

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 3, 2026
Rough Draft

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BOSN: Good afternoon and welcome. I apologize for the late start. Welcome to the Judiciary Committee. My name is Carolyn Bosn, I am the senator for District 25, which is southeast Lincoln, Lancaster County, involv-- including Bennett. I serve as the Chair of the committee. We will be taking up bills in the order posted outside the room, and this is your opportunity to be part of the legislative process. If you're planning to testify today, please fill out a green testifier sheet. Print clearly and fill it out completely, listing all of the organizations you represent. When you come forward to testify, give the testifier sheet to the page or the committee clerk. If you do not wish to testify but would like to indicate your position, there are yellow sign-in sheets back on the table for each bill. These will be included as an exhibit in the official hearing record. When you come up to testify, speak clearly into the microphone, stating and spelling your first and last name to ensure we get an accurate record. We will begin with an introducer's statement followed by proponents, then opponents, then neutral testifiers, followed by a closing from the introducer if they wish to give one. We will be using a three-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the light turns yellow, you have one minute remaining. And when the red light comes on, you need to wrap up your final thought, and questions may follow from the committee. Committee members may be coming and going during the hearing. This is because they have bills to introduce in other committees and has nothing to do with anything going on in this committee. If you have handouts, please bring up 10 copies and give them either to the page or the committee clerk. Please silence your phones. Verbal outbursts or applause are not permitted and will be cause for you to be asked to leave. All committees must have position-- written position comments on a bill for all committees to be included in the record must be submitted by 8:00 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at legislature.nebraska.gov. Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be including on the committee statement. You may submit a position comment for the record or testify in person, but you are not allowed to do both. I

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will now have the committee members with us today introduce themselves, starting to my left.

HALLSTROM: Thank you. Bob Hallstrom from District 1, representing Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties in southeast Nebraska. Welcome.

STORM: Good afternoon. Jared Storm, District 23, that would be Butler, Saunders, Colfax County.

HOLDCROFT: Rick Holdcroft, District 36: west and south Sarpy County.

DeBOER: Good afternoon, everyone. My name is Wendy DeBoer, I represent District 10 in beautiful and vibrant northwest Omaha.

BOSN: We'll give you a minute.

McKINNEY: Thank you. Terrell McKinney, District 11, north Omaha.

BOSN: All right, also assisting the committee to my day-- today to my left is our legal counsel, Tim Young. And to my far right is our committee clerk, Laurie Vollertsen. The pages for the committee are Kyanne Casperson and Kleh Say, as well as Luke Lawton. Thank you all for being here. With that, we will begin today's hearing with the appoint-- two appointments, I'm sorry. We'll start with Randall Hansen for the Crime Victims Reparations Committee. Is Randall here? Good afternoon and welcome.

RANDALL HANSEN: Thank you. My name is Randall Hansen, R-a-n-d-a-l-l H-a-n-s-e-n. I live in Omaha, 2303 South 154th Circle.

BOSN: Do you want to just tell us a little bit about yourself, if this is a reappointment or your first time?

RANDALL HANSEN: This is a reappointment. I was originally appointed to this committee in 2009. Since about 2011, I have been the vice chair of the committee. When it was found out that my appointment had just expired, at the request of the committee chairman and the program administrator, I applied for reappointment.

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BOSN: Do you want to tell us maybe something about the committee that you find most valuable?

RANDALL HANSEN: The committee has changed dramatically. When I was first put on the committee, we were dramatically underfunded. And every thought that the committee had was how to preserve money, how to save it, how to stretch it. That was not a good committee, that was not a good program for the state. The program for the state should be seeking to help, help the victims that are out there, not find ways to shut them down and to eliminate them. Over the past two, three years, the committee has changed completely. We have added more, more programs, we've added more of the types of expenses that we can rope in to-- under the statutes. And as such, we are trying really hard to no longer be the 50th most effective program in the United States.

BOSN: And so can you, as it-- how many, approximately how many victims do you serve annually?

RANDALL HANSEN: I think we get about 75 applications a quarter.

BOSN: Any other questions from the committee? Senator DeBoer.

DeBOER: Thank you. I really appreciate the committee's work in the last couple of years. I was part of that with you all, and I really have noticed a big shift in that. So I just wanted to commend you all, and ask if you need any additional tools to help you in that effort to sort of serve victims and, and do a better job, and give you the opportunity now to tell us what more do you need?

RANDALL HANSEN: Actually, the money that the state provides can only be used for victims. So when they brought an intern in to help with compiling some data, they couldn't buy him a laptop. We had no money set aside for anything like that. Additionally, over the past few years, we've managed to accumulate a bank balance, partly because of up until we hired the current administrator, we only had half of an administrator. We shared one person with the Crime Commission. Right now, we have two full-time administrators, and they are now finally no longer falling farther behind. We could, we could use more help to do that. However, we had, had built a bank balance and we've just found

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out that the \$2 million bank balance has been taken away from us and given to other programs. So as we try and expand the programs that we're doing, we're, we're in the belief that we are going to run out of money before the end of the year. We had hoped to use that bank balance to continue to fund as the, as the program grows.

DeBOER: What kind of programs do you use that money to fund? What have you been-- what were you intending that money for?

RANDALL HANSEN: For victims, payments to victims of violence or tragedies.

DeBOER: So those were going to actually be payments to victims that have now been taken away from you guys?

RANDALL HANSEN: Yes.

DeBOER: OK.

RANDALL HANSEN: None of that was being held for administrative expense.

DeBOER: Thank you.

BOSN: Any other questions? Seeing none, thank you for being here. And thank you for your service.

RANDALL HANSEN: Thank you.

BOSN: All right, are there any proponents? Opponents? Neutral testifiers. All right, that will conclude our gubernatorial appointment hearing for Randall Hanson. Next up, we have the appointment for Kathleen Bauer. If you want to just state and spell your first and last name, tell us a little bit about yourself and why you're interested.

KATHLEEN BAUER: OK. My name is Kathleen Bauer, K-a-t-h-l-e-e-n B-a-u-e-r. Do you need to know where I live?

BOSN: No, you don't have to give us your address.

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KATHLEEN BAUER: OK. So I am requesting an appointment on the Crime Victim's Reparation Committee. I actually am a victim service provider in western Nebraska. We serve victims of domestic violence, sexual assault with our program. We have six counties. This program is very, very important, especially with all the funding cuts at the federal level for our programs. The money just keeps going away and victims are just getting left behind. And I just feel it's really important that people are on the committee that understand how the policies and things affect the real people. It's supposed to help.

BOSN: Thank you.

KATHLEEN BAUER: Yeah.

BOSN: Any questions for this appointment testifier? All right, you got off easy. Thank you for being here.

KATHLEEN BAUER: Thank you.

BOSN: Anyone here to testify in support? Opposition? All right, that will conclude our gubernatorial appointments. Our first legislative bill today is LB965 with Senator Bostar. Welcome, Senator Bostar. I will note while you're making your way up that we had 2 proponent comments submitted, no-- 1 opponent, and no neutral comments submitted online. Welcome.

BOSTAR: Thank you. Good afternoon, Chair Bosn, members of the Judiciary Committee. For the record, my name is Eliot Bostar, that's E-l-i-o-t B-o-s-t-a-r, representing Legislative District 29. I'm here today to introduce LB965, legislation designed to protect vulnerable people from sexual abuse and exploitation by individuals in positions of trust, power, and authority. When my office began to draft LB965, our attent-- our intent was narrow and straightforward to prohibit probation officers from engaging in sexual activity with probationers. However, as we engaged in discussions with law enforcement, prosecutors, the courts, and other stakeholders, deeply troubling examples of sexual abuse by individuals entrusted with the care, custody and control of others came to our attention. These conversations made clear that Nebraska's existing statutes have

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serious gaps. As a result, it became evident that more comprehensive legislation was needed to prevent sexual contact between probation officers, problem-solving court employees, guardians, guardians ad litem, conservators, adoptive parents, foster parents, child welfare service providers, and those individuals placed in their charge. LB965 prohibits sexual contact between probation systems and problem-solving court employees and those placed under their supervision. This mirrors existing protections against sexual contact between correctional or parole system staff and incarcerated people and parolees. This bill aligns criminal offense penalties for sexual abuse of a probationer or problem-solving court participant with those already in place to protect inmates and parolees. Legislation further establishes clear and specific criminal prohibitions against sexual exploitation by those individuals serving in fiduciary or appointed care roles. It prohibits conservators, guardians, or guardians ad litem from engaging in sexual contact with those they are appointed to serve and establishes corresponding criminal offenses. LB965 also creates a specific criminal offense to address sexual contact between individuals or entities delivering child welfare services and the children in their care. For the purpose of the bill, child welfare service provider is defined to include any individual or entity providing child welfare services, including but not limited to, those under contract with Department of Health and Human Services to provide child welfare as well as their agents and employees. Individuals under the age of 19 are considered a minor as it relates to these provisions. Legislation prohibits a child welfare service provider from engaging in sexual contact with a minor receiving services or otherwise under the provider's care, custody, or control. The criminal offenses-- the criminal offense penalties for conservators, guardians, guardians ad litem, and child welfare service providers mirror those already in statute to guard against sexual abuse by a school worker, correctional officer, and parole employee. Sexual penetration shall be considered a Class IIA felony, and sexual contact shall be a Class IIIA. LB965 further updates Nebraska's incest statute to include adoptive parents and foster parents. Once again, the penalties are consistent with existing law and with the broader framework established throughout the bill. Across all offenses addressed in LB965, consent is explicitly excluded as a defense. This

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reflects the reality that meaningful consent cannot exist in circumstances defined by extreme power imbalances and dependency. This legislation also aligns statute to clarify that the offenses created in LB965, like other reports involving sexual abuse, cannot be assigned to alternative response and thereby may not forego law enforcement involvement in the response. It expands the Sexual Assault Victims' Bill of Rights Act and victim and witness assistance provisions to include the victim or witnesses of these crimes. It aligns sex offender registration requirements and Work Ethic Camp eligibility to include perpetrators covered under this legislation. It also updates Good Samaritan protections which limit arrest and prosecution for certain eligible alcohol and drug offenses when someone reports or cooperates in a sexual assault investigation to apply to the offenses created or addressed in this bill. Finally, as we worked with our partners in probation, we were asked to include a narrowly tailored immunity provision for probation employees who, acting in good faith and in accordance with Office of Probation Administration policies, obtain and administer opioid overdose reversal medication. I would like to extend my thanks to our partners in law enforcement, county attorney's office, the courts, and all other stakeholders who worked with my office to safeguard some of the most vulnerable people in our community. LB965 is necessary legislation that makes vital changes to our criminal code to ensure those in positions of trust, power, and authority cannot engage in sexual activity with those in their charge. I urge you to support LB965. I thank you for your time and attention. Be happy to answer any questions you might have.

BOSN: Senator DeBoer.

DeBOER: Thank you. Thank you for being here, Senator Bostar, and introducing this bill. I, I think you probably have an, an exception for this, but I want to see where it would be if I'm a guardian of my spouse.

BOSTAR: There's an exemption. So there's a spousal exemption for all of the provisions in here that relate to adults.

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DeBOER: OK.

BOSTAR: Not for obviously the ones that relate to children, but--

DeBOER: Sure. Sure.

BOSTAR: Yes.

DeBOER: Where is that in here, because I was trying to find it.

BOSTAR: Oh.

DeBOER: I mean you can tell me later, just will you send me--

BOSTAR: I'll find the line. When I come up to close, I'll tell you where it's at.

DeBOER: Thank you because I couldn't find it.

BOSTAR: Yeah.

DeBOER: Thanks.

BOSN: Any other questions for Senator Bostar? Senator McKinney.

