a perfect opportunity to do that. We talk about funding. OK, hey, I've been in city local government for, for 12 years, and I can assure you that I have heard-- and I know my colleagues here have heard loudly and clearly-- every time we've walked and knocked on a door they talk about property taxes. Well guess what? Out of every dollar of property taxes 62 cents goes towards our public schools in our city of Lincoln. So now you're telling me that we should be throwing more money at education because we want to make sure every kid reads. Well, I agree with that. But when it comes to that funding element, that's where we hit a major roadblock. I know, speaking of roads, when, when I was on the city council we would talk about infrastructure improvements, taking care of more streets, keeping up with the snow plow damage and the snow damage. And people were saying, we want our streets fixed, we want our streets fixed. And I would say OK, pick your poison. Do you want us to have an increase in sales tax to be able to do that? Would you like us to go out for a bond issue, which, by the way, you will pay for? Which of these elements would you prefer we do? And it's the same thing when it comes to public education. How do we get here, where we were dependent on property taxes? I think we need to take a step back. For the Nebraskans that are watching this on TV, the state of Nebraska-- Nebraska was ranked 49th, next to the last, of having the state of Nebraska do their constitutional duty to fund public education, K-12 grades. Senator-- or Governor Pillen came along and he changed that. We did something very transformational. We had committed to \$1.2 billion in an education trust fund, and we committed to \$250 million every year. But my experience with the state of Nebraska, they cannot live up to their obligations. They cannot live up to their

commitments. Except they want the, the local school districts to step up and fulfill that obligation when the state of Nebraska runs short on their fiscal funds available to live up to that. You heard me talk about, we didn't have \$250 million in the general funds to fund the Education Future Fund. So what did we do? We took funding and swept funds from a lot of different sources, including the bureau of educational land funds, to the tune of about \$44 million, which was unauthorized, unconstitutional, and by the way, illegal. So where does that leave us? I appreciate the fact that they put in \$2 million to help with the trainers and the testers. That's a drop in the bucket, according to the information I'm getting from my local school district. We're hearing that from other school districts, too. That is not enough to sustain this intensive type of program to allow our children to succeed. Again, they're talking about retention. There has got to be a better way. Nebraska law already permits parents to request retention-- I read the statute, it's in law-- when they believe it is in their child's best interest, rendering the provision redundant that's in LB1050. While promoting a strategy that research shows is rarely-- let me say that again. We're promoting a strategy that is rarely the most effective path to improved outcomes. I don't know that, I'm not an educator. But I know a lot of educators, and I trust the things that they're telling me. If you look on this list of collaboration members, these people are invested in the education of our children above and beyond anything you or I can even imagine. They understand how to deliver on that commitment. I'm not sure why we dispute the things that they're telling us, that we dispute the practices that they know are successful. A more measured and effective approach is already before the Legislature in the form of LR440, Senator Hughes' interim study resolution. LR440 would examine the identification, evaluation, and effectiveness of current reading screeners approved by the Department of Education to determine whether refinements to screening practices should precede any consideration of retention policies. We urge you to support this collaborative data-driven path forward, rather moving ahead with the costly and burdensome requirements of LB1050 as amended. Nebraska educators and literacy experts stand ready to partner with state leaders on solution developed here in our state with the input of those who know our students and our communities best. So for that reason, I ask your support of the floor amendment before you. Thank you, Madam President.

DeBOER: Thank you, Senator Raybould. Senator Fredrickson, you're recognized.

FREDRICKSON: Thank you, Madam President. Good afternoon, colleagues and Nebraskans. I have not yet had the opportunity to fully review Senator Raybould's floor amendment, but I was reading over Senator Hughes' amendment AM3052, which we're debating now. And I, I do think that this amendment in general is a, a step in the right direction. I appreciate the hard work that she's done with this. But I do have a few questions on that, if Senator Hughes might be willing to yield to a question. Or two, or three, or six.

DeBOER: Senator Hughes, will you yield to a question?

HUGHES: Yes, I would.

FREDRICKSON: Thank you, Senator Hughes. So I, I just want to make sure I'm reading your amendment correctly. So as I understand your amendment, and I know you sort of mentioned this a little bit in your opening, but this would instruct the NDE to create essentially like a model policy that would then be sent down to the school districts. School districts could then take it, leave it. How-- can you help me understand a little bit how that works?

HUGHES: Right. So, they couldn't leave it, right? They-- it is a model, like a framework, high-level framework, I would say, that NDE creates. We've done this before. Like when we passed the no cell phones in schools, was that last year? We did the same thing. We said NDE create a model, and then every school from that model creates their own off of it. So kind of they create the framework and then each school makes their own from that framework with their own nuance. And I like, I was talking with a senator just off the, off the microphone over here, like a situation was concerned with Schuyler. And they have, I believe he said, almost 50% ELL kids, English language learner kids.

FREDRICKSON: Uh-huh.

HUGHES: For example, English language learners, when it says retention at grade three for students with persistent reading deficiencies, you would have a caveat for English language learners. If you have a kid move here in second grade or even first grade that doesn't speak,

speaking any English, you cannot expect them to be full reading by third grade in two years, right?

FREDRICKSON: Right. Right.

HUGHES: So you would have, maybe those kids would be exempted from that model. But that's what the nuance is that every district could create.

FREDRICKSON: OK, and so if NDE were to put in the model policy certain provisions-- like so for example from the original bill that there was a lot of concerns about was the mandatory retention, right?

HUGHES: Right.

FREDRICKSON: So what if in a world where NDE were to put mandatory retention in that model policy, would that--

HUGHES: So I think that, I think you're getting to the crux of like the biggest fear is that NDE then creates a policy that is extremely restrictive. Like let's say they would create a model that says, if at, you know, in the third grade the last test-- last assessment, they don't cross this line, automatic hold regardless of English language learner, regardless of if they just moved to the district. You know, things like that, I think that's the concern.

FREDRICKSON: Sure.

HUGHES: And that's kind of where I think Senat-- Senator Conrad alluded to this. When, when model policies are created, they're going to create a committee. There should be room for feedback. I mean, that, that was the whole thing my-- what I didn't like about the original LB1050 is we were putting in all the rules.

FREDRICKSON: Right.

HUGHES: And it wasn't allowing schools that flexibility that I think they need and that this process should give.

FREDRICKSON: OK. And so, and currently, and I was talking to my good friend Senator Conrad about this, so currently schools have the ability to retain students, right? I mean--

HUGHES: Absolutely.

FREDRICKSON: --this is not the first time this has ever happened? This is--

HUGHES: Schools have the ability to recommend to retain. Yes.

FREDRICKSON: OK, so I, I guess walk me through this a little bit more. So, you know, and since schools technically have that autonomy, right? So let's say they do have a student who they're working with and they say, look, this is a student who we would recommend to retain because X, Y, Z. You know, you mentioned an example where you might have an ELL student where they might say, look, that's not the best option for this kid. How, how is this different from our current process?

HUGHES: Yeah, that-- so I think that's a valid question, and something I was gonna talk about when I get back up in the queue is, I think sometimes drawing a line-- I could see drawing that line in the sand can help the assessments younger and earlier, and even get parents on board younger and earlier. In kindergarten, if you're not hitting these milestones-- maybe you started a little young, or you're just developmentally not there-- it would be better to do those retentions earlier than later. And if parents see-- if the school can say, hey, your child isn't "trajectoring" toward, you know, and at third grade there's a line in the sand, make sure they get to summer school and they'll do that. Or make sure you're working with your kid reading. It, it, it potentially could add a more serious look from the parents and get even parents more involved. Does that make sense?

DeBOER: Time, Senators.

FREDRICKSON: I understood. Oh, OK. Well, thank you, Madam President.

DeBOER: Thank you, Senators Fredrickson and Hughes. Senator Dungan, you're recognized. Sorry, we have items for the record. Mr. Clerk.

CLERK: Madam President, items for the record. Your Committee on Enrollment and Review reports LB304, LB304A, LB762, LB803, LB803A, LB878, LB889, LB921, LB937, LB958, LB1032, LB1075, LB1075A, LB1096, LB1114, LB1165, LB116A as correctly engrossed and placed on Final Reading. Additionally, reference report from the Reference Committee

concerning LR506 as referenced to the Banking, Commerce and Insurance Committee. That's all I have at this time, Madam President.

DeBOER: Thank you, Mr. Clerk. Senator Dungan, you are now recognized.