McKINNEY: Thank you, Chair Bosn. Thank you, Senator Bostar. Under your bill, would a youth in like a YRTC be-- if a youth is in the YRTC and they're sexually, sexually assaulted, would the assaulter be able to be held accountable under your bill?

BOSTAR: Sure.

McKINNEY: OK. That's all I was going to ask. Thank you.

BOSN: Senator Hallstrom.

HALLSTROM: Page 9, lines 21 and 22 is one of the examples. Can you just summarize? I'm assuming these individuals, if they commit the offense, are currently subject. Are we enhancing the penalties for their capacity as a conservative guardian?

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BOSTAR: So we're not, and currently under the law they're not subject to any sort of criminal pro-- provisions.

HALLSTROM: Wouldn't they be in their-- I mean, if they commit the offense irrespective of whether they're a conservator, it's still the crime of sexual assault.

BOSTAR: This is saying that any sexual contact is definitively a crime.

HALLSTROM: OK. Thank you.

BOSN: All right, I assume you're staying too close?

BOSTAR: Wouldn't miss it.

BOSN: Perfect. First proponent. Anyone here to testify in support of LB965? Good afternoon and welcome.

DAN ZIEG: Good afternoon, Senator. My name is Dan Zieg, D-a-n Z-i-e-g, I am testifying on behalf of Lancaster County, Nebraska, and the Nebraska County Attorneys Association in support of LB965. LB965 is unfortunately a necessary gap-filler bill. The bill identifies multiple individuals where there is a power imbalance between two individuals leading to ground that is fertile for abuse and questionable sexual relationships between them. The law has long recognized that sexual relationships between certain people may not be truly consensual or presents risks that the perpetrator will not fulfill other obligations. Section 6 of LB965 bars sexual relationships between probationers and probation officers, as well as between individuals with a problem-solving court. Individuals participating in these programs risk incarceration or being discharged from a program based on the word of their probation officer or supervisor. This power dynamic leaves individuals in this program vulnerable to sexual abuse, such that they reject a sexual advance of the individual, their probation will be violated and they will return to incarceration. Simultaneously, the victim of the sexual abuse may use the abuse as leverage against the officer or the supervisor to avoid positive drug screens being reported, avoiding the programming requirements and more. Section 10 of the bill also bars sexual

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relationships between conservators, guardians, and guardian ad litem and their ward. In addition to the power imbalance, the guardian, conservator, or guardian ad litem has been appointed due to concerns about the mental capacity of their ward and their ability to make decisions in their everyday life. A conservator who controls the ward's finances has substantial influence over the ward's life and casts significant doubt on the consent of a ward to a sexual relationship with the individual entrusted to care for them. The ward may confuse the sexual abuse for feelings of general affection and allow the conservator or guardian to spend their, their money in a manner that's not for the benefit of the ward. Section 13 bars sexual relationships between individuals and their adoptive children or foster children. Familiar relationship and mentoring relationship that exists allows the perpetrator to apply undue influence on a victim to engage in sexual relations. As I stated at the beginning, this is unfortunately a necessary gap-filler bill, and both Lancaster County and the Nebraska County Attorneys Association thank Senator Bostar for bringing this bill to further protect the citizens of Nebraska from this sexual abuse. With that, I'm happy to answer any questions.

BOSN: Questions for this testifier? You're gonna get off easy.

DAN ZIEG: Rare.

BOSN: Next proponent.

CHRIS JONES: Good afternoon, Chair Bosn, members of the Judiciary Committee. My name is Chris Jones, that's C-h-r-i-s J-o-n-e-s, I work for Catalyst Public Affairs. I'm a lobbyist on behalf of the Nebraska Alliance of Child Advocacy Centers, distributing a letter on their behalf today. We are here in support of LB965. The alliance is a statewide membership organization for the seven child advocacy centers across the state. They have primary locations as well as satellite locations that provide coordinated response to allegations of severe child maltreatment in every county across the state. So there are certain instances in which a child advocacy center would help coordinate the response, and that would include child sexual abuse, including severe physical abuse, human trafficking, witness to a violent crime, drug endangerment, or severe neglect. So as it relates

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to LB965, these organizations are on the frong-- on the front lines every day responding to and assisting with those investigations. They provide a neutral, non-leading forensic interview by highly specialized, child-friendly, trauma-informed staff to garner the facts of, of the incidents and what occurred, as well as help conduct medical exam with appropriate medical staff. So the alliance is in support of the proposed definitions and expansion of the offenses listed in the bill for those who are trusted into the care by these child-serving professionals in our state. So with that, thank you, Senator Bostar for introducing the bill, and I'll be happy to answer any questions the committee may have.

BOSN: Senator McKinney.

McKINNEY: Thank you, Chair Bosn. Thank you. So currently, am I-- I know the situation happened at the YRTC and there wasn't nothing that I guess could be done for whatever reason. Would this bill fix that?

CHRIS JONES: So as it relates to child advocacy centers, they would do the interview when there's a disclosure or an allegation of sexual abuse. So I don't know that I can speak to the particulars of that specific incident, but that standard protocol would, would exist both with the perpetrators identified in this bill, as well as other adults in the community.

McKINNEY: OK.

CHRIS JONES: Does that answer your question? Kind of? OK.

McKINNEY: Thank you.

BOSN: Any other questions? Senator Storer.

STORER: Thank you, Chair Bosn. And thank you for being here. I guess just to maybe clarify as well the, the general intent is this is just adding these specific abuses to the category to increase the penalty in that event?

CHRIS JONES: Yes.

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STORER: OK. Thank you.

BOSN: All right, thanks for being here.

CHRIS JONES: Thank you.

BOSN: Good to see you. Next proponent. Good afternoon.

DAN MARTIN: Good afternoon. My name is Dan Martin, M-a-r-t-i-n, I'm the vice president of the Omaha Police Officer's Association. I didn't prepare a speech. I've read this bill a few times now trying to figure out what I'm missing. Everything in it, we support. And it protects vulnerable populations that were not included in the original law. So everything in here we support, and I will answer any questions if anybody has any about this bill. I'm glad you, you found the stop-gaps in there so.

BOSN: Any questions? Thanks for being here.

DAN MARTIN: Thank you.

BOSN: Next proponent, anyone else here in support? Welcome.

GENE COTTER: Thank you. Good afternoon, Chairwoman Bosn, members of the Judiciary Committee. My name is Gene, G-e-n-e, Cotter, C-o-t-t-e-r, I am the Probation Administrator. I am also here representing the Administrative Office of the Courts and Probation and as a proponent to LB6-- or LB965. First and foremost, I would like to thank Senator Bostar for bringing this bill. Probation officers and public guardians hold extraordinary responsibility for the people they supervise and serve. Currently in statute, correctional officers cannot be sexually involved with inmates, parolees with parole officers, therapists with clients, nor teachers with students. Without a clear statute, sexual misconduct for probation officers and public guardians falls into a gray area of the law that is difficult to prosecute. On the rare occasion when this occurs, we impose significant discipline on our employees, removing them from their roles and, and, and their employment with the judicial branch. But imposition of discipline does not address the potential harm or additional trauma done to the individuals or the erosion of trust and

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confidence in the judicial system. Passage, passage of LB965 will help send a strong message: the state will not tolerate the exploitation of people under their care or supervision. It protects vulnerable wards under guardian and conservatorships and probationers being supervised, strengthens judicial branch integrity and reinforces public confidence that our justice system operates with fairness and professionalism. Similarly, we are strongly in support of the provision of this bill which provides immunity to the use of naloxone by probation employees, similar to that what is already present with other similarly situated-- situated individuals in statute. It is vital that we equip our probation staff with naloxone. A high percentage of those on probation suffer from substance use addiction or abuse. Providing this immunity will provide a safeguard for probation staff when the need arises to save a life of a probationer. I appreciate your time. Again, thank you, Senator Bostar, for bringing this bill, and I'm happy to answer any questions.

BOSN: Any questions for this testifier? Seeing none, thanks for being here. Next proponent. Opponents. Anyone here to testify in opposition?

SPIKE EICKHOLT: Good afternoon, Chair Bosn, and members of the committee. My name is Spike Eicholt, S-p-i-k-e E-i-c-k-h-o-l-t, I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in opposition to just a, a portion of the bill itself. And I did visit with Senator Bostar's office earlier this week and explained our position. I was not successful, so that's why I'm here in opposition. You've got a copy of my written testimony. On the second page is a proposed amendment that we ask the committee to consider. If you look at the bill, it does include, as you've heard, the categories of probation officer or probation employee, drug problem-solving cor-- problem-solving court participant, employee, that sort of thing. But it does not have a nexus, if you will, between the employee designated by this bill and the drug court participant or the probationer. They're, according to the Supreme Court-- according to the Chief Justice in the State of the Judiciary, there were 14,000 people on probation last year as adults, 2,400 youth, maybe 1,000 drug court participants or problem-solving court participants, I would estimate. There was about 1,00 probation employees. In other words, as written, this would criminalize any consensual contact between anybody

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in that sort of range of incidents. I'm not saying that's appropriate. I'm saying that even should be encouraged or anything like that. But the language that I propose that's on page 8 of the bill, that you can see in the amendment, mirrors the exact same language that we have right now when you-- when the Legislature criminalized the sexual contact, sexual penetration between the Department of Corrections employees and victims. For instance, the current law is on page 8, lines 5 and 6: to whom the department has authorized ability to control over an inmate or an inmate's activities. The concern that we have is that you are going to be making completely consensual relationships where there is no power imbalance or there is not opportunity to exploit between people who are just caught up in this situation. For instance, you can be on probation for a simple driving under suspension offense in Hall County. That's common because the courts don't have to suspend your license anymore to put you on probation. The level of supervision is very low. It's usually six months or so. And that person could travel to Lancaster County, meet someone who works as a contractor with the drug court here, for instance, in the VA or at CenterPointe or something like that-- because that's covered as someone who's impacted in one of the designated groups-- have a brief relationship, that's a felony, that's registrable. I don't think that's the intent of the bill. We see that as an unintended consequence. We see it as a trap for the unwary. We would encourage the committee to address that by narrowing this. One other thing I wanted to flag for the committee, and I might be reading this wrong and I didn't put it in my letter, but I was talking to one of the proponents earlier. On page 11, line 3, in the section that criminalizes a child welfare service provider for not subjecting a minor to sexual contact or sexual penetration, defines minor as anyone under 19. I don't think the-- if I'm reading it right, I don't think the committee wants to do that because what you would do is you would lessen the penalty for actual--

BOSN: You can finish.

SPIKE EICKHOLT: --sexual--

BOSN: Thank you for recognizing the red light. Everyone follow that.

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SPIKE EICKHOLT: For sexual assault of a child that's already criminalized it. Someone who's under 12, for instance, is a very serious penalty. I think this would blur that distinction somehow, if I'm reading that new definition of minor on page 11, line 3. Admittedly I'm not sure, but I wanted to flag it. And that was a technical thing that I saw earlier.

BOSN: Any questions for this testifier? Senator Hallstrom.

HALLSTROM: Just to clarify in case the committee is interested. I'm looking at your proposed amendments The first one on page 8, line 18. I see where the reference to 29-2246 is. The next one references the word "office" on line 21. I'm wondering if that page number is in error.

SPIKE EICKHOLT: I might have a wrong line number.

HALLSTROM: And the same thing with page 8, line 18, if you could just get that to us to clarify where.

SPIKE EICKHOLT: I'll get the right line number. But I think you know what I'm trying to say. I'm trying to say the "office," to have that there. I will, and I must have just got the line number wrong.

BOSN: Any other questions? OK, so can I direct your attention back to page 11, line 3, where it talks about a minor under the age of 19?

SPIKE EICKHOLT: Yeah.