DUNGAN: Thank you, Madam President. I-- colleagues, I rise, I think, in favor of AM3052. But even with that adoption, still hesitant and likely opposed to LB1050. I want to just situate my, my comments here in that I understand the concerns that are being raised by the folks who are in favor of LB1050 and Senator Hughes with regards to AM3052. Of course we all agree that making sure students can read is paramount. And of course we can all agree, as many have said, that we need to make sure we're providing all of the necessary tools and resources both to teachers and to students alike to make sure that they're not falling behind in certain parameters. But like many bills, and like we see over and over again in this Legislature, there are often times good intentions that are sought to be achieved through mechanisms that are not means-tested, right? What I mean by that is we try to do the right thing, but we do it in a way that doesn't necessarily achieve that goal because we're not looking at things the right way. A good example of this, which I don't mean to draw analogies that are gonna cause more hairs on the neck to raise than they should, but trying to solve issues like public safety by implementing new crimes, right? I mean, the problem is we know that that doesn't necessarily-- or increase penalties. We know that doesn't necessarily solve the problem. And so what we're seeing here is an issue being raised, which I think is legitimate, of making sure students continue to read and make sure that scores are going up if those scores are representative of actual ability to read. And we want to make sure that we're providing students with all the abilities and resources they need. The way to do that, according to all of the data that we've received, is to invest in these educational improvements at an earlier age, and to make sure that students have those resources at a younger age as opposed to punitive things like retention. Now, the folks who have spoken on the mic are absolutely correct. Retention exists. Retention isn't a new thing. It does happen. My concern, both with LB1050 and with the amendment that Senator Hughes has proposed, despite being slightly better, is that the default mechanism is retention. And there is certainly parental control that is being addressed. And I think that Senator Hughes' amendment, again, goes in the right direction, which is why I'm likely a green on AM3052 but, even with that, a red on LB1050, is that the language of the amendment

is a default that, in this model policy, that the schools have to have a policy with regards to requiring that retention in the event that folks are not hitting a certain score. It sounds like there is maybe some disagreement about whether or not that is the reading. But my belief is that a plain reading of this statute, as amended by AM3052, is that it does still require that retention. Where it specifically says on line 13, retention at grade three for students with persistent reading deficiencies. So, earlier, line 7 and 8, the Department of Education shall develop and adopt a model policy relating to identification of students with a reading deficiency-- and then there's a list of things that are enumerated through commas, so shall develop and adopt a model policy. And it specifically then says, as one of those enumerated things, retention at grade three for students with persistent reading deficiencies, and override of retention in grade three by a parent or guardian. The latter of those two phrases wouldn't be necessary unless the default policy mandated by AM3052 is retention. There is no need for the model policy to specifically say that an override by a parent is necessary if the default policy isn't retention. And so I have an amendment actually coming up after AM-- I'm sorry, after FA1189 that amends Senator Hughes' amendment to take that part out. Because if what we're talking about are other model policies or parts of that model policy that don't have a default requirement for retention, I think it becomes less objectionable. So we'll talk about that more when we actually get to that component, but I do think that that is part of the problem here. I, I think there's been a lot of hard work that's been done, and I would agree with Senator Conrad that the bill that is before us, at least the proposed amendment under Senator Hughes, is different than what the LB1050 was. And LB1050, I think, certainly was more problematic in the very top-down rule-based requirements that we were seeing with regards to that retention. But I do also think that AM3052 does have mandates, and it does have requirements from the Department of Education. To say that it's nonbinding, I think is incorrect. Certainly it's a model policy, a model policy that they're then allowed to promulgate certain rules and regulations around. But by requiring a certain skeleton and then building out the muscles around that, the skeleton is still in place--

DeBOER: Time, Senator.

DUNGAN: --and that is the problem. Thank you, Madam President.

DeBOER: Thank you, Senator Dungan. Senator Guereca, you're recognized.

GUERECA: Thank you-- thank you, Madam President. I-- you know, I think I, again, I do support the intent behind AM3052, but it's not enough to get me to a yes on LB1050. And sort of really want to continue on Senator Dungan's train of thought. I think a lot of our objections comes from that institution of a mandatory retention policy. And every time I've been on this mic I've said that, my concern is making retention the norm instead of the exemption. It should only be used in truly the most severe of circumstances, where everyone's in agreeance that this is what is best for the child. That's not what this is. So that, that's why I, I mean, I appreciate a lot of the other factors that Senator Hughes took into consideration when crafting this AM, but at its core, that is still my sticking point. That is absolutely still my sticking point. And while Senator Dungan is also correct that this is not as severe or as heavy-handed in its top-down approach, it still takes away a lot of the responsibilities, a lot of the, the freedom and power that the local school districts have to address the very unique challenges that the school districts face. You know, my entire district is encompassed within Omaha Public Schools, and there's just some realities within OPS that do not exist anywhere else in the state. Beyond the 120-plus languages spoken on any given day, we run into the very real struggles and the real challenges that an urban school environment faces. While not unique, well we talked earlier about hunger, poverty. The, the struc-- the educational structures within the family unit, those are unique challenges, you know, you look at attendance, other things that, that really factor in to whether or not that individual student is performing to their max capacity. So again, I, I want to make sure that our local school districts are empowered to deal with the unique challenges that they face, because I certainly wouldn't expect Omaha Public Schools to be telling Alliance or to be telling O'Neill Public Schools what to do. Because those folks on the ground are the subject matter experts. Those folks on the ground are the ones that are tackling the very real challenges that their teachers, that their kids, that their families, that their communities face. But going back to sort of the, the-- again, my, my problem is with that retention. Some of the consequences, I touched a little bit about the effect on a child's self-esteem. When you take a child that young and say, you're not good enough to keep up with the rest of your peers, you, you're really sending that message and affecting that child's own self-esteem and

doing irreparable harm. Just reading from some of the information that was handed out. Even in the early grades, students can feel the emotional effect of, quote, being left behind. This can start to affect their self-esteem and willingness to engage in school. Being retained may cause a child to feel embarrassed or ashamed about being held back, which can lead to deficiencies in confidence and self-worth. So we're taking a child that is most likely facing other challenges in their household, in their life, again, be it issues at home, or learning disability. And on top of that, we're stepping on their confidence, shattering that confidence, telling them they're not good enough. That's a tough pill for a third-grader to swallow. And again, I, I am concerned that this becomes the norm instead of what should be the most tragic of exceptions. Thank you, Madam President.

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

McKINNEY: Question.

DeBOER: 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. Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 4 nays to cease debate.

DeBOER: Debate does cease. Senator Raybould, you are recognized to close on FA1189.

RAYBOULD: Thank you, Madam President. I do want to thank Senator Hughes. And, you know, there are some good things in LB1050, but there's some glaring deficiencies. So, you know, this is, this is according to Dr. Kay out of Columbus. And, and he did a wonderful analysis of it. And this is what he said are some of the strengths. And we know that Senator Patty Pansing Brooks and Senator Linehan had worked on some of these issues: universal dyslexia screening, structural literacy multisensory instruction, explicit ban on 3 cueing, no medical diagnosis required for dyslexia services, MTSS framework mandate. And it goes on to say intensive acceleration classes with reduced ratios, parent notification within 15 days. But the problem is, once again, and we've been talking about this extensively, is what the research says about mandatory grade retention. And somehow they think that this is the, the silver bullet,

the magic medicine that will all of a sudden make our reading scores improve. But this is what it says, the core finding, it is the supports, the supports that that receives and not the retention of that child that drive gains. So this is what Dr. Kay said. The most significant finding from recent research is this, in 2025, University of Michigan, University of Pennsylvania study analyzed reading scores for more than 168,000 Michigan third-graders and found that students who scored just below the retention cutoff, and therefore assessed reading support services, outperformed students who scored just above the cutoff and did not receive those services. Districts saw these effects even if they did not actually hold back any students. This finding strongly suggests that intensive instructional support, not the act of retention itself-- let me say that again-- not the act of retention itself, is what moves the needle for struggling readers. Dr. Kay goes on and, and shares the findings of the University of Michigan again, University of Pennsylvania, 2025. Researchers found that the academic benefit associated with retention policies comes from the support services triggered by the policy threshold, not from the students actually repeating a grade. Districts that provide intensive intervention saw gains whether or not students were held back. So the takeaway from that, very clearly, and I have a stack from educators who've been in this business 30, 40 years, are saying retention simply does not achieve the long-term lasting improvements that we want those children to achieve. OK, this is-- in addition, this is what Dr. Kay says, and it talks about three things. Short-term gains that fade, the equity problem, social-emotional consequences, and of course, the financial costs. This is something that every school district faces. And to say that it doesn't matter to the school districts, well then, that just triggers a property tax increase that nobody wants to have to deal with. If you want those services, if those services are mandated, how are you going to pay for them? We've talked about short-term gains, but this, the equity problem, and I think this is one of the most important things. I know that there was an amendment talking about raising that threshold that triggers that intensive either services or the retention of that child. The equity problem. One of the more consistently documented findings across the research literature is that mandatory retention policies do not affect all students equally. Black and Hispanic students are 1.5 times more likely to be retained than white students with comparable academic performance. English learners are retrai-- are retained at disproportionate rates nationally. Research from the Education Trust,

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2021, made an analysis documents that outcomes of retention consistently worse for black and brown students, placing them at elevated risk for disciplinary action, dropping out, and not completing education beyond high school. Again, colleagues, we need to focus on evidence-based intervention. If we want all our children to read, but there is a massive difference between early intervention and late-stage retention. And that's why I ask you, colleagues, that when it comes down to time for us-- thank you, Madam President.

DeBOER: Thank you, Senator Raybould. Senator Clements, you're recognized.

CLEMENTS: Thank you, Madam President. I wanted, wanted to mention the fact that there's a A bill regarding this bill, LB1050. If you look on the back of the green sheet, it's \$850,000. And there's nothing to be concerned about. It's already covered in the budget. So that's not going to be--

DeBOER: Senator Clements, I'm so sorry. I have made a mistake and we have to-- we did the cease debate. That was her close. We need to vote, and then we'll get to you. I will retain you, I'm very sorry. The question before the body is the adoption of FA1189. All those in favor, vote aye. All those opposed, vote nay. Record, Mr. Clerk.

CLERK: 2 ayes, 28 nays on the adoption of the amendment.

DeBOER: The amendment is not adopted.

CLERK: Madam President, Senator Raybould would move to reconsider the vote just taken on the floor amendment.

DeBOER: Senator Raybould, you're recognized to open on your reconsider motion.

RAYBOULD: Thank you, Madam President. Thank you, colleagues. You know, I think there's probably a simple solution out there. Maybe there is an amendment that removes retention that I think would satisfy a lot of concerns. But again, I, I want to make sure that we stay focused on what actually works. And colleagues, we know that if we take a deeper dive with the interim study, I think we will have clarity. We will have guidance. We will have a clear direction on how to proceed forward, and also we'll have a better opportunity to look and assess the financial obligations that either are gonna be an unfunded mandate

or the state of Nebraska is gonna consider to offer additional sources to be able to fund some of the intensive, supportive, educational elements that will help that third-grader succeed. And so again, we've talked about different, different elements. We know that evidence-based intervention is what works. The research is clear. I read you two recent studies from the University of Pennsylvania, the University of Michigan that were done in 2025. The research is clear, the most critical window for reading development is kindergarten through grade one. This is when gaps are smallest and easiest to close, yet LB1050 shifts our focus and funding away from those foundational years and places it on a third grade retention mandate. We are being asked to ignore decades, literally decades of peer-reviewed data. Research shows retention is one of the most harmful influences on student achievement. Retention is one the strongest predictors of student eventually dropping out of school. Let me repeat that again. Retention is one of the strongest predictors of a student eventually dropping out a school. It often leads to negative social impacts and lower long-term performance. If we want better results, we should be investing in reading interventionists and high-quality literacy training for grades K-12, not forcing children to repeat a grade after they've already struggled for years. Early intervention, not retention. So I might sound repetitive, I apologize. But we can all agree on this goal. Every child in Nebraska deserves to read proficiently. This is not up for debate. The question before us is how we get there and whether this bill moves us forward or backward, and how much is it gonna cost and does the evidence base tell us that we are likely to see a return on the investment of our Nebraska taxpayer dollars. The evidence is clear. Again, the most critical window for learning is kindergarten through first grade, when gaps are the smallest and the most responsive to intervention. By third grade, those gaps are harder and far more costly to close. Let me repeat it, far more costly to close. So if we want a better-- if we want to demonstrate a cost-benefit analysis, the money should be spent clearly on early childhood education, where it's cheaper and easier to correct any deficiency that that child may be exhibiting. Yet this bill centers its strategy on retention. Why? Why? I-- like I said, I have stacks from our educators saying, I've been doing this 30, 40 years. That is not what is successful. So research across decades tell us something important and uncomfortable: retention does not reliably improve reading outcomes. In fact, it often produces the opposite effect. Students who are retained are more likely to struggle

academically over time and are significantly more likely to drop out of school altogether. Education researcher John Hattie, who analyzed over 1,000 meta-studies, ranks retention among the most harmful interventions in education. Ranks retention as the most harmful intervention in education. So we must ask, why would we elevate a strategy that research consistently shows is ineffective or harmful? That's a really good question. And that is a question that probably should be taken up in the interim study. We need to have the experts loudly and clearly stand before the Education Committee and explain why retention is the absolute worst tool that we should be focusing on. Meanwhile, Nebraska is not starting from scratch. Our schools already do the following. They conduct universal screening multiple times per year. They implement individual reading improvement plans. They use science of reading-based instruction. They provide targeted interventions through the MTSS frameworks. The work is already happening. It is already improving outcomes, and it is grounded in research. Instead of strength-- strengthening that work, this bill risks redirecting time, funding, resources, and staffing away from the early grades where intervention, again, research base says, is the most effective. If we are serious about literacy, we should invest in early grade retention or early grade reading specialists, teacher training, and evidence-based instruction, extended learning opportunities, family literacy supports. That is where the evidence points. That is where the results come from. Let us not substitute a headline policy for real progress. I urge you to oppose LB1050 and instead double down on what we know works: early, targeted, research-based intervention, not retention. Thank you.

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

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

CLERK: 27 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 presents. All unauthorized personnel, please leave the floor. The house is under call. Senators John Cavanaugh and Bostar, please return to the Chamber. The house is under call. Senator Clements, we are missing Senator John Cavanaugh, would you like to proceed or wait? There is a vote open. Will you take call-ins?

CLERK: Senator Dover, voting yes.

ARCH: Please record.

CLERK: 25 ayes, 1 [SIC] nay to cease debate

ARCH: Debate does cease. Senator Raybould, you're recognized to close on your reconsideration motion.

RAYBOULD: Thank you, colleagues. I know we want to get forward to some amendments and some other floor amendments. So I just want to address the funding concern. I don't think we are doing this bill justice. LB1050 has a fiscal note of \$850,000 and \$800,000 the next year and the next year, but what we have seen in other instances when it comes to education where-- are we sincere about funding it? I know that in my, my years as a city council member and before that as a county commissioner, we know whenever the Legislature goes through a fiscal crisis, they look at ways of shifting funds and looking at clearly what we've seen this year as sweeping funds. So shifting funds, sweeping funds, and the last, stealing funds. So shifting, sweeping, stealing. And stealing funds in, in the sense that we did something that was unconstitutional with the bureau of educational land funds that's spelled out in our Constitution, and was clearly addressed by Attorney General Jon Bruning in his 2007 opinion, which certainly did give the 2007 legislators pause before they attempted to, to swipe the funds from the bureau of education land fund. So as I stand before you, thank you. I would request your reconsideration of the vote on the floor amendment. But I think going forward, we really need to assess what matters the most. What do our education-- educators tell us? What do, do those people that are stakeholders in improving our children's reading skills tell us? And I've, I've read the coalition of the educators that shared their concerns with LB1050 and, and Senator Hughes' amendment. I want to say Senator Hughes is one of the best-qualified individuals to talk about public education because of

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her service on the school board. As some of you have served on the school board, so you understand the issues. But you also understand the funding challenges every public school district faces. And going forward, that's where I have my reservations. Right now, as we understand that-- and Senator Murman has led us to believe that there's \$2 million that will be used to help with those trainers and the testers. But is that going to-- is that funding going to last? How are we going to handle the additional workload and the data center-- the data, data point entries that are required for each and every child that is going to be tested beyond the three, three times per year? How is that data gonna be managed? Who is going to be able to provide the extra instructional needs of that child? That requires teachers, that requires the teachers' time, that requires less time for them to do their lesson plans, less time for them to really focus on the kids who do need that, that extra help and that extra attention without the extra funding being required of the school districts or our property taxpayers. So colleagues, for that reason, I hopefully ask that you reconsider the motion on my floor amendment. Thank you, Mr. President.