BOSN: I wasn't sure I followed that. So what you're saying--

SPIKE EICKHOLT: So that's Section 11 that criminalizes-- or that broadens the crime of sexual exploitation to include a child welfare service provider. And that includes anyone who's sort of working in child welfare services. And then they define minor to mean anyone who is under 19. If someone is an adult and has sex now with someone who is-- sexually assaults a child under 12, that's a IB felony already. This makes it a IIA, if I'm reading it right, because--

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BOSN: So would the solution then be to specify, in this section, minor means any individual who's over 12 but under 19?

SPIKE EICKHOLT: Or maybe over 16 to 19, because I think there's already another crime for between 12 and 16 that's lesser. Or that's lesser than this, but greater-- greater than this but less than the IB.

BOSN: Because the way I read this, this is really designed for those cases of 16-year-olds who legally can consent--

SPIKE EICKHOLT: Right.

BOSN: --but are in foster care.

SPIKE EICKHOLT: Right.

BOSN: And their foster parent is engaging in, I think we all agree, an inappropriate relationship with them. But by virtue of the fact that they're 16, it's unpunishable.

SPIKE EICKHOLT: That's right. That's why I think you want to have it to be 16 to 19.

BOSN: OK.

SPIKE EICKHOLT: Because it doesn't make any sense on page 11, lines 8 and 9, because it says there's no defense to be consent. Well, as you know, a child under 16 does not have the capacity to consent, so that doesn't mean anything. But I might, admittedly, I just noticed it sitting down, but I wanted to flag it for the committee. There might be something that the Revisor's Office or the introducer is seeing in that that I'm not.

BOSN: Thank you. Any other questions in light of that? Thank you for being here. Next opponent. Anyone else here in opposition? Anyone here in the neutral capacity? All right, Senator Bostar, if you'd like to come up to close.

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BOSTAR: Thank you, Chair Bosn and members of the committee. So first, Senator DeBoer, I promised to have the page and line for you.

DeBOER: Sorry.

BOSTAR: So page 9, lines 21 and 22, and page 10, lines 16 and 17, are the spousal exemptions for the relevant sections. OK, I, I appreciate Mr. Eickholt bringing, well, he brought us his recommended amendment earlier, and I, I do appreciate that. He is right that we opted to decline the amendment, and I want to explain why. We wanted to maintain consistency with these sections that we are creating with existing statute. So the way it was described where anyone that's a probation officer it would criminalize sexual contact with anyone on probation, that's accurate. But that's also how it works for Parole and Corrections. That's how these statutes work now. So we didn't feel that it was appropriate to design this differently. Our goal was to close the gaps and bring these missing pieces in line with our existing statutes. So that's why we declined that. The language that Mr. Eickholt referenced that he did say is in existing statute already, it is, but it works differently than, than I think-- it certainly works differently than it would in this proposed amendment. In the amendment, that language is being used to narrow who is subject to the provisions of the law. In existing statute, if you look at Corrections and Parole, where their prohibitions against sexual contact for inmates and parolees exist, that language exists to expand and broaden who is subject to those provisions. So it lists, you know, anyone that works in, in Parole, anyone that's a contractor for Parole, and then it has a line in there that says, also anyone that may have some direct care or custody. I don't have the language exactly in front of me of, you know, said individual. So, in existing statute, those provisions are used to expand who it is, and this amendment would narrow who is subject to law. And that's why we declined it, in order to maintain consistency with the law as it stands now. The, the other thing that was brought up, we'll go back and check, but my understanding of the language related to the definition of minor for under 19 is that it's clearly subject to these provisions. So if a child service worker engages in sexual contact with an 11-year-old, they're not, they're not sort of getting around the standard statutory rape provisions that exist in that case. This

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is just simply a definition for these provisions here. So it wouldn't, it wouldn't lessen the punishment for them. We'll go back and make sure that that's the case, but that's, that's absolutely my understanding as this was drafted and put together. And then finally, I'll just say that it's, it's unfortunate that we have to do this. Again, when we were starting with this bill, it was very narrow. It was basically going to be a cleanup bill that we're working on with probation. And there's a lot of really terrible things going on out there right now. And I just, I'm very disappointed in people. And so I'm, I'm sorry that we have to be here and do this. I'm happy to answer any final questions.

BOSN: All right. Thank you very much.

BOSTAR: Thanks a lot.

BOSN: That will conclude our hearing on LV965. Our next hearing-- is Senator von Gillern here yet? Oh, OK. Senator von Gillern and LB758. While Senator von Gillern is making his way up here, I will note for the record on LB758, there were 2 proponent comments, no opponent, and 3 neutral comments submitted for the record. Can I see how many-- a show of hands, how many individuals are here to testify in some capacity on this bill? One, two, three, four? Four, five, we always got the straggler. Six. All right, good afternoon and welcome.

von GILLERN: Thank you and good afternoon, Chairwoman Boson and members of the Judiciary Committee. For the record, I'm Senator Brad von Gillern, B-r-a-d v-o-n G-i-l-l-e-r-n, I represent Legislative District 4 in west Omaha in Elkhorn. I'm here today to introduce LB758, which I thought was a pretty simple, easy fix, which has passed very simply in, in at least one other state. It's intended to streamline the process of non-testamentary charitable, charitable giving. I should have practiced that sentence. During estate planning, many Nebraskans generously decide to leave investment funds to 501(c)(3) charitable organizations. When the holder of those assets passes away, the transfer of property should happen quickly and smoothly so that they can be put to the charitable use intended by the deceased. However, some financial institutions, often brokerages, require charitable organizations or a member of their staff or board

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of directors to create an account with the financial institution in order to even receive what was left to them. In these cases, board members or staff are required to provide sensitive personal information without any purpose since they are personally receiving the property-- since they're not personally receiving the property or funds. Furthermore, this process can take months, months that a nonprofit should be benefiting from the property or funds. LB758 follows legislation that passed recently in Iowa with no opposition. It's commonly known as RIFT, Release IRA Funds Timely Legislation. Under LB758, a charitable organization can present an affidavit to the owner of the interest in the property or to any person with information about the property for the purpose of obtaining the interest in the property or information about the property. The affidavit must be accompanied by documentation adequately demonstrating the, the legitimacy of the nonprofit and its claim to the property or funds requested. If the necessary documents are furnished, the party holding the property is legally required to turn it over-- turn that property or funds over to the charitable organization within a specified window of time or the organization may bring an action against the holder. As it stands currently, this window is limited to 30 days, although an amendment is currently being negotiated which may alter that slightly. LB758 prohibits institutions from requiring the charitable organization to open an account with or establish any other customer relationship. A number of other delays to the transfer of property or funds are also prohibited in Section 2(5) of the bill. All of this is to ensure a smooth and timely transfer of the property without any unnecessary hassle. As I mentioned before, we're finalizing an amendment with stakeholders in the banking and life insurance industries. The amendment will exempt insurance products from the act and discharge the holder of the property from liability for relying on the affidavit. The Bankers Association has raised a concern with the 30-day time limit, and I believe the different parties have reached a final resolution on what that might look like. Subsequent testifiers will be able to provide additional detail about the AM, and we'll have a complete amendment for you. We hope to have it by today, but we probably won't have it until early

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next week. With that, I would ask your support for LB758, and I'll answer any questions that I am able to answer, which may be limited.

BOSN: Good caveat. Senator McKinney.

McKINNEY: Thank you. Thank you, Senator von Gillern. I'm just curious, what if there is a dispute of the will or what was in a state trust or something, and somebody's disputing it? Would the property still transfer or would it be held up?

von GILLERN: Yeah, I think the-- if I remember right, the bill does not, it has-- there has to be without dispute. I mean, it-- and again, it's a situation where it's being granted to a nonprofit, a 501(c)(3). It doesn't have to do with whether the, the contribution is legitimate or whether it's proper or it's truly what the will intended. It has to do the asset, the transfer of the assets and how that mechanically takes place. And currently there are restrictions placed on that, or there are encumbrances placed on that that cause what we believe are unnecessary delays in the transfer. So none of these delays are related to any questions about we don't believe that the, the will was proper. We don't-- we have a conflict over we're in a fight over where the money should go. It's simply the mechanics of getting the dollars transferred from the, the deceased individual or their trust into the 501(c)(3), how that happens mechanically.

McKINNEY: OK, thank you.

von GILLERN: Thank you. Good question.

BOSN: All right, thank you very much for being here. Are you staying to close?

von GILLERN: I'll hang around. Yes.

BOSN: Thank you. First proponent. Good afternoon and welcome.

JEREMY BELSKY: Good afternoon, Chair Bosn and other members of the Judiciary Committee. I am Jeremy Belsky, J-e-r-e-m-y B-e-l-s-k-y, and I'm the director of Gift and Estate Planning at Boys Town. Thank you, Senator von Gillern, for introducing the bill on behalf of Nebraska

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Charitable Organizations. Boys Town serves approximately 20,000 youth annually. Since our founding, cultivating and sustaining a strong private donor base has been critical to helping us achieve our mission of changing the way America cares for children and families. Some of our donors have had a philanthropic relationship with Boys Town throughout their lives including choosing to bless the children and families we serve upon their passing through bequests and beneficiary designations. Currently, the process of transferring funds that have been designated to a charity is slowed by onerous regulatory burden. This can cause delays of several months or even years. The average length of time from the date of death to receiving the account funds for Boys Town is about 12 months. The average length of time for being notified of the gift and starting the administration process until receiving the funds is 8 months. The processes are inconsistent from state to state, and death certificates may or may not be required. Personal and confidential information such as home address, date of birth, social security numbers, driver's license number, employment status and occupation, source of personal wealth, listed knowledge of investments of our authorized officers is often required. For example, recent account application for incorporated organizations, we submitted three times to one donation, each with additional personal information requested, and a second authorized officer was required of the organization before they would process the forms. New accounts in the organization's name of the organization are required to be open within the financial institution for every inherited account receipt. Often these accounts are not properly liquidated and distributed, and closed per the organization's request. The account remains open and carries an inconsequential balance and statements continue to be received. For example, we recently worked with a family member that continued to receive statements for a Father Flanagan's Boys Home account that Father Flannagan's Boys Home was forced to open, had requested full distribution and closure. The account carried a \$3.83 balance. The process to close the account and receive the \$3.83 took three years after our initial notification. LB758 eliminates these cumbersome and time-consuming requirements, and creates a streamlined pathway for transforming these charitable gifts, ensuring that the integrity of the charitable organization and the intent of the donor's gift are honored. The proposed language is based upon successful

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legislation passed in 2024 in Iowa. Again, the intention is to respect the donors' wishes and their commitment to helping children, youth, and families. On behalf of Boys Town, I respectfully ask the committee to advance LB7--

BOSN: Go-- you can finish.

JEREMY BELSKY: --LB758. Thank you for your time and attention. I will do my best to answer any questions you may have.

BOSN: Questions for this testifier? Senator Hallstrom.

HALLSTROM: Could you give some specific examples? Both you and Senator von Gillern have referred to financial institutions. But my experience has been that you may have a bank account, you may have an insurance policy for which there's a charitable beneficiary, you may have an annuity, a mutual fund, a retirement plan or IRA. Where are you finding, or an example of where you're finding the, the, the difficulties that you've expressed?

JEREMY BELSKY: The difficulty stemmed from the person who has made the intent to leave this. So they're gone. They're out of the picture, right? There's no other family members or family member has no say. So it's tied up within the financial institution. And our team members who work with the financial institutions to try to get those moneys is where we get the hang-up. We start getting back and forth, and you heard some examples of what we send. It's not enough. There'll be more required information. We ask as a charity, why do you need personal information and other such requirements when this is something that should be pretty cut and dry? So it's really just the hang-up with the institution.

HALLSTROM: But again, you're using the term "financial institution."

JEREMY BELSKY: Yeah.

HALLSTROM: If you have an insurance policy where the charitable organization is named as a beneficiary, have you encountered problems with insurance companies in those types of situations?