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

CLERK: 5 ayes, 34 nays on the motion to reconsider.

ARCH: The motion to reconsider-- reconsider is not successful. Mr. Clerk, next item.

CLERK: Mr. President--

ARCH: I raise the call.

CLERK: Mr. President, Senator Dungan would move to amend with FA1192.

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

DUNGAN: Thank you, Mr. President. All right, so colleagues, I've heard a lot of people say they wish we could move on, they wish that we could just kind of move forward here. And there's been some people speaking in favor of this bill and opposed to this bill. This floor amendment, I believe, removes the opposition from some of the folks

I've spoken to who work in education. Now, to explain, I, I wrote it here, it's not the clearest, and so I want to be clear what we're talking about. So on-- in the amendment on page 1, lines 12 through 15, let me pull up the amendment here. I apologize, I have a bunch of things open on my computer-- it removes the language about the retention. And so it removes language-- oops, I apologize, I don't have it in front of me. I will give you the quote here later, but it removes a language with regards to what is being perceived as the default retention. So what we have is a policy, a guideline-- or it's a policy, a model policy by the Department of Education that is being put together. That then can be adopted or is adopted and can be expanded on or modified by the local schools. I understand that. The concern that has been expressed is that the language in the model policy that is enumerated in AM3052 says the retention of those students and the ability to override that by the parents. I agree, and I had this conversation with Senator Hanson and some others, and Senator Conrad as well. I agree that parents should have, and I believe do have under current law, the authority and the ability to be the ultimate decision-maker in their children's education when it comes to that retention. I believe that's what it currently says. The concern that's been expressed is that there is a mandatory retention which then there is an override by the parents that is allowed in the event they choose to do that. The concern that has been expressed as well is what happens if you have parents that are not involved or maybe not as interactive with the school. People can vote on this however they see fit. I am not necessarily trying to persuade anybody, nor do I think that this is a passion project of mine. I'm just making clear that FA1192, if adopted, I believe, removes the concern that has been expressed to me by a number of folks who work in the education field. I will verify that, make sure the writing is correct. But it gives an opportunity for an up or down vote on that amendment, which I think removes some of the opposition. So with that, I'm not gonna take all my time because I want to go chat with some other folks about the amendment. But I would encourage some debate on this particular amendment and, and kind of see where people are. So with that, thank you, Mr. President.

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

MOSER: Thank you, Mr. President. Good afternoon, colleagues. Well, we have a problem. Kids in grade school aren't reading like they should. And the argument is we don't know exactly what to do. And a couple

things strike me. One was that this is an unfunded mandate. Well, what could be more of the main mission of grade school than to teach kids to read? So if you're going to run out of money, don't run out of money teaching them how to read. Don't do something else that's costing you money. So the mandate argument, I think, falls on its face. So then we get the, well, if they're retained, then they don't do well in school, they're gonna flunk. Well, retention is not a random selection. So if you just randomly picked kids in the third grade and said, this guy's not gonna go on, this gal is gonna go on, then you could worry about what retention does. But the reason they're retained is they're not doing well in school. So it's a symptom of the problem, it's not the problem. They need some help. So 40% of the kids in third grade can read. That should be an alarm. That should be a problem. That's something that everybody should be concerned about, instead of finding excuses about, oh, well, this isn't going to work or this is going to make little Freddy get a complex because he can't move on. You know, I had some classmates that didn't move on. They turned out fine. One time my counselor told me if I really kicked it into gear I might be able to get into college, and so I took that insult with a grain of salt and moved on and I graduated. And I don't know whatever happened to that counselor. I should call her up, see how she's doing. I think it's a problem. I think we shouldn't need the Governor to tell us this is a problem. When we see this, we should be able to just recognize that this is the problem. And the schools want to be part of the solution, great. But something needs to be done. So let's all step up and come up with solutions, not problems, barriers to, to doing something about it. And then I promised I would yield some time to Senator DeBoer, if she would like it.

ARCH: Senator DeBoer, 2 minutes, 10 seconds.

DeBOER: Thank you, Mr. President. So I'm sort of torn here. And apparently, the votes are close. And so I'm trying to figure out exactly which way to go on this. And I'm trying to understand the distinction between the two positions. Because when I read Senator Hughes' bill amendment, I understand it to mean that a policy will be created that takes care of or talks about or addresses the issue of retention. Would Senator Hughes yield to a question?

ARCH: Senator Hughes, will you yield?

HUGHES: Yes, I would.

DeBOER: Senator Hughes, what is your understanding of the bindingness of these model policies and the requirement that then each school district adopt a policy which requires a default of retention at third grade if the student is not on reading level?

HUGHES: So this, I kind of alluded to this at the beginning when I talked about what the model po-- policy entails. And the one line that's causing the most "kertuffle" about is that the model policy shall do-- have part of the policy is, one, the right of a parent or guardian to retain the parent or guardian's child pursuant, which is already in statute. But two, this is the piece that's causing consternation-- retention at grade-- students with persistent reading deficiencies.

DeBOER: I, I can read that.

HUGHES: OK.

DeBOER: So is that the default then that they-- that the model policy must require that of the schools, or must the schools develop their own idea about that?

HUGHES: The schools would develop their own-- that's the intention of this bill, is that the schools will develop their own policy of defining what that persistent reading deficiency is and that's why we want the new-- that why one policy--

ARCH: Time, Senator.

HUGHES: Dang it. Sorry.

ARCH: Senator Raybould, you are recognized to speak.

RAYBOULD: Thank you, Mr. President. You know, let's talk about practical and fiscal reality of LB1050. This is plain and simple, an unfunded mandate. Retention isn't free. It requires additional grade three teachers, more classrooms, and expanded intervention services at a later, more expensive stage. Instead of using our resources for specialized reading interventionists who can help a child now, we are being asked to pay for the infrastructure of failure later. Here is one educator sent to me, retention at what cost to that child who is

left behind? LB1050 does not take the student-child into account. Retention has a high probability of destroying that child's social and emotional growth, which in turn also affects their academic process--progress. As their self-esteem goes down the tube, so does their attitude towards school, which in turn lowers their academic achievement. Research shows that a retained student has a higher likelihood of dropping out of school. This stigma of being a failure in school can stay with them into adulthood and affect their self confidence in their ability to get a good job, and as a parent, to believe that school knows what's best for their struggling student. Think of the negative ramification of retention of your own child or grandchild. Think of how you would feel about yourself if you had been retained. Furthermore, this bill adds a mountain of new assessments, dyslexia screenings and high-stake grade three tests. Every hour we spend teaching in an hour we are not teaching. We are particularly hurting the students who need instruction the most by pulling them away for more assessments. A single assessment, however, should never determine a child's entire academic future. We should be funding instruction, not just more measurements of struggle. Again, let's talk about unfunded mandates. I am highly sensitive to this and the cost. I have lived it as a county commissioner of the state of Nebraska, stiffing us for the jail reimbursements. I have lived it when and Governor Heineman said, well, we're just not gonna deal with state aid to cities and counties anymore. What do you do? What do we do when we tell the schools, I'm sorry, we don't have that \$2 million that we promised to assist in providing trainers for the teachers and testers? Because while this bill may sound simple in theory, its real-world impact carries significant and largely unfunded financial consequences. Third-grade retention is not just a policy decision. It's a capacity issue. If more students are retained, districts will need more third-grade classrooms, more teachers, more intervention staff, more materials and support services. This is not a minor adjustment. That is a structural expansion. How do we know? I've seen the estimates from Lincoln Public Schools. They shared it with me and, because of some of the amendments already done, it reduced it from \$5 million to \$4.2 million. Guess what? That's an unfunded mandate. That is not in their budget. Somehow they're going to have to afford to pay for this to be in compliance with LB1050 as amended. And again, none of that comes free. At the same time, the bill adds additional testing requirements, dyslexia screenings and high-stake assessments tied to retention decisions. Every added assessment takes time away from

instruction, especially for the very students who need the most support. So we are asking the schools to do more, test more, retain more students, but without providing the fiscal resources needed to do it well. That is a definition of an unfunded mandate. And here's the real concern, when resources are stretched, they don't come from nowhere. They are redirected, or they come from increased property taxes. So we're back at that vicious cycle that has been going on for almost three decades where we have been failing to fund public education to the level that other states are doing it. And it's thanks to Governor Pillen we're finally doing it the right way, except this year when we faced our own fiscal crisis and we did exactly what I mentioned before. We shifted funds, we swept funds--

ARCH: Time, Senator.