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JEREMY BELSKY: No, not with insurance companies, no.

HALLSTROM: And if you have a bank account or a certificate of deposit that has a charitable organization that has a beneficiary, have you encountered problems in that particular arena?

JEREMY BELSKY: Not that I can speak to. I'd have to get back to you on that.

HALLSTROM: So are-- is it fair to say we're probably working most frequently with brokerage or securities firms where there is a stock certificate, electronic or otherwise, and they're asking you to open up a separate account?

JEREMY BELSKY: Yes, that part is true, yes. And it's the larger financial institutions that we're finding a little bit of the hang-up.

HALLSTROM: So, arguably, you may not have any problems with true financial institutions and insurance companies, but the securities firms or brokerage firms are where your focus would need to be?

JEREMY BELSKY: Ideally where the IRAs are located, yes.

HALLSTROM: And with regard to the IRAs, do you know, and maybe I can ask a witness after you, if this isn't in your, your wheelhouse. With regard to IRAs, are there any federal rules where separate and apart, because I've run into this with my clients where they force them to open the account and it's frustrating. But for IRAs, is there a legal requirement that you know of under federal law that they have to be put into the organization's name for tax purposes so that you would have a mandated requirement that it be placed in a holding company, as opposed to what I usually run into is they hope you'll put it in that account and keep it there for a while [INAUDIBLE]?

JEREMY BELSKY: Oh, yeah, we, we will be made-- we'll be made known if they've let us know that they have made Boys Town a beneficiary of their IRA or other such manners. So we don't, we don't require any other information than their good word and any copies of that.

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HALLSTROM: OK. Thank you.

JEREMY BELSKY: Those are really good questions, Senator. Thank you.

BOSN: He asked them all. So we're going to let you off the hook now. Thank you for being here.

JEREMY BELSKY: All right, thank you.

BOSN: Next proponent. Good afternoon and welcome.

KORBY GILBERTSON: Good afternoon, Chairwoman Bosn, members of the committee. For the record, my name is Korby Gilbertson, it's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n, I'm appearing today as a registered lobbyist on behalf of Father Flanagan's Boys' Home in the place known as Boys Town. And I first want to thank Senator von Gillern for introducing this legislation. I was the one that said, I don't think this should be a problem. It passed in Iowa with no opposition. So we-- you're all gonna hear how that went now. But I do want to say this is how this is supposed to work, and so I want to thank the Nebraska Bankers Association, the Independent Community Bankers, and the Nebraska Bar Association all reached out with some concerns about the legislation that they thought it might cause some issues for their financial institutions. And I don't-- and that is not our intent at all. So if you look at the amendment that got handed out, there's three changes that will be made. The first is, and they're all on page 4, the first is after line 2, this would move language that's in current statute regarding small estate affidavits that would protect the holders of property from liability if they're relying on the affidavit. So this is already used for smaller estates when they're transferring property. The second part is the language that we worked out with the bankers, and I'm sorry we didn't have it all done. We were still working on it last night. But this would simply change the language so that if the, if the inst-- financial institution or whoever's holding the property notifies the non-profit that there's going to be a delay within 30 days, that is acceptable. Or if they don't, they need to be delivering the property within 45 days. If that doesn't happen, it does allow the non-profit to bring action. There was a concern about the, the high level of the potential civil penalty

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that has been reduced to \$5,000. And then the final language is removing insurance products. It's our understanding we haven't had problems with any insurance products, and there are specific things required in the insurance policies that are filed with the state that already did that-- or direct how these payments need to be made. So with that, I'd be happy to answer any questions.

BOSN: Questions for this testifier? Senator Hallstrom.

HALLSTROM: Yeah, Ms. Gilbertson, thank you. Just a couple things. Number one, and hopefully I can be more clear, in an IRA, is there an independent requirement to place the account funds or the, the IRA funds into a separate account before they can--

KORBY GILBERTSON: If there is, I'm not aware of it.

HALLSTROM: OK.

KORBY GILBERTSON: I think that the fact that some companies directly give-- directly deposit the money, there must not be that requirement.

HALLSTROM: OK.

KORBY GILBERTSON: But I don't want to say for sure. There is protection in this amendment that if there is any federal law that needs to be followed, that's a reason for the delay.

HALLSTROM: OK, and then separate and secondly, in the proposed amendment, item b on page 4, number one, it references Section 4-- I think that's (4), but on b it says: pay, deliver or transfer cash-interested property. Is there any possibility that the brokerage firm by placing it into an account on the charitable organization's behalf would be considered to have paid or transferred it over if they're putting it into a holding account that's in the charitable organization's name?

KORBY GILBERTSON: I guess that that would be considered transferred. I mean, if you're doing that with [INAUDIBLE].

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HALLSTROM: And you wouldn't intend for that to satisfy it because you're trying to avoid them placing it into a separate account.

KORBY GILBERTSON: Right. But this doesn't necessarily have to do with establishing a, a second account. It has to do having folks that don't actually have a nexus to the donation themselves having to give personal information, establish an account. That they don't, they could be leaving the board tomorrow, but all of a sudden, this brokerage firm has all of their personal information and they've created an account.

HALLSTROM: OK. And then the reason I asked the question of Mr. Belsky about whether or not you'd had problems with true financial institutions, true insurance companies versus securities is, it would occur to me and my experience has been that the traditional bank accounts and certificates of deposit are not problematic and that perhaps insurance companies and financial institutions could be exempted if they're not at the root of the problem.

KORBY GILBERTSON: I'm happy to discuss that with, and there's-- Boys Town is not the only group that was working on this, so I would take it back to that group.

HALLSTROM: OK, and then the final question, I know you've-- I appreciate you reducing the civil fee down to \$5,000 but that seems to be something that's a bit unusual, or do we have any other examples under state law where we impose a civil penalty for these types of actions?

KORBY GILBERTSON: I'm assuming your former colleague gave you that question, and I don't know for sure. I do know there's other legislation pending this year that does do \$10,000 civil penalties or higher so I don't think it's--

HALLSTROM: I'll make sure I know where that one is, so thank you. Thank you for your patience.

KORBY GILBERTSON: Yep.

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BOSN: Any other questions? Seeing none, thanks for being here.

KORBY GILBERTSON: Thank you.

BOSN: Next, proponent. Last call for proponents. Anyone here to testify in opposition? Opposition to LB758? Neutral testifiers.

TIM HRUZA: Good afternoon, Chair Bosn, members of the Judiciary Committee. My name is Tim Hruza, last name spelled H-r-u-z-a, appearing today on behalf of the Nebraska State Bar Association in a neutral capacity. As of this morning, our position was more on the opposed side. I have commitments, as Ms. Gilbertson testified earlier, and as the senator noted, we've got commitments to work through some of these issues that are more technical in nature. I do want to highlight a couple of things, and I apologize for bringing my iPad up. I don't usually do that. I grabbed the wrong copy of a bill as I left the office at noon. But just to, Section 1 of the bill isn't necessarily where our objections or our concerns arise. It's really in Section 2. And I think as the testifiers before have focused on the IRAs and the securities and those sorts of things, I very much understand that some of those things can be worked through. I did see the amendment that was circulated around that I think was prepared mostly at the request of the financial institutions. I've seen that. I've had a chance to look at some of these things. I do have a few concerns about that that we will work through. But suffice it to say that Section 2 for us, from the Bar Association's standpoint, is really about the breadth of the application. So if you look at the, the very first sentence of it, applies it to a beneficiary of interest in any property of a decedent, which goes well beyond just like the IRAs or those sorts of things. That then brings into this conversation from the attorneys concerns about general-- any, any, any asset that might be held in trust, right? There are requirements down in the affidavit portion that the charitable organization come forth and state in the affidavit that they are the sole beneficiary, that they're the only people that have an interest in this property. The lawyers are concerned that that, that may be true in many cases, as you heard the testifier from Boys Town, some of their experiences. I can tell you that these aren't always as clear cut in terms of who has interest in that. And we feel pretty strongly that the PR, a personal

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representative of an estate, or the trustee of a trust, is in a better position to know what-- who might have an interest in that property. They give notice, they go through all of those procedures. So I, I think we do have to have some conversation still about how that all works out in terms of who might be in a best position. The other thing that, that I think has come up with the lawyers is sometimes when you have these bequests to a charitable organization, again, IRAs, very specific example that we've been looking at this because of the breadth of how it's written. The residuals of the estate may be given to the charitable organization. You might not know what that actual amount is going to be from, you know, the total bank account or the assets that are being held until you work through the estate process. In a trust situation, there are creditors' claims that need to be worked through. There's a, a time period in which creditors can claw back money. There's also some questions about tax implications from the new changes from the Big Beautiful Bill that was passed last year. It's not necessarily clear that no taxes would be owed on a gift to a charitable organization now, according to the lawyers that have reached out to me. So I have a commitment to work. We will work on language. I'm reviewing things and have distributed that to the, to the attorneys who are involved in this. We promise to work on an amendment that makes this thing workable for everybody.

BOSN: Perfect.

TIM HRUZA: Happy to answer any questions that you might have.

BOSN: Questions for this testifier? Seeing none, thanks.

TIM HRUZA: Thank you.

BOSN: Next neutral testifier. Good afternoon and welcome.

RYAN McINTOSH: Good afternoon, Chair Bosn, members of the Judiciary Committee. My name is Ryan McIntosh, R-y-a-n M-c-I-n-t-o-s-h, and I appear before you today as the registered lobbyist for the Nebraska Bankers Association to testify in a neutral capacity. In reviewing this bill, we did have several concerns initially. Our primary concern was that LB758 operates similar to the small estate affidavit

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procedure wherein the next of kin can present an affidavit and a certified death certificate to entities that are holding property such as a financial institution and claim that property without having to go through the cost and time of administering an estate. Senator von Gillern mentioned that change, and that is in the first section of the amendment that Ms. Gilbertson handed out. When we're requiring these individuals or entities holding property to turn over that property within a specific timeframe, it's important that we have that language that's also included in the small estate affidavit. And so what's concluded in the first section of that amendment that Ms. Gilbertson handed out is more or less verbatim from section 30-24,126 of the Nebraska Revised Statutes. Thereafter we were made aware of some additional concerns with a similar legislation that was passed in Indiana and Iowa. And the vast majority of these situations is a very simple process, as the first testifier alluded to, with not having issues when they walk into financial institutions. Which is not brokerage firms, it's, it's banks and credit unions, savings and loans. In these situations, it is often a very simply process where there is that TOD designation where they can walk in and walk out with a check that same day. However, not all cases are simple and issues arise where accounts have multiple beneficiaries including a charitable organization or organizations. Typically the holder of the property will await confirmation from all beneficiaries before making a final disbursement. That can affect the timeline that we've discussed today. Additionally, certain investment accounts may be subject to federal requirements. The amendment accounts for those. These are only two examples of dozens of complicating factors which may arise in these situations. Accordingly, we worked with Senator von Gillern and Korby Gilbertson to incorporate provisions from the Indiana [INAUDIBLE] law into the amendment, which still ensures responsiveness to charitable beneficiaries while also recognizing that not all situations are simple. I appreciate Senator von Gillern's patience with us as last night we were working through this amendment. With the forthcoming amendment from Ms. Gilbertson, the NBA is neutral on the bill and has no objections to its advancement. Thank you.

BOSN: Perfect. Any questions for this testifier? Seeing none.

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RYAN McINTOSH: Thank you.

BOSN: Thank you. Neutral testifier, next up. Hello.

DEXTER SCHRODT: My name is Dexter Schrodtt, D-e-x-t-e-r S-c-h-r-o-d-t, president and CEO of the Independent Community Bankers Association. And like my friends over at the NBA, we had some initial heartburn when we first saw this bill. Although the, the proponents did confirm my gut reaction, and that's that, you know, this was not typically happening in our community banks in the state, but it's hard to distinguish that in the law. So, you know, they would be swept up in the changes under this bill. So we greatly appreciate Senator von Gillern for working with the industry and seeking an amendment. And the amendment put forth by Mr. McIntosh does alleviate our concerns. So that, that removes our opposition into neutral testimony. So we'd like to thank the stakeholders and Senator von Gillern for working through that.

BOSN: Awesome, thank you. Any questions for this testifier? Seeing none.

DEXTER SCHRODT: Thank you.

BOSN: Thank you for being here. Next neutral testifier. All right, Senator von Gillern, if you'd like to join us to close.

von GILLERN: Thank you, Chairwoman Bosn, and committee members. I'll make this very brief. Number one, thank you also to the-- those that spoke in a neutral capacity. I think it obviously is an indication that folks are trying to find the best solution here. This, this is a pretty simple problem. It's taken too long to get the money where it goes. We want to make it faster. That's, that's my 30,000-foot view of what we're trying to do here. Between all the attorneys and the bankers and the insurance folks, we'll figure out how to get there. So appreciate your patience in taking the hearing on a bill that obviously is still in progress. And we'll update you with the final amendment when we get there here very soon. And happy to take any questions.

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BOSN: Seeing none, thank you for being here.

von GILLERN: All right, thank you.

BOSN: That will conclude our hearing on LB758. Next-- next up, we have LB889 with Senator Clouse. While Senator Clouse is making his way up, I will note for the record there was 1 proponent comment, 3 opponent, and no neutral comments submitted for the record. Good afternoon and welcome, Senator Clouse. How many testifiers are there here for this bill, LB889? One? You're the winner.

CLOUSE: Thank you. You ready?

BOSN: Yes.

CLOUSE: Well, good afternoon and thank you for giving me the opportunity to bring this bill before you. For the record, my name is Senator Stan Clouse, S-t-a-n C-l-o-u-s-e, and I represent District 37, which includes much of Buffalo County, including Kearney, Shelton, and Gibbon. And I don't follow a script very well, but what I want to do is set the tone of what this bill is about, and it's dealing with electrical licensed electric-- electricians. And so when we're talking about these things, I want you to understand that it's not uncle Eddie that might do some wiring for you or grandpa or whatever. This is strictly dealing with licensed electricians that have a higher standard of professionalism. And we do have some issues within our state. So I'm introducing LB889 to increase the penalty from a Class I misdemeanor to a Class IV felony for the following violations. Making-- and, and these again are, as set in the bill, knowingly and willingly violate-- these violations. So making false statements in electrical license applications, performing electrical work without proper license, failing to get electrical work inspected when required by law, interfering with electrical inspectors' work, and failing to comply with the State Electrical Act and orders of the Nebraska State Electrical Division. The bill is simple and stems from the need to deter individuals from performing electrical work without proper education and licensures prescribed by law and regulated by the State Electrical Division Board. Consumer protection is a primary concern, as there have been increased in out-of-state contractors and house

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flippers that are performing illegal electrical work in Nebraska. These contractors claim to be licensed electricians that complete electrical work. However, they don't-- they have not gone through the process with the Nebraska Electrical Division to be licensed and received proper permits, or in some cases not even licensed in the states that they're coming from, primarily the state of Kansas. [INAUDIBLE] they don't have licensing requirements there. The Nebraska Electrical Division is a-- has a disciplinary process that applies to licensed electricians, and this applies to written warnings, probation periods, possible license revocation. However, in the case of electrical contractors who do not have a license to be revoked or suspended, the only form of penalty in Nebraska electrical division, that the only form that they can pursue is criminal charges. And again, bumping this up, and you guys know more about this than I do, but the Class I misdemeanor is up to one year in prison and or a \$1,000 fine, and that's the highest level for misdemeanor. And a Class IV felony is a maximum two years in prison and one year of possible post-release supervision and or a \$10,000. And that's lowest for felony penalty. Correct? OK. So yeah, I knew you would know more about it than me. It's become increasingly difficult to have county attorneys pursue the charges against these individuals with the current penalty level being Class I misdemeanors, just simply they look at it's not worth their time or, you know, the amount of effort that goes into it. So the case often gets backlogged or unpursued. And meanwhile, the electrical work that was completed must be redone by an actual properly licensed Nebraska electrician at an additional cost to the homeowner or property owner, and the contractor in question flees our state or in other communities doing work illegally. And I handed out a case in Minatare, Nebraska, where an electrician with a forged Nebraska license began performing electrical work in a church. He didn't complete the work and had already accepted payment for up to an excess of \$5,000. And in that case, the county attorney was able to pursue the felony charge for criminal impersonation and financial gain. However, that's not always the case in many of the other instances. So the director of the State Electrical Division will be following me and can answer any technical questions you may have and share firsthand experience with these issues. And again, I just want to remind the difference as we're talking about licensed electricians

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and, and knowingly and willingly violate the licensure. So the increased penalty in LB889 will serve as a greater deterrence to this criminal and predatory behavior, and provide greater assurance of safe electrical work being done in Nebraska. So thank you for attention to this matter and I'm happy to answer any questions you may have.

BOSN: Thank you. Questions for this testifier-- introducer? Senator DeBoer.

DeBOER: Hi, Senator Clouse. Thanks for being here. So you said it does not apply to uncle Henry who puts a light up for me. How-- where, because I was looking for that distinction.

CLOUSE: Right.

DeBOER: And that we just don't have enough here of the law in this bill. So maybe you can defer this to the next person if you think he knows more, but how do we know, like, what's the distinction between when someone is acting as a unlicensed "licensed" electrical worker and when they're just uncle Henry helping you out?

BOSTAR: Well, I would tell you that in my previous life with Nebraska Public Power District, before we would energize a home or a [INAUDIBLE] business, we need to make sure that it hadn't been through the electrical inspection. And in many cases that required the customer to hire a licensed electrician to make sure that it met that criteria. It's all-- it varies, you know. And the reason that you would do this. And it's not just the residential, it's not just houses. But if you are on a farm and you're putting in a new well or things like that, and you have somebody that cuts corners or they're not following the licensure, there's electrocution and death that can result. So this is strictly with those that are licensed. And I just found out over the lunch hour, which is really interesting, from some folks in Kearney that I was having lunch with that said that they had a developer that had hired a licensed electrician to do all this work in their homes. OK, so they've built multiple homes, found out that the license had expired, and so they're now having lawsuits against one another. But who's the victim? The homeowners that didn't even know what was going on that might be three or four houses down that assumed

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that the buyer that they bought the home from has a licensed electrician that did everything right. And so, so if-- but again, if you're building your own house and you wanna have uncle Eddie come in and wire it for you, that's a whole different deal. This is for the licensed electricians.

DeBOER: So does this require as one of the elements of the crime that you hold out to be a licensed electrician? Like is that part of-- do you have to, because you're saying for the licensed electricians, only they're not actually licensed so--

BOSTAR: It's a penalty if they're fraudulent and those types of things, yes.

DeBOER: So part of what you want in here is for them to hold out or claim to be licensed when they are not?

BOSTAR: Right. Because, you know, if they have fraudulent license or their fraudulent activity, they're like, man, I'll pay a thousand bucks because I can make a few more on the next house over, the next house over using that same fraudulent license. And as a buyer, as a consumer, you want to know that if you hired a licensed electrician, they're doing everything right. And it's not just electrician. You know, it's a licensed plumber. Everybody at that level of expertise is what you're paying for, and you expect them to, to do that. If they're fraudulent and lying to you and cutting corners-- and we have, I have other examples. I didn't share those, but just similar types of things that there's so many ways that they can cut corners that can be detrimental and can be dangerous.

DeBOER: Thank you.

BOSN: Any other questions? Senator McKinney, sorry.

McKINNEY: Thank you. No problem. Thank you, Senator Clouse. I'm just curious, is there like a database or online source where you can look up who is and who is not?

CLOUSE: Yeah, I'm going to defer that to Director Thelen.

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McKINNEY: OK.

CLOUSE: He'll be talking about that. But yeah, I didn't, I don't know. You could probably-- well, I don't even know if you could. I'll defer that to him.

McKINNEY: No problem, thank you.

BOSN: Any other questions? Seeing none, thank you for being here.

CLOUSE: Thank you.

BOSN: All right, our loan testifier, come on up. Good afternoon and welcome.

CRAIG THELEN: Good afternoon. Thank you, Chair Bosn and members of the committee. My name is Craig Thelen, C-r-a-i-g T-h-e-l-e-n, I serve as the director of the State of Nebraska Electrical Division. I'm here today on behalf of the State Electrical Board to express our support for LB889 and to request that it be advanced. The State Electrical Board is composed of electricians, engineers, electrical inspectors, and representatives from local utility companies. And our primary mission is to protect public safety. LB889 proposes to amend statute 81-2143 by elevating the penalty from a Class I misdemeanor to a Class IV felony. This change is necessary due to the increasing number of cases involving unlicensed individuals performing electrical work without proper permits or inspections. These situations create unsafe conditions and put Nebraskan citizens at risk. Just last week, I handled 3 separate cases where unlicensed individuals performed work that was not up to code and imposed potential danger to homeowners. When confronted, the common response from these individuals is, well, what can you do to me if I keep doing the work? Currently, we explain that the violation is a misdemeanor and may be referred to the county attorney. However, because of heavy caseloads and the low priority placed on misdemeanor violations, these cases are often not pursued or are pled down to even lower-level offenses. As a result, the unsafe work continues with little to no consequences. We are particularly concerned about out-of-state contractors and house flippers who perform electrical work without the, without the required license or

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registration. This often means the work is done without permits and without the safety inspections that protect the public. These installations frequently fail to meet current code requirements, leaving Nebraska residents exposed to a significant hazard. We maintain a robust disciplinary process for licensed electricians who violate the state statutes. And that handout I gave you kind of shows the process that we use for licensed electricians that violate the state statutes. Senator Clouse has referenced this process. However, these tools do not apply to unlicensed individuals. If you look at line item number 2, bullet, bullet point 1, it refers to the unlicensed, and we have-- the board has no power to do anything to them because they can't take away a license that they don't have, or they can't suspend a license. And so the board believes that stronger penalties are necessary to deter this growing problem and to better safeguard the people of Nebraska. And to answer the question that you had, Senator DeBoer. So a homeowner can do their own electrical work. They don't have to be licensed. In our state statutes, it says: doing work for others. So you have to be licensed to do work for others. So if you're doing it as a family member, a family, that does not apply. This is where these contractors come in and their purpose is to build a new house or to remodel somebody's house. That's kind of the problem we're seeing with unlicensed electricians coming from out of state. Kansas is a state that does not have a state [INAUDIBLE]--

BOSN: You can finish. You're answering a question at this point. Thanks.

CRAIG THELEN: So Kansas does have a state licensing program, and so you get outside of municipals in Kansas, and anybody can work in Kansas without a license. And so they migrate into Nebraska to do work, and we see a lot of issues with houses that are not wired properly, and put-- potentially put the homeowners at risk. One example, we had a panel where they actually put the panel in the bathroom. And so and they had a family of three kids, and we opened up the panel and it was full of water. So and this happens a lot more than we care to deal with. So that's why we're trying to deal with this situation by increasing the penalty phase.

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BOSN: Senator DeBoer.

DeBOER: Thank you for answering my question mostly. Let me see if I can kind of put the finest point on it here, and that is, so the homeowner can do their own electrical in their house. But let's say Senator Bosn, I know, is extremely handy. I say, Senator Bosn, last week, this is true story. I looked up, one of my lights was full of water and I said, hmm, I need some help here. My brother-in-law came over. But let's say instead of a family member I asked Senator Bosn because she's handy, and she comes over and she helps me take down the light, let the water out, fix it up, whatever. Figure out what the problem is. Now she's done-- I don't think she's licensed There's no part of me that thinks she's license.