RAYBOULD: --and we steal funds. Thank you, Mr. President.

ARCH: Senator Murman, you are recognized to speak.

MURMAN: Thank you, Mr. Speaker. I, I don't think I've been on a mic since Senator Hughes' amendment has been up, so I just want to say I'm 100% behind Senator Hughes' amendment. I think that it makes the bill better, and I appreciate her bringing that. It does retain everything that I think's important. The parental override is very important, something I always wanted to keep in there. Also, the data reporting to the State Department of Education, I think that's very important. Universal screener to report all of that data to the State Board of Education so that all students in the state are screened in the same way, so it's uniform. Right now, by the way, there's eight screeners in the state, and the school districts pay for the screeners. With this bill and the amendment, there will be one universal screener. So actually, it, it is a property tax savings to the districts because right now, the districts pay for the one of the eight screeners. With this bill, the universal screener will be paid for by the Department of Education, so this-- there will be savings to the school districts with property taxes. And I think that's something that hasn't even been brought out. By the way, there are 18 states that have some form of retention. This bill is based on the Colorado model, and it is the least restrictive for retention. And out of those 18 states, 15 states are ahead of us on fourth grade reading. And the other, yeah-- and actually 15. And the other three have just put in the policy in the last year. And there, there are, by the way, getting more states all

the time to have this policy. The three that have put the policy in in the last year are below us but they, like I said, they haven't even had time to respond yet to the policy. I would like to say more, but I know Senator Hansen does want to get on the mic. He has some points he want to make, so I'll yield to him.

ARCH: Senator Hansen, 2 minutes, 20.

HANSEN: Thank you, Mr. Speaker. All right, colleagues. It sounds like we're down to two options here and kind of what we're trying to figure out. So, so more of my colleagues on the floor, but also for the people listening at home, Senator Hughes' amendment is the white copy amendment, so it basically means that replaces the underlying bill with, with her amendment, which she has described earlier. And so it seems like the two sticking points that we're kind of hanging up on here is the idea of parental involvement. So and point A with Senator Hughes' amendment, the child is not, you know, not meeting the standards for reading. They say, we're gonna hold the child back, we're going to bring the parent in. The parent sits down with them, then the parent makes the decision on whether they agree with the school and hold them back or the parent make the decision to move them forward. And then in plan B, which is Dungan's amendment, the child cannot read very well, the school brings in the parent and the parent says, you know what, I'm gonna make the decision, I'm going to hold them back or I'm gonna kind of move them forward. Now to me, which currently what Senator Dungan, I think, is trying to do, the parent can already do now currently. But what Senator Hughes is trying to accomplish here, which I agree with and I mentioned earlier, the onus is now more on the parent to make the decision. I think that is crucial here. The parent now can make the decision to move that child forward, but now they have made that decision. And I inherently believe that parent is now gonna take, take on more of that responsibility, because I think underlying, that's where maybe some of the problems we're seeing with children who are unable to read very well, is maybe there's not as much parental involvement. And so now the parent now comes in here and makes that conscious decision, says, you know what? I'm gonna choose to move my child forward because I don't want to hold them back for various reasons. And now the onus is more on me now to work with that child, to read with them at night, to follow their plans. And I think that is crucial. I think it's important with what Senator Hughes is trying to accomplish here. So I want to make sure we maintain that part. Senator Dungan's part pretty

much takes that part out. So I'm against FA1192, Senator Dungan's amendment, and I am for Senator Hughes' amendment. I think that's, that is a responsible way to kind of move this forward. It doesn't seem to own us. It doesn't seem like we're, you know, restricting parents' rights in any way, or putting too much problems with the schools. I think it's a good kind of middle ground here to at least kind of concentrate more on why are children not reading as well. So in my opinion, I think Senator Hughes' amendment is the right way to go, so I would say vote no on FA1192 and yes on Hughes' Amendment. Thank you, Mr. Chairman.

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

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. Colleagues, again, we're not starting from scratch here. We've talked about this when we debate criminal justice bills, and we need to bring that same grounding to this debate in terms of the education bill. For all the schools who are fighting tooth and nail against the word retention in a model policy, go look at your own website. Go look at the Nebraska Department of Education's website. They have model policies and information for parents and students and teachers in regards to the right to repeat a grade, and understanding the process and how to assess academic needs and excessive absenteeism and or illness dependent upon the grade level. They have research-based considerations for grade retention listed plainly that are available to all. They have forms. They have attendance options. They focus on collaboration amongst parents, children, and schools to ensure the best option for each kid. That's the current practice. I remember little kids being retained when I was in country school 40 years ago for various reasons. I know that there have been children retained during my children's experience at LPS for different reasons. And that shouldn't be ever utilized as punishment, and it shouldn't carry stigma. It's a rarely utilized tool, decided upon between schools and parents when a kid needs extra support for a bunch of different reasons. And it figures out how to get them that support so that they can be successful academically, socially, developmentally, what have you, that exists. Senator Hughes' amendment says draft a model policy. And local schools use that and draft something that meets your needs that's consistent with the policy. Senator Hughes's amendment doesn't say that's adopted verbatim. That's a mandate. It says, hey, we're gonna pull together some best practices at the State Board of Education level and then we're gonna leave it up to local districts to

decide how they implement that, how they utilize that, how they update their approach to reading. And you know what, I just firmly disagree with my friend Senator Raybould who says we, we should be so worried about putting burdens on the school to screen for dyslexia. Are you kidding me? Most parents, including myself, are shocked to know that they're not. And they should be. And parents come to the Education Committee from across the state who aren't political all the time and are begging the state to take a deeper involvement in dyslexia screening because it's not happening at the school level. I don't care about the burden to the school. I care about that loss of learning for the kid. Model policies are not new and different. This body has passed them multiple times, last year with cell phones, a few years ago with dress codes, a few year ago to support pregnant and parenting students. There's nothing new or different or scary about this process, and it's not absolute. It's subject to public participation. It's subject to drafts. It's subject to feedback. And then it's tailored to meet the needs of the local school and respect local control. And if this isn't the solution to get up the test scores, that by the way, also is coming with increased funding and has, because it would be wrong to move forward with strict policies without the resources to fund support and intervention, which we are. So the money is there, but the accountability is not. And that's backwards.

ARCH: Time, Senator.

CONRAD: Thank you, Mr. President.

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

JUAREZ: Gosh, I'm really surprised that it got to me. Seems like I've been waiting forever. Good afternoon, colleagues. I know it's almost dinnertime, but I appreciate being able to speak to everyone and everyone online. I am in support of Senator Dungan's floor amendment and I'm going to vote against Senator Hughes' and Senator Murman's amendments and bills. I think that we need more work here. I do believe that not all communities are being served equitably. I think that, especially for the English learner students, there are concerns there. And I just, I just think that we need more time on this bill, is what my personal opinion is. And, you know, as I have stated before, I appreciate the goals of trying to improve the reading proficiency for our students. I do think that it needs to start at an earlier age as far as if we're going to look at retention. But I know

that retention is very unpopular. I received a lot of feedback of not supporting retention of students. So I hope that we'll be able to get this wrapped up this evening, because I know that we probably have much more work to do. I have appreciated all of the interaction that we have had this afternoon, and I'm hoping that we'll find a great solution for the long-term issues of improving reading for our students. Thank you.