BOSN: I'm not.

DeBOER: So I don't think she licensed and I-- she helps me out whatever, whatever. Has she committed this crime of acting as an unlicensed electrician?

CRAIG THELEN: Did you pay her to do the work?

DeBOER: No.

CRAIG THELEN: So these are people that are doing this for a business.

DeBOER: So if we added-- because if we're making it a felony, it's a pretty serious crime.

CRAIG THELEN: Absolutely.

DeBOER: So if we're making it a felony, can we add that they have held out to be in some manner or been paid for or would that be--

CRAIG THELEN: Yeah, I'm OK with that, because I think it helps clarify that. Because that is a question that comes up.

DeBOER: So it would be--

CRAIG THELEN: But there is certain things like on a residential, like if as a homeowner, you can do all your work. And there's a permitting

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process for that as well. So we can inspect it to make sure it's done properly to code. And so that, that process is available to the homeowner to do those kind of projects if they want to. The only thing that by statute is required to be permitted on a homeowner permit is the new service. If they upgrade the panel, everything else they can do technically without a permit. But a lot of times we have them file the permit because they want to make sure it's inspected and done to the code. And so but there's no payment because their insurance protects them, they're the homeowner. It's when these guys that come in that don't carry that insurance, they're doing work for others and that put that homeowner at risk.

DeBOER: And I think as long as it's clear about that they have basically made a false statement that they were licensed or held themselves out to be licensed as opposed to someone who's just really helping out a friend.

CRAIG THELEN: Absolutely, I agree with that.

DeBOER: Thank you.

BOSN: Any other questions for this testifier, Senator McKinney?

McKINNEY: Thank you. And thank you. How is current enforcement carried out? So if you find somebody who lied and said they were licensed, how is that-- how would you report it and how is that being carried out currently?

CRAIG THELEN: OK, so what we do in that case is we'll investigate what if there was-- what kind of work was done. So there's a, a section called maintenance where they can change out switches or outlets, stuff like that. So if they're changing and modifying the branch circuits. So we have to figure out what they actually did, if payment was received and, if they are not licensed, then right now if they aren't licensed, the board can't take away a license they don't have. So we turn it over to the county attorney and county attorney typically will prosecute. And what's happening right now we're hearing from the county attorneys in most cases is their workload is so heavy that a misdemeanor is kind of filed to the back of-- or the bottom of

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the stack and nothing ends up happening. Or they plea it down to just a fine and they continue to do the work. So that's kind of where the challenge is with, with unlicensed electricians, especially from out of state.

McKINNEY: OK. And my last question, is there a database or somewhere a homeowner can search to see who-- if, if an individual is licensed or not? Or is it just--

CRAIG THELEN: Yep. Yeah, you can go out to our website and at the bottom of our home page of our website they can do a license search. They can look up an individual's name and they'll tell them what license they carry.

McKINNEY: Will it say whether it's active or inactive?

CRAIG THELEN: If it's in the database, it's active.

McKINNEY: OK.

CRAIG THELEN: All the inactive ones would not be in our database.

McKINNEY: All right. Thank you.

CRAIG THELEN: Yep.

BOSN: Thank you. Any other questions for this testifier? Thank you for being here.

CRAIG THELEN: Thank you.

BOSN: Yeah. All right. Any other testifiers in support of LB889? Opponents?

***SHANNON CORYELL:** This is a bad bill because it puts a hardship on grassroots organizations. It also deters people from volunteering.

BOSN: Neutral testifiers? All right, Senator Clouse, if you'd like to come up and close. Welcome back.

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CLOUSE: Thank you. I would just like to point out on the bill, on page 2, it talks about the, the strike-through is again a Class IV felony, knowingly, unwillingly, and then it lists out several of the things that, that can lead to some of that. So it does lay out some of the issues that they encounter. And I would appreciate some of comments, and some of the opponents that I had the opportunity to talk with and did, did-- weren't here to testify, but their concern was about the "knowingly and willingly." They said, well, if somebody just messes up and doesn't fill out the report right or something like that, they didn't want to be held to that standard. But this is very, very clearly says knowingly and willingly for licensed electricians. And I would just share a story that, you know, being in the utility business my whole career, I don't like playing with gas. I don't like wiring and all that stuff. To me, you need people that are licensed and take care of that. And we had a housing proj-- project at home. I told my wife, hire an electrician, because I said, I want to make sure it's done right and you feel safe. So this is really a public safety issue, because most of us aren't familiar with it, and we're just depending on the licensure and that they're going to do their job. So with that, thank you. And I'll answer any questions you may have.

BOSN: Perfect. Any questions for Senator Clouse? All-righty, thanks again.

CLOUSE: Thank you.

BOSN: That will conclude our hearing on LB889. Next up we have LB1090. While Senator Murman is making his way up, I will note there was 1 proponent comment, 38 opponent comments and no neutral comments submitted. There was one ADA comment submitted in opposition from Shannon Coryell, and that's C-o-r-y-e-l-l. And that will be included in the official hearing transcript and as a testifier on any committee statement that may be published. Thank you and welcome.

MURMAN: Thank you. Good afternoon, Chairman Bosn and members of, of the Judiciary Committee. My name is Dave Murman, D-a-v-e M-u-r-m-a-n, I represent Nebraska's 38th District. Today I have the opportunity to introduce LB1090. LB1090 seeks to pro-- promote security and trust in our currently sometimes messy petition process. During the 2024

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election, there were some very concerning trends. To be clear, I am not contesting the results of the actual election. My concern is instead with the processes that occurred with the petition process prior to ever being on the ballot. I'll speak to one example. During the court process that followed the election, one woman who worked as a petition circulator admitted to the judge that she had, had signed off on 18 signatures she did not personal-- personally collect. She had testified in court that she never knew of any circulator notary requirements and she had dropped off petition sheets to at least two other notaries or incorrectly signed her oath at her kitchen table. What makes this matter even worse is that this was entirely predictable. In her past, she had not one, but two felony convictions involving fraud. When prior convicted felons aren't following the established procedures and sponsors of those petitions aren't doing their due diligence and educating and screening their circulators, that harms trust in our election process and is unsecure. When Nebraskans go out to vote and look at their ballot, they should have faith in the system that a logical legal process was followed. Right now, when we have convicted felons collecting signatures, and not following the established process, I don't know what they can truly have that trust-- I don't know that they can have that truly have trust. LB1090 seeks to build some of the tru-- that trust back. Under LB1090, those who have been convicted or pleaded guilty to a felony are not eligible to qualify as petition circulators. This is done by filing a simple notarized affidavit attesting they are not a felon. If they falsify this information on the affidavit, they could be guilty of a felony, no different than if they were to lie under oath or other sorts of fraud. I will note that based on feedback by the Secretary of State's Office, who is of this bill, I have brought an amendment which keeps storage of those affidavits with the sponsor of the petition initiative rather than the Secretary of State's Office. This will reduce the administrative process for the Secretary of State's Office while still allowing them to-- them the ability to request those records as needed. This should keep the intent of the legislation but avoid any increase in a fiscal note. Thank you, and I'm happy to take any questions.

BOSN: Questions for Senator Murman? Senator McKinney.

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McKINNEY: Thank you. Thank you, Senator Murman. A couple of questions. One, how do you rationalize this with the fact that felons can vote in our elections?

MURMAN: That's a good question. I think that this is needed even if felons can vote because as a petition circulator you have even more influence than one vote. So I think it is important that circulators are to the best of our ability determined that they're honest and to do that.

McKINNEY: OK. My other question is, and I, so we have like-- so I had a bill, I think, last week dealing with like certificates of employment and allowing people to get set-asides for specific licensures and things like that. Do you think it would be a better way to address this issue that you're saying is happening to just say individuals who may have been convicted of a felony dealing with fraud or like some type of mis-- like misrepresentation, false information, those type of things be prohibited versus a blanket every felon? If it's more narrow, do you think that would address what you kind of stated in your testimony?

MURMAN: No, I, I think it's important to anyone that's convicted of a felony. That, that's a serious enough offense that they should not be allowed to be a circulator.

McKINNEY: All right, thank you.

BOSN: I have just a couple of questions. Is the intent here then that the-- so if I want to be a petition circulator, I fill out this affidavit, and it's for Senator DeBoer's petition for medical marijuana, let's say, and I file it with her. Am I then in the database, so to speak, as a petition-circulator who's certified, or when Senator McKinney comes to me and says, would you like to circulate petitions for my ballot initiative for recreational marijuana, it's different than Senator DeBoer's, would you like to do it? Do I have to submit another affidavit or, or certification affidavit with him as the petition drive person?

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MURMAN: I'd have to review exactly what the bill says on that, but I assume you'd have to fill out an affidavit for each petition.

BOSN: So each petition, I guess the person who's initiat-- I'm drawing a word blank on what you would call them, but the initiator of these petition drives would then have to have their own separate and distinct-- and so then am I guilty if I lie and I submit one to Senator DeBoer's petition, say I'm not a felon. Am I guilty of a second offense then when I submit a second petition to Senator McKinney's petition drive? Does that make sense?

MURMAN: Kind of. I'd have to review exactly again what the bill says, but I-- if the number of affidavits that you signed to circulate a petition, I would think you'd be guilty of a felony for each affidavit.

BOSN: OK.

MURMAN: Maybe that'd be up to the courts to decide. I'm not sure.

BOSN: OK. Senator Hallstrom.

HALLSTROM: This may provide some clarity. On page 4 of the amendment, it says the sponsor of the petition shall file a list of the names of the circulators of such petitions. So I think it anticipates that each petition will have a separate list of their circulators that could be reviewed to determine if there's anyone on there that has falsified an affidavit. The question I had was just one of semantics. On Section 4, page 3, it says each petition circulator shall submit an affidavit prior to circulating petitions. Seems kind of odd that you're called a petition circulator before you've circulated petitions. You might want to call them a potential petition circulator.

MURMAN: Yeah, that's something that we could correct with an amendment if necessary.

HALLSTROM: Thank you, Senator.

BOSN: Senator DeBoer.

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DeBOER: So is there no fiscal impact then? If this is-- if we do it this way with the AM11-- AM1775, have you been assured that will get rid of the fiscal impact?

MURMAN: Yes, we've talked to the Secretary of State's Office and they have assured us that there wouldn't be a fiscal note if we do it this way.

DeBOER: OK. Thank you.

BOSN: Senator McKinney.

McKINNEY: Thank you. How wouldn't it be a fiscal impact? Because who verifies that the list that the sponsor submitted of whoever said they were not a felon is verifiable? Like, because basically, if there's no impact, then how does this list get checked?

MURMAN: If I remember correctly, they said there would be no fiscal impact. They may have said, and I don't remember exactly, that it would be a minimal fiscal impact

McKINNEY: Oh, OK. Because I'm just wondering, like, if the sponsor is taking in the list and then submitting the list, somebody has to check the list.

MURMAN: Yeah.

McKINNEY: That's where I'm wondering--

MURMAN: Yeah.

McKINNEY: --some type of impact somewhere. Thank you.

MURMAN: I'm thinking they said they could absorb that, but I may not remember exactly. They may have just said a minimal fiscal impact.

McKINNEY: All right.

BOSN: Senator Hallstrom.

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HALLSTROM: From reading the Secretary of State's letter and the amendment, it seems like they're switching it to where the Secretary of State permissively can request the list and therefore perhaps that's removing the potential fiscal cost. They only do it if they request it.

MURMAN: Yes. So only in that case would there be probably a minimal fiscal impact, I assume.

HALLSTROM: Thank you.

BOSN: Senator DeBoer.