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

PROKOP: Thank you, Mr. President. And I am going to be in favor of FA1192 from Senator Dungan, and have concerns with AM3052 from Senator Hughes. Couple, couple of things to mention on, on this issue as we move forward with things, is that in particular to, to AM3052, so my concerns around that is that when you're turning over the duty of making a prescriptive rule to NDE that all schools will have to follow, then it really makes it so that, you know, NDE, if they put a mandatory retention rule in place, then that really is the rule that you have to follow. So you do have retention in, in place on that front. So that, that's what concerns me about that. I, I like what Senator Dungan has proposed with his, with his FA. And, you know, what I don't want to get lost in this entire discussion around retention is, is that the state is doing, and I tried to bring it up a, a prior time on the mic, is that the state is doing, I think, many positive things when it comes to early literacy. And there's been lots of discussion about the Mississippi Miracle. And the Mississippi Miracle didn't just happen. It happened because there was a lot of investment that took place. And, and we're doing some of those things, but we're early on in the process here in Nebraska as far as the things that we're, that we're doing. But, you know, we have things to point to like the Nebraska Growing Readers program. We have funding that we put in place for the literacy coaches that the ESUs have, and I, I was able to add a couple additional years. And I worked on that issue with the Department of Education because they told me, they said, you know, we'll be about three years in, we really need five years of work on this to, to have the data to make sure that we're moving the needle. And so I thought that was really important. We have things like Unite for Literacy which has been running programs in coordination with the state to, to get more books out to students in those early years and, and try to address some of the book deserts that, that Nebraska is faced with. And also that parent, that parent interaction. And I, I came across something that I thought was really interesting, and I

think some of the earlier comments that were made about retention and, and really a parent's guide to making an informed decision because there's policy in place right now and in statute around that. And Nebraska Revised Statute 70-2161 allows parents to request grade retention for their children under specific conditions. Parents may consider grade retention for their child based on academic needs, illness, or excessive absenteeism. It is important to understand the effects that grade retention can have on your child's academic performance and social-emotional development. This guide is designed to help parents make an informed decision by highlighting key research procedures for requesting grade retention and alternative strategies to, to support student success. And I'm just going to skip down to the academic needs portion. So academic needs means that a child is at least one year below grade level and behind the child's typical developing peers in reading, English, and language arts, such that the child does not possess the necessary academic skills required to succeed in reading, English and language at grade level for the next grade the student would otherwise advance to. So the discussion around parent engage, that's critically important. We have some policies in place already in statute to guide those conversations. And so I'm, I'm glad that those are in place. I think some of the other policies that, that we're talking about in AM3052 is what I'm concerned about, that, that mandating. And some of the broader conversations around trying to make this fit across all school districts regardless of site too, is, is something that I think-- and I, I give Senator Hughes a lot of credit for all the work that she's done, and I think has taken a step in the right direction. But I still have that concern because of what I mentioned around the potential rulemaking process and where NDA-- NDE may ultimately wind up on this if they make a mandatory retention policy and, and that that's what the schools then have to follow. So that's, that's what they would end up having to do. So thank you, Mr. President.

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

HUGHES: Thank you, Mr. President. OK, so we've had quite a few conversations off the microphone. I want to say, again, I think-- I want people to understand what a model policy is. It's a framework that Nebraska Department of Education would set up. It is not, it is not-- our intent is not to make it extremely prescriptive. We have that you want to use [INAUDIBLE]. The biggest thing I want to point out, too, is if there's, for this ret-- any retention policy, the

parents have the right to opt out. There is parental involvement here, full stop. That is super important for our kids. So that is bottom line on anything. I had someone come up, and this was a concern, laying out this kind of situation. So let's say a kid gets to third grade and their prog-- just their reading piece isn't, isn't quite up to that third-grade level, but they're excelling in math, they're excelling in science, they are excelling in these other areas, and it's just the reading, the intent would be-- because each district will set the policies-- that if that kid is tracking up, maybe they're not at that third-grade level yet, they would keep going. They, they wouldn't get held in third grade. They would go to fourth grade, and then maybe they get pulled out 40 minutes a day for that reading help. That is happening today. I know for sure there are kids in schools in fourth grade that aren't at a third-grade level that are still getting help on their reading to get that caught up, but you're not gonna hold that kid back for the one little piece. So what-- there was an article that our research had sent out from Education Week, it was sent out on our emails, I think it came through a couple days ago. But the article is from May 21st, 2025, and it was-- the title is, Is Third Grade Retention the Secret to Better Reading Outcomes or Something Else? And you will hear this say, like third grade, the retention isn't the piece that makes kids read. And I, I also, I do believe that. It's not holding a kid in third grade that makes them read. But putting that line in the sand, and here's what one of the sentences from this article. "Perhaps the high stakes of retention act as a catalyst for districts to zero in on student performance and prioritize extra services." If you have a kid that starts out in kindergarten and is not hitting milestones in kindergarten, and then gets to first grade and is now hitting those milestones, clearly they're on a path of probably not hitting milestone in third grade. We need to dive in and really focus in on first, first grades, kindergarten, and get them those services now. And maybe, hey, let's red-shirt kindergarten. Maybe you started young and let's repeat. That is when we need the, the biggest intervention to get these kids caught up reading. Reading is the fundamental of, of kids moving on to, to be successful. So the whole point of this is just to focus in, get those interventions early. And again, I-- we have great public schools. And I am not saying that all our schools are not doing this. We're just thinking that line in the sand can bring parents on board and get those focuses in early. We want every school district to be able to craft their policy and not be held to the same. One policy doesn't fit every

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single school. I've mentioned before when I introduced this, you've got schools with very, very high English language learners. Their, you know, their policy may be very different than the policy in McPherson County. And then you've got policies where you've got a lot of kids in turnover because of the, the base next door. Their policy can be different. That's the point of having this model, that then every district crafts their own that works for their school. That's the local control part. The NDE is just creating that framework or structure to piece it together. So I encourage the, the-- and I, so the FA1192 from Senator Dungan takes out that retention. I think that's that line on the sand that we're looking for, so I would say no on that. I would please vote yes on AM3052, which again is a white copy amendment. It completely replaces the original LB1050 because that one was also very concerning because it was a, you know, it would be the same policy for every school. So thank you, Mr. President.

ARCH: Mr. Clerk, you have a motion on the desk.

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

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

MURMAN: Cloture and call of the house, regular order.

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

CLERK: 38 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. All excused members are now present. Mr. Clerk, please call the roll. The first vote is the cloture motion.

CLERK: Senator Andersen, voting yes. Senator Arch, voting yes. Senator Armendariz, voting yes. Senator Ballard, voting yes. Senator Bosn, voting yes. Senator Bostar, voting yes. Senator Brandt, voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh, not voting. Senator Clements, voting yes. Senator Clouse, voting yes. Senator

Conrad, voting yes. Senator DeBoer, not voting. Senator DeKay, voting yes. Senator Dorn, voting yes. Senator Dover, voting yes. Senator Dungan, not voting. Senator Fredrickson, not voting. Senator Guereca, not voting. Senator Hallstrom, not voting. Senator Hansen, voting yes. Senator Hardin, voting yes. Senator Holdcroft, voting yes. Senator Hughes, voting yes. Senator Hunt, voting no. Senator Ibach, voting yes. Senator Jacobson, not voting. Senator Juarez, not voting. Senator Kauth, voting yes. Senator Lippincott, voting yes. Senator Lonowski, voting yes. Senator McKinney, voting yes. Senator Fred Meyer, voting yes. Senator Glen Meyer, voting yes. Senator Moser, voting yes. Senator Murman, voting yes. Senator Prokop, not voting. Senator Quick, not voting. Senator Raybould, voting no. Senator Riepe, not voting. Senator Rountree, voting no. Senator Sanders, voting yes. Senator Sorrentino, voting yes. Senator Spivey, not voting. Senator Storer, not voting. Senator Storm, voting no. Senator Strommen, not voting. Senator von Gillern, voting yes. Senator Wordekemper, voting yes. Senator DeBoer, voting yes. The vote is 31 ayes, 4 nays to invoke closure, Mr. President.

ARCH: The motion for closure is not successful. I raise the call. Mr. Clerk, please proceed to LB966, where we left off.

CLERK: Mr. President, Select File, LB966. Pending was the bill itself. There were no E&R amendments. Senator Machaela Cavanaugh had adopted AM3120. Senator Bosn would offer AM3143.

ARCH: Senator Bosn, you are recognized to open on your amendment.

BOSN: Thank you, Mr. President. Good afternoon, colleagues. This is sort of back to where we started. We had to take a break over lunch to try and work on getting the amendment, and it took a little bit longer than we initially thought. So we skipped over this bill. Essentially, what this floor amendment does is retain the original intent of Senator Cavanaugh's LB966, which was-- is it Senator Cavanaugh's priority bill? No. Oh, was it your bill, priority bill? Senator Hunt's priority bill, sorry. I knew it was somebody's priority bill, or it wouldn't have been on the agenda today. But so Senator Hunt's priority bill, Senator Cavanaugh's bill, which was to provide lunches for students who fit in the poverty category of a certain percentage across the board. She then was able to secure the funding, which I think we are all grateful for. And I-- to the extent that that wasn't acknowledged, I think we are now all acknowledging that we're grateful

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for that. But the goal still of her legislation was to provide funding for all students who are in that poverty category. And so what my floor amendment does is accomplish that using an appropriation of \$55,638 from the General Fund and \$1,151,180 from the Hunger Free Schools cash fund for each year. And so I will be asking for your green vote on this, and I would yield the remainder of my time to Senator Machaela Cavanaugh.