DeBOER: Could anyone else request the list then? So say the Secretary of State likes my petition, but doesn't like Senator McKinney's petition, so he would request it for Senator McKenney's. Senator McKinnney doesn't liked my petition. Can Senator McKinney request the lists for mine? Or would you be amenable to an amendment that would allow that? Because it doesn't seem fair to this-- that some petitions are held to one standard and others to another.

MURMAN: If I remember correctly, only if the petition drive was successful would they request the affidavits.

DeBOER: But anybody could request them?

BOSTAR: No, the Secretary of State would request them in that case.

BOSN: All right. Are you sticking around to close?

MURMAN: Yes.

BOSN: All right, perfect. First proponent. Anyone here to testify in support of LB1090? Good afternoon and welcome.

BLAKE ASPEN: Good afternoon, senators. My name is Blake Aspen, B-l-a-k-e A-s-p-e-n, I'm here in my personal capacity, and I was proud to work with Senator Murman on this bill and this critical issue that it addresses. Ballot initiatives have become increasingly popular. Senator McKinney and Senator DeBoer were both sort of hinting at this

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that, you know, that these are becoming more prevalent and sort of digging into why this bill is necessary with their questions of Senator Murman. In the last couple of elections, there's been several well-funded campaigns, stemming across several issues, and the procedures for safeguarding this process are just not fit for purpose. There's no doubt that prior to the 2024 election, the medical cannabis campaign utilized convicted felons to circulate petitions across Nebraska, including the one mentioned by Senator Murman. Any petition drive circulator is an important role of public trust. Senator McKinney was asking Senator Murman, you know, why would this be necessary when felons can vote? Felons are also prohibited from holding public office in the state, constitutionally barred. And so similarly the ballot petition process is a role where they are inherently making changes to the laws in our state. So it's necessary that they be held to a higher standard. I strongly believe that the, the trust that is supposed to be held by these people was violated by the Medical Cannabis Commission in the 2024 election. Another sort of interesting point is at trial during the Kuehn v. Evnen trial. The medical cannabis campaign had their valid circulators testify. They sought to impeach the testimony of their circulators on the basis that they were convicted felons to discredit their testimony. And as soon as they leave the court, they then want those people to circulate petitions and signatures across the state? It's an absurd proposition. Senator Murman and Senator Storm now bring a common-sense proposal to fix this with LB1068 and LB1090. Specifically, Senator Storm's covers another area, which is the fraud and misrepresentation crime. I think that those need to be defined a little further so that it doesn't get wrapped up in court, specifically mentioning perhaps Nebraska statutes that, would violate that trust. It just prevents further litigation on that issue, and I would just end by saying that this is immensely important because trust in our, in our, in our laws comes from the idea that there-- that the election is going to be safeguarded, that people's signatures actually mean who they represent and that it's not a fraudulent process. I ask that you support LB1090 or alternatively LB1068 to the floor. I'd be happy to answer any questions.

BOSN: Thank you. Any questions for Mr. Aspen? Senator McKinney.

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McKINNEY: Thank you. Thank you, Mr. Aspen. Would it be fair to say under what you just kind of said in your testimony that if President Trump was a citizen of Nebraska, he wouldn't be able to be a petition circulator?

BLAKE ASPEN: I'm not sure. I think that his criminal appeals are pending litigation, but he certainly might not be able to.

McKINNEY: And you would be OK with that?

BLAKE ASPEN: I don't know. I, I guess I haven't thought about it.

McKINNEY: All right. Thank you.

BOSN: Any other questions for Mr. Aspen? Seeing none, thank you for being here.

BLAKE ASPEN: Thank you.

BOSN: Yeah. Next proponent. Anyone here to testify in support? Move to opponents. Anyone here testify in opposition? Good afternoon and welcome.

CHRISTEN RASMUSSEN: Hello, my name is Christen Rasmussen, that is C-h-r-i-s-t-e-n R-a-s-m-u-s-s-e-n. I'm going to start this by letting you guys know I myself am a felon. I come today to comment on this bill with deep concerns for the morality behind it. Petitions correlate with fair representation. Fair representation is intended to ensure that our Legislature adequately reflects the viewpoints of its constituents. This means that our government has a duty to its people to listen to a diverse set of viewpoints, whether they respect them or not. They have a duty to listen to all that are impacted by their decisions. Felons, whether they are respected or not, are still humans and deserve to be heard. Instead of saying the state of Nebraska should remove the right to circulate pet-- petitions for felons, I am going to explain why doing so is detrimental to the people of Nebraska. To do this, let's discuss some of the key purposes petitions serve. First, petitions are intended to give a voice to minorities. Considering how systemic racism already greatly impacts minorities, it feels that it is worth noting that this bill feels very pointed. I

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don't think anything more needs to be said on this particular matter. Second, petitions are intended to drive policy and social change and I can already tell that people are questioning what we could possibly bring change that is positive. Let me tell you from personal experience, felons do want to be successful when they're released. We abso-- absolutely do want to have and live better lives. Unfortunately, felons are faced with many challenges that people do not fully understand until they are faced with them themselves. Re-entry and other similar programs for felons can be a lifeline to a successful rehabilitation. However, without petitions and fair representation, the few wonderful programs that we have could dwindle or become obsolete. Without programs, felons are at a, at a significantly higher risk of re-offending. I would question why it is the intent of our state's representatives to keep Nebraskans incarcerated instead of represented. Third, facilitating action in civic engagement. This point that I am to make cannot be proven with statistics, but rings true for myself and many other felons that I have come to know. We want what is best for our communities. Yes, every single one of us. Not all of us will work towards that on a political level, but many are more than happy to take a stance on issues that all of you care deeply about. Just this week, I personally commented on multiple bills online. I even present myself to you now in both my shame and my pride to say I want a better Nebraska. We all want to grow and thrive and feel that we are part of the community. Petitions connect us to our peers. They allow us to see better perspectives, but also allows people to see us for who we truly are, not our charges. We are Nebraskans-- oh, sorry.

BOSN: If you wanna wrap up your final thought, you're fine.

CHRISTEN RASMUSSEN: Just a short little bit. We are Nebraskans. We are your family. We are our friends and your neighbors. Imagine the changes we could continue to make in our beautiful state if we would allow more opportunity for felons to better understand the laws they break and the people they impact instead of altogether silencing them. As a final plea to my peers, I ask you to step outside of politics for a moment. I present myself to you openly admitting that I myself have done harm to this state with the crime I committed. I understand that this fact alone will greatly impact the opinion of those listening. I

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will take this moment to say to our reps, I regret the harm that I have done, but I also truly wish to be better for my community. I come here today to say, I want to stand in unity with Nebraskans for Nebraskan. But to do so, I need my community to also stand by me. Support my voice as well as the voice of all felons of Nebraska, thank you.

BOSN: Thank you for being here and for sharing your testimony. Let's see if there's any questions. Any questions for this testifier? Again, thanks for being here. All right, any other opponents? Anyone else here in opposition? Good afternoon and welcome.

GAVIN GEIS: Good afternoon, Chair Bosn, members of the Judiciary Committee. My name is Gavin Geis, that is spelled G-a-v-i-n G-e-i-s, and I am the executive director for Common Cause Nebraska. Common Cause is an organization dedicated to the core principles of American democracy, and one of those principles being representation of the people and their government and their right to speak out and to petition their government. We stand in opposition to LB1090 today for a variety of reasons. First of all, this is a solution in search of a problem. Yes, there were instances of some bad actors during the 2024 election, but it is not a widespread issue. We don't-- we have yet to engage as an organization in the petition process, but we watch it closely. We monitor each petition and watch as how petitions are circulated, how the members of those circulators act, and it is just not a widespread problem. It's not something that certainly is why-- enough of a problem to justify taking away the constitutional rights of many Nebraskans, of thousands of Nebraskan. And that's, be clear, that's what we're talking about. We're talking about a right enshrined in Nebraska Constitution. The right to petition your government, the right to bring forward these amendments and these initiatives to change state law. So we are discussing today is taking away the rights of Nebraskans. So, while this is certainly a problem in-- sorry, a solution in search of a problem, I do believe there will be some major impacts if we would pass it. First of all, there would be a disproportionate impact on campaigns. The campaigns that would be most injured by this would be the small grassroots initiatives. It would not be the well-funded, large efforts with paid circulators. The paid circulators will be able to simply adjust to this in terms of hiring,

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in terms how they go about administering this. But when it comes to a grassroots campaign, you simply can't be turning away volunteers who are passionate about your issues. It will be those campaigns who don't have the money to pay for circulators who will be most injured. That is-- there is no doubt in my mind that that is true. The large campaigns will simply adjust to this and move on. And again, there is no evidence of fraud or damage being done to our process that would justify the taking of constitutional rights. Another point I would like to make is this is a step backwards in how we look at felons in Nebraska civics. In just the last two years, right, we've moved forward in giving rights back to people who have been convicted of felonies, who have that in their past. We've given voting rights back. This would be a regression. This would be a taking away of rights even as, on the other hand, we give rights. I think that's the wrong direction to head. As the testifier before me so, so well put it, there are so many people who have been through the system who now want to come back and be engaged and make an impact on our government, on our society. I think we need to ensure that they're able to do that and not be taking away their civic rights and their civic, civic duties even as we hand them other rights. So, I would, for all those reasons, I would encourage this committee to not advance this bill. We do not believe LB1090 is what's best for the state and certainly not what's best for our elections and our for-- for our petition process.

BOSN: Questions for this testifier? Senator Hallstrom.

HALLSTROM: I haven't looked into this issue and I don't necessarily have a position on this bill at this time, but is there a difference between the right to petition your government that's enshrined in the Constitution and any right to circulate petitions? Is there a distinction between the two or is one part of the other one inherently?

GENE COTTER: I think it's a good question. I, I, I, by my understanding, they are one in the same, right? We have individual rights. And to gather, to aid in the petitioning process would be one part of that right. And so taking that way would, would be a taking of that right.

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HALLSTROM: Thank you.

BOSN: To sort of piggyback off on that, I, I sort of agree. I mean when you're saying this is taking away a constitutional right, you gotta be a little careful when you accuse someone of that right?

GAVIN GEIS: Certainly.

BOSN: There's nothing in-- and I also don't know how I feel about the bill, but there's nothing in this bill that would prohibit someone as a convicted felon from signing onto the petition, you concede that?

GENE COTTER: Yes, absolutely. But in the same note, being able to put forward your effort to help gather signatures to get it on the ballot, I do believe is an inherent part of that process, right? We need people to help--

BOSN: But you, the belief of that is different than saying it's in the Constitution.

GENE COTTER: Certainly so.

BOSN: OK, all right. Any other questions in light of that? All right, thank you for being here.

GAVIN GEIS: Thank you.

BOSN: Next opponent. Good afternoon and welcome.

OLIVIA LARSON: Thank you, Chair Bosn and members of the Judiciary. My name is Olivia Larson, O-l-i-v-i-a L-a-r-s-o-n, I am the policy and advocacy associate at RISE. RISE is the largest nonprofit in the state, focused solely on rehabilitative programming in prisons and reentry support. Many of you have heard the rest of that spiel, but it is written for you. The mission of RISE is to break generational cycles of incarceration. At RISE we believe civic engagement is a crucial component to successful re-entry. As a pro-social behavior, studies have shown civic participation is a successful strategy of community reintegration. People with previous convictions that are engaged in the electoral process are less likely to recidivate. LB1090

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weakens Nebraska's voters-- Nebraska voters' right to participate in civic elections. LB1090 further complicates voting rights for people with previous convictions, including restoration of voting rights that the Legislature passed in 2005 and 2024. This bill requires a pardon for anyone with a felony conviction to circulate a petition. But as previously addressed, both in statute and by the Nebraska Supreme Court, any voter who's completed their sentence doesn't need a pardon to vote, including on ballot measures. However, under this bill, they would not be able to collect signatures for petitions that create such measures. This presents another barrier for people with felony convictions to hold a paid position in petition circulation. And securing employment is one of the many challenges that we know to re-entry, and this bill exacerbates that hurdle for returning citizens. For these reasons, we oppose LB1090 and we ask the committee not to advance this bill.