ARCH: Senator Cavanaugh, 5 minutes.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Bosn. I am in full support of AM3143. This helps fulfill the initial intention of LB966. So thank you to Senator Bosn and to the Fiscal Office for working on this so quickly to make this happen. I'm very much looking forward to us as a state prioritizing school meals for kids. So thank you. And there was something else I was supposed to say about-- I couldn't hear, sorry. Oh, this is not-- yes. Yes, thank you. To be clear to the general public, this bill has nothing to do with public funds for private schools. This is a, just like we do with other programs, what we do for public schools, we can also do for private schools, such as books, textbooks and food. And it's for the students directly, not the schools. So this money is for students to be able to get food. So we're not undoing the will of the voters, everything's copacetic, no need to be flummoxed. And please vote green on AM3143, and let's have a great rest of our evening. Thank you, Mr. President.

ARCH: Seeing no one in the queue, Senator Bosn, you are recognized to close. And Senator Bosn, waives close. The question before the body is the adoption of AM3143. All those in favor, vote aye. All those opposed, vote nay. Mr. Clerk, please record.

CLERK: 37 ayes, 4 nays on adoption of the amendment, Mr. President.

ARCH: The amendment is adopted.

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

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move LB966 advance to E&R for engrossing.

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ARCH: Members, you've heard the motion. All those in favor, say aye. Opposed, nay. It does advance. Mr. Clerk, please proceed to LB965.

CLERK: Mr. President, Select File, LB965 from Senator Bostar. First of all, Senator, there are E&R amendments.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB965 be adopted.

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

CLERK: Mr. President, Senator Conrad would move to bracket the bill with MO474. Senator Conrad, it's my understanding you'd withdraw this motion.

ARCH: So ordered without objection.

CLERK: Mr. President, Senator Conrad, I also have MO475 with a note that you'd withdraw.

ARCH: Without objection, so ordered.

CLERK: Mr. President, Senator Kauth, I have FA621 with a note that you would withdraw and substitute for AM3139.

ARCH: Without objection, so ordered. Senator Bosn, you are recognized to open.

BOSN: Thank you, Mr. President. Good afternoon, colleagues. So AM3139 is the work of negotiations that were done between General File and Select File, specifically as it reatins-- as it pertains to Sections 24, 25, and a newly drafted 26. So this amendment is filed online. There are going to be a couple of floor amendments that I believe all are friendly amendments, trying to tweak this, make it work. Essentially, just for clarification, what Sections 24, 25, and 26 do are create a process for law enforcement where if an officer is subject to a Brady Giglio disclosure, it provides them an opportunity notice that they're being considered for this, an opportunity to be heard on that issue. And then if they're not satisfied with the resolution of that opportunity, an opportunity to petition the

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district court, to have the court make a determination. Ultimately retains the prosecutor's authority. But the dispute, I guess, if I were to characterize it, between or during General File, was that there was concern that this was being done in a specific criminal pending case. And some of the opponents had concerns with that. And we were trying to figure out a way to do that without creating more problems than we were solving. And so this is the solution we came up with. I think all parties are in agreement that this is a workable solution and does promote a positive change. Provides opportunities for officers, but also the opportunity for prosecutors, all in the pursuit of justice. So I do ask for your green vote on AM3139. Thank you, Mr. President.

ARCH: Mr. Clerk, for an amendment.

CLERK: Mr. President, Senator Bosn would move to amend the amendment with FA1193.

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

BOSN: Thank you, Mr. President. This amendment adds that this is a process the officer can go through, not ad nauseum. It's, it's essentially saying you can go through the process once, and then if you want to be reconsidered, it's-- you have to wait five years. And so it does provide some timelines. This was a conversation I had with Senator DeBoer and others. So I do ask for your green vote on FA1139, and I'm happy-- excuse me, FA1193, and I am happy to answer any questions. Thank you, Mr. President.

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

KAUTH: Thank you, Mr. President. May I ask Senator Bosn a question, please?

ARCH: Senator Bosn, will you yield?

BOSN: Yes.

KAUTH: Can you define Brady Giglio, please?

BOSN: I can try. Sorry, I'm in the middle of trying to pull up the actual language of the floor amendment. So Brady Giglio is a case, and I-- this is scratching memories from law school that are long ago, but

essentially where if an officer has information that lead-- could be used for purposes of impeachment, if they've been found not trustworthy or if they have been found not to be a reliable witness in a certain circumstance, then you as the prosecutor have an obligation to disclose that to the defense so that they can use that for purposes of impeaching or impugning the character of the officer during cross-examination. And so the concern was that while certainly there are officers who have done things that would require that disclosure, there's sort of a, a concern that we're throwing the baby out with the bath water. We're disclosing everyone just to be overly cautious. I'll give you the example that I had years ago. I had an officer who was flagged for Brady Giglio disclosure. And when I did some looking into it, it was essentially a fishing violation. This officer had been fishing with his son and was phishing without a license, and so got a ticket for that. And I essentially said to the defense attorney at the time, I have to disclose this to you, but here's what it was. And I think both of us sort of laughed and said, well, I'm certainly not going to impeach him for fishing with his son because you would win the trial immediately because the jury would now think the officer was the nicest person on earth. So but that's not always the case, so I don't want to oversimplify. What Brady require and Gig-- Brady Giglio case requires is that you disclose that to the defense so that they can at least make that determination with their client of whether or not to try to impeach the officer's character.

KAUTH: OK, thank you.

ARCH: Seeing no in the queue, Senator Bosn, you're recognized to close on your floor amendment. And Senator Bosn, waives close. The question before the body is the adoption of FA1193. All those in favor, vote aye. All those opposed, vote nay. Mr. Clerk, please record.

CLERK: 37 ayes, 0 nays on adoption of the floor amendment, Mr. President.

ARCH: The amendment is adopted. Mr. Clerk.

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

ARCH: Senator Bosn, you are recognized to close on AM3139. And Senator Bosn waives close. The question before the body is the adoption of

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AM3139. All those in favor, vote aye. All those opposed, vote nay.
Please record.

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

ARCH: The amendment is adopted.

CLERK: Mr. President, Senator Conrad, I have MO476 to indefinitely postpone the bill with a note that you withdraw.

ARCH: Without objection, so ordered.

CLERK: Senator Conrad, I also have FA1175 with a note that you withdraw.

ARCH: So ordered.

CLERK: In that case, Mr. President, Senator Dungan will move to amend with AM3038.

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

DUNGAN: Thank you, Mr. President. I am pulling up the amendment now, I apologize. AM3038. Colleagues, this is an amendment that I worked with Senator Bostar on. It's a small clarification. So for those who remember, a portion of LB965 permits counties to create what's called a conflict office. For those who don't know, you have public defender's offices in the larger counties, and then smaller counties contract with individuals oftentimes to serve as the public defender. Public defender's offices hit a threshold at a certain point in time in some jurisdictions where they overload out of cases. And in all jurisdictions, they have to conflict out of cases when there's an ethical obligation to not represent co-defendants, for example, or for any other ethical reason they have conflict out. Currently, those go to an appointment list in a lot of jurisdictions where private attorneys serve as appointed counsel. This provision of the bill seemingly creates the ability for counties to have a conflict office where there is essentially a second office that they then can designate where the cases go when the public defender conflicts out. We had some conversations on general file about whether that was necessary or not. That's neither here nor there. My amendment specifies that in counties with a population of over 100,000 the county has to be the employer of the conflict office. The reason for

that is I did not want the larger counties to essentially make some backroom deal with some law firm that currently already exists and say, hey, insert law firm here, you're our conflict office now, here's a million dollars. We're going to just, you know, hand you some extra cases. I think that if we're going to have a conflict office, that conflict office should be in those larger counties, an entity of the county, if that's what they're deciding to do. My understanding is that's the intention, was to have these not just be some law firm that they give a sweetheart deal to. There's a separate provision that says in counties with a population of less than 100,000, the county may employ or contract for a conflict counsel. That's done to mirror the way that public defender offices currently work in those smaller counties. So if you're a smaller county, obviously you're not going to have the need or the means to create a county employed conflict office. This would permit you to contract with a private defense counsel the same way you do a public defender. So this is meant to be a friendly amendment, and it's simply meant to clarify that we're not essentially giving a deal in Lancaster County or Douglas County or any of the larger counties over 100,000 where they can then contract with one particular law firm. It makes it so the county has to actually employ those individuals. So with that, I would encourage your green vote of AM3038.

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

BOSTAR: Thank you, Mr. President. I rise in support of AM3038 and the underlying bill. Worked with Senator Dungan on this language. Also just want to point out that this amendment is good with NACO, as well as Lancaster County, who the initial bill was brought for. The intention of Lancaster County was always to create their own conflict council office within the county and employ those individuals. So this works very well for those purposes, and so for those reasons, I am in support of the underlying amendment. Thank you.

ARCH: Seeing no one in the queue, Senator Dungan, you're recognized to close. Senator Dungan, waives close. The question before the body is the adoption of AM3038. All those in favor, vote aye. All those opposed, vote nay. Mr. Clerk, please record.

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

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ARCH: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Dungan would move to amend with AM3140.

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

DUNGAN: Thank you, Mr. President. I apologize, my computer is not cooperating here. AM3140 is one of these three amendments I filed. These are all, again, friendly amendments that I've spoken about ahead of time with the introducers of these bills. So this provision modifies a portion of the underlying bill that made it so police officers or police forces-- law enforcement agencies, that's the word I'm looking for-- would not be able to release pictures of officers. Long story short, I think this ultimately got lumped in with some language that was adopted from another statute, maybe from a different state. But at the end of the day, this is just a cleanup portion that my understanding in speaking with Senator Bostar is not necessary. We want to make sure that private information for officers is protected. That's the whole point of this bill in terms of personal information, addresses, and other personal identifying details. Obviously a lot of law enforcement agencies have, for example, Facebook pages, Instagram pages, things like that, where there are pictures being shared of fun things in the community that law enforcement is doing or the news may post a picture of law enforcement. Releasing the photograph in those circumstances I don't think is the main goal that we're trying to prohibit here with regards to the private information, so this strikes that portion of this. The next amendment I have up also addresses the same component. But all this does, colleagues, is remove the photograph section from what can or cannot be shared by law enforcement without approval from the officer. And again, I did speak with Senator Bostar about this ahead of time, and my understanding-- I think he's in the queue. My understanding is he does not object to this, so I would encourage your green vote on AM3140.

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

BOSTAR: Thank you, Mr. President. I rise in support of AM3140. Again, worked with Senator Dungan on this, the previous amendment and the subsequent amendment. This language relates to the official photograph from the department and how it's released. The language really isn't necessary. There are other protections in place, and we'll talk about

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some of those here on the next amendment as well. But for this purpose, I, yeah, I rise in support of this amendment and would encourage your green vote. Thank you.

ARCH: Seeing no in the queue, Senator Dungan, you are recognized to close. Senator Dungan waives close. Colleagues, the question before the body is the adoption of AM3140. All those in favor, vote aye. All those opposed, vote nay. Mr. Clerk, please record.

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

ARCH: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Dungan would move to amend with AM3125.

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

DUNGAN: Thank you, Mr. President. Colleagues, this is the third and final of my amendments that I'd worked on with Senator Bostar and some others about this. Long story short, I believe that this amendment is a, a true cleanup, verifying that nothing contained in Section 25 of the bill is going to upend or otherwise usurp any of the current statutes or court rules that pertain to discovery. So Section 25 is very clearly saying that an officer's personal information, including but not limited to their home address, personal telephone number, personal email address, date of birth, Social Security number, and operator's license number shall be confidential and shall be redacted from any record prior to the record's release to the public by the employing public safety agency. Totally understand why that's there. We want to make sure that that information is protected. One of the things that was noted in some of the conversations about this was because that list of things, personal information, including but not limited to, has the address, phone number, yada yada ya. But not limited to means that it's a non-exhaustive list, right? So it could hypothetically include any number of other things that would be redacted. So what my amendment does is it adds a new paragraph that says, nothing in this section shall prohibit the release of an officer's or a public safety agency's reports pursuant to subdivision (1)(g) of section 29-1912, pursuant to an order of discovery or pursuant to any other order of a court. So in a criminal case, there's statute, that 29-1912, that governs how discovery works, right? In a criminal case, if you're a defense counsel, you're allowed to file a

motion for discovery at certain stages in the case, where the prosecution has to then disclose any and all information they intend to use against you at that trial that falls under that statute. There's a number of things that fall into the discovery statute. In a civil case, when you file a motion for discovery, it's governed by court rules. But similarly, a party files a motion for discovery, certain information has to get handed over. And then ultimately, there's usually reciprocal discovery where that information comes back. All this paragraph does is clarify that nothing contained in the underlying bill changes that. And so, yes, you don't have to give out personal information, but you're not allowed to hide behind this statute. Nobody, plaintiff, defendant, respondent, whatever, nobody is allowed to behind this statue and not disclose otherwise-discoverable information that would have been discoverable under the current law. So I don't believe that this changes the intent of the statute at all. I don't believe that Senator Bostar's underlying bill was meant to circumvent discovery. But this just makes clear that in a criminal case, if you file a motion for discovery, or in a civil case, you file the motion for discovery, what we're passing here, what will likely pass, I'm guessing, with Section 25, doesn't upend the discovery rules. So again, I appreciate Senator Bostar's willingness to have conversations about this, and I would encourage your green vote on AM3125.

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

BOSTAR: Thank you, Mr. President. I rise in support of AM3125. Several of the items in the list that are in the statute in questioned are not discoverable through the discovery process. However, as Senator Dungan pointed out, since the list is non-exhaustive, we don't want to create a scenario where, for example, an officer's name would be withheld from the discovery process. But their Social Security number, their driver's license number, things like that, that are enumerated in that list, would still be withheld from discovery. This also isn't changing that. So I'm in agreement, due to the non-exhaustive nature of the list, that this is a good check on that and makes sense. So I would encourage your green vote. Thank you.

ARCH: Seeing no one in the queue, Senator Dungan, you're recognized to close. Senator Dungan, waives close. The question before the body is

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the adoption of AM3125. All those in favor, vote aye. All those opposed, vote nay. Mr. Clerk, please record.

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

ARCH: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Conrad, I have MO477 with a note that you withdraw.

ARCH: So ordered without objection.

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

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move LB965 be advanced to E&R for engrossing.

ARCH: Members, you have heard the motion. All those in favor, say aye. Opposed, nay. It does advance. Mr. Clerk, please proceed to Final Reading. Members, please take your seats for Final Reading Mr. Clerk?

CLERK: Mr. President, Senator Conrad, I have AM2279 with a note that you withdraw.

ARCH: So ordered.

CLERK: Mr. President, Senator Murman would move to return the bill to Select File for a specific amendment, that being AM3141.

ARCH: Senator Murman, you are recognized to open on your amendment.

MURMAN: Thank you, Mr. Speaker. Based on conversations, this amendment should be a reasonable compromise that keeps in place a level of human resources training for our educators while removing extra barriers for substitutes. When I originally brought LB1022, the bill was primarily based upon the feedback of a semi-retired Nebraskan who was working to receive his substitute teacher's certificate. Ultimately, this amendment, the human relations training for full-time teachers, is not affected while ensuring we can get subs in the classroom quickly. So I urge your green vote on AM3141.

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ARCH: Members, the motion is to return to Select File for a specific amendment. All those in favor, vote aye. All those opposed, vote nay. Mr. Clerk, please record.

CLERK: 44 ayes, 0 nays on the motion to return, Mr. President.

ARCH: The motion is successful. Senator Murman, you're recognized to open on AM3141.

MURMAN: Well, the amendment is to return the bill to Select File for an amendment. Thank you.

ARCH: Senator Murman, you are recognized to close on your AM3141.

MURMAN: Yeah, it's just to remove for a technical change on, on Select File. Thank you.

ARCH: Members, the question before the body is the adoption of AM3141. All those in favor, vote aye. All those opposed, vote nay. Mr. Clerk, please record.

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

ARCH: The amendment is adopted.

CLERK: Mr. President, Senator, I have nothing further.

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move LB1022 be advanced to E&R for engrossing.

ARCH: Members, you've heard the motion. All those in favor, say aye. Opposed, nay. It does advance. Members, the Legislature will now stand at ease. We are going to be waiting for Select File bills to be returned to the floor, and we will adjourn at that time. And we will be at ease.

[EASE]

ARCH: The Legislature will now resume. Mr. Clerk, for items.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB929, LB962, LB965, LB966, LB1022, LB1187, LB1209 as correctly

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engrossed and placed on Final Reading. Additionally, a priority motion, Senator Ibach would move to adjourn the body until Thursday, April 9 at 9:00 a.m.

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