BOSN: Thank you. Any questions for this testifier? Senator Storm, followed by Senator Hallstrom.

STORM: Thank you. Thank you for being here today. So you said RISE is the largest non-profit in the state, as in numbers or financially or what's the--

OLIVIA LARSON: So we're the largest as far as our team, and we're also a statewide organization, so we're the largest focused on programming in prisons and reentry. There are some that do like just reentry or just in-prison programming.

STORM: OK, so you mainly deal with people in prison trying to-- what, what's the mission, I guess, for RISE? Or do you work in ballot initiatives, or what's the--

OLIVIA LARSON: So we have not worked on any ballot initiatives ourselves. We're focused more on just like when people have returned home, you know, helping them as part of re-entry. We worked with the Voting Rights Restoration Coalition to work on restoring the right to vote. But yeah, we haven't engaged in any petition circulation.

STORM: OK, thanks.

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BOSN: Senator Hallstrom, followed by Senator Holdcroft.

HALLSTROM: Just to clarify, paragraph four of your testimony says LB1090 further complicates voting rights. It actually complicates circulating petitions. What impact does it have on voting rights?

OLIVIA LARSON: So that might have been my painting with a broad brush here, but as someone who does a lot of advocacy and education to voters and trying to get them civically engaged again, it's very complicated in trying to explain what they can and cannot do. And so kind of similar to what Gavin was saying about explaining what civic participation they can engage in like voting versus, no, you can't sign a petition, it just makes it harder for us to kind of explain to voters like what they can and cannot do.

HALLSTROM: Notwithstanding how difficult it is to explain, the fact is they can vote irrespective of whether they can circulate petitions.

OLIVIA LARSON: Correct.

HALLSTROM: Thank you.

BOSN: Senator Holdcroft.

HOLDCROFT: Thank you, Chairwoman Bosn. Just to clarify a little bit more on what Senator Storm was asking, RISE actually goes into the prisons and holds classes and certifications to get the incarcerated individual ready to actually be an entrepreneur. Is that a fair, fair statement? So--

OLIVIA LARSON: Yes.

HOLDCROFT: And then after they get out, you also hold-- typically hold classes for them and have graduation ceremonies and celebrations. So it's really a hands-on device lobbying function.

OLIVIA LARSON: Yes, yeah, we engage with all of pre-release and post-release. We start as soon as 18 months to their first release date, and yes, so we have a RISE Business Academy, so we help kind of get people trained in entrepreneurship and train people. Our

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employment side helps connecting folks with employers who are doing second-chance hiring, et cetera. So yes, we do have a lot of programs and continue to expand every day.

HOLDCROFT: Thank you.

BOSN: Thank you for being here.

OLIVIA LARSON: Thank you.

BOSN: Next opponent, anyone else here in opposition?

SPIKE EICKHOLT: Good afternoon. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t, I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association and the ACLU of Nebraska in opposition to the bill. The Criminal Defense Attorneys are, are opposed to yet another felony that's being proposed to be added to the books. So the majority of my comments are going from the ACLU perspective. We have a number of problems with the bill, but one concept of the bill is the assumption that a person who is convicted of a felony should be deprived of the right. And I think they do have a right under Article III, Section 2 of our Constitution. People have the power of initiative, whether they should be deprived of a right to circulate petitions in something they believe in. As you already heard, when people complete their sentence in Nebraska, if they're convicted of the felony, they can vote, they can testify at committee hearings, they can submit online comment, they can meet with our elected officials, they can influence the public process. And this takes, arbitrarily, we would argue, the right of circulating petitions away from the people. The justification for the bill seems to relate to the medical marijuana petition but this bill respectfully doesn't really address anything that came out of there. And I was not involved in lawsuit but I followed it. But there was no basis, whether you're the plaintiff, John Kuehn, or you're the third-party intervener, Secretary Evnen, there was no sort of claim that anyone circulating the petition was a felon. There was some claim and some evidence at the hearing that a circulator may have falsified some names, but that person was not a felon. There were some claims that some of the notaries that notarized the petitions and swear, swear the circulators into

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acknowledging the petition collections were not done properly. But again, not because the circulator was a felon or anything like that. So I think that's based on this incorrect assumption. A felony is anything this committee and this Legislature wants it to make. It doesn't mean it has anything to do with any kind of nexus of fraud or deception or deceit or sabotage of government. It really is simply anything and, I'll editorialize, more and more things that this body wants to make a felony. I would point out one technical thing if the committee is going to act on this. The bill applies to more than just convicted felons. It applies to anyone who is pled guilty to a felony. If you look on-- I just have the original bill, but on page 2, line 13, so maybe it doesn't have this in the amendment, I haven't seen that. But on page 2, line 13, and again on page 2, line 24, it uses the phrase "convicted of a felony or pled guilty to a felony." Those are two separate things. For instance, to take part in almost all the problem-solving courts, you plead guilty to a felony. You're not convicted. And even though that felony may be dismissed later and you can withdraw your plea, you have pled guilty to the felony. And that's different and that's something that the committee should know, because that's not the same thing. So you have this sort of odd equivalency between an actual convicted felon and someone who's just pled guilty to a felony. There are other policy reasons that have been articulated before. We'd urge the committee to not advance the bill. I'll answer any questions you have.

BOSN: Questions for Mr. Eickholt? Seeing none, thank you for being here. Next opponent. Anyone else in opposition? Neutral testifiers. Anyone here in the neutral capacity? All right, Senator Murman, if you'd like to come back up to close.

MURMAN: OK thank you. I am for-- all for rehabilitation of anyone that's been convicted of a crime, especially felons. And but I do think as, you know, the reason for bringing this bill is that I, I do think there is enough influence on our elections by petition circulators that felons should not be allowed to circulate a petition. And as far as constitutional rights go, felons in Nebraska cannot own a firearm, so there is a constitutional right that's taken away from a convicted or convicted felon at this time. So I do think it's a, a good bill to protect the trustworthiness of our petition process and

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our elections. So I urge you to vote LB1090 out of committee, and I'm open for questions.

BOSN: Any questions? Thank you very much.

MURMAN: Thank you.

BOSN: That will conclude our hearing on LB1090. Last but not least, we have our very own Vice Chair, Senator DeBoer, here for LB1080. LB1080 had no proponent, no opponent, and 1 neutral comment submitted.

DeBOER: My first bill of the year, beginning of the end. Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent the 10th Legislative District in vibrant northwest Omaha. Today I am introducing LB1080. LB1080 is a bill permitting the use of unsworn declarations in civil proceedings. As a refresher for you civil procedure experts like Senator Holdcroft, parties in civil cases sometimes need to submit written evidence in support of a motion or to establish something that was done, for example, proof of service. Currently, the written evidence must be submitted in the form of an affidavit, which, as we all know, is a notarized document. LB1080 would allow the use of an unsworn declaration instead of an affidavit only in civil cases, and only for the purposes for which the affidavit can be used under the current statutes. The main difference between an unsworn declaration and an affidavit is that an affidavit is signed by a notary and an unsigned-- unsworn declaration is not. I believe this change will make the judicial system more user-friendly by eliminating the need for people to find a notary to notarize an affidavit and to subsequently have to pay the notary for their services. I'll note that this is particularly helpful in rural areas where it's hard to always find a notary. Because unsworn declarations do not have the notary requirement, requirement, this will be a great benefit to anyone who does not have a notary near them. Unsworn declarations are not a new thing in the judicial system. The federal government first allowed the use of unsworn declarations in 1976, and there are at least 30 states that currently allow the use in court proceedings of unsworn declarations that are signed in the United States. Unsworn declarations are also not new in Nebraska. In 2017, we enacted the

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Uniform Unsworn Foreign Declarations Act. And last year, we passed LB470, introduced by our own Senator Bosn, to allow attorneys to execute unsworn declarations when the attorney's signature is required by virtue of the attorney's representation of a party in the action. LB1080 represents a next step in our use of unsworn declarations, and it provides for protections against fraud. LB1080 also modifies our perjury laws to capture the new uses of unsworn declarations and uses plain language rather than "lawyerly" language to ensure that the average citizen involved in these actions understands the severity of signing an unsworn declaration. The bill came to me from Professor Lenich at the University of Nebraska College of Law. He's here to testify and would certainly be able to answer any questions you may have. And with that, thank you for your time. I will say, I noted that there was a neutral testifier. We looked at that testimony, and I will have Professor Lenich address any questions that you might have regarding that, that letter that we got submitted.

BOSN: Questions from the committee? I just have a couple. This would be used in any civil proceeding. And the, the concern always is with these, you having a document that has my signature, it's a sworn declaration, and me saying, I didn't sign that. And you said you have protections against that. And I'm curious if you could tell us what those protections are.

DeBOER: I'm going to let Professor Lenich answer that question for you.

DeBOER: OK.

BOSN: But the idea is that because it also modifies the perjury laws, that it helps to capture some of those issues within it.

BOSN: OK. All right, thank you. We'll take proponents. Good afternoon and welcome.

JOHN LENICH: Thank you, Senator. Good afternoon, Senators. My name is John Lenich, and I'm here today in support of LB1080. I prepared two documents for you, a one-page Q&A that summarizes the key points of the bill, and a longer memorandum that discusses it in greater detail.

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Now, the scope of the bill is very narrow. It would allow unsworn declarations to be used in civil cases for the same purposes that an affidavit can be used with some exceptions. Now, an unsworn declaration is a document that ends with the person stating under penalty of perjury that everything I've stated in this declaration is true before signing his or her name. It's different than an affidavit as Senator DeBoer indicated because there's no notary involved in it, and that of course raises the question what are we losing by eliminating the notary here. And the answer is actually not much. Now, the notary doesn't look over the contents of the affidavit or verify their, the facts. Supreme Court has made it clear that's not their job. Their job is to verify the identity of the person signing the affidavit and to confirm that the person attested to the truth of his or her statements. And that's normally thought to involve administering the oath. Now I have to say that in all my years I've never had a notary administer an oath to me when I've signed an affidavit, and I've been asking people for the past several months if they know of any of that ever happening. And they, they all have the same answer. And it's no. And that's consistent with the studies. There was a study in New York state, for example, that showed that notaries administered the oath about 10% of the time. And if the notary doesn't administer the oath, then the person signing the affidavit may not realize that they're actually signing under penalty of perjury. And that's why, another reason why declarations are actually better than affidavits, because right above the signature line are the words "I declare under penalty of perjury that everything I stated in this document is true." They know they need to be truthful because it's right there in, in front of them. And that's a good thing. I think Senator Bosn raised the question of what about the potential here for basically fake, fake declarations? Is that a real risk? And I think not, because it really would be pretty risky because people who provide written evidence in civil cases are usually deposed or called to testify at trial where they can be examined and cross-examined at witnesses. So you really have the adversarial system here at work to help discourage folks from manufacturing fake declarations. Now if we were talking about documents that involve the transfer a property like wills or deeds or stuff, then that would be I think a really pressing concern because you don't have the adversarial

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system there. But that's-- this bill is only applied to declarations in civil cases and, again, very limited in scope. I appreciate your time and I see I'm out of time. I would be happy to answer any questions you might have.

BOSN: Questions for this testifier? So I guess let me follow up on that. The transfer of property is a civil-- is that not a civil procedure?

JOHN LENICH: No. I mean, but this bill is aimed at civil ads-- it's part of the code of civil procedure in Chapter 25, and that regulates court proceedings. If we're talking about a will, that's not a, a court case where you have a plaintiff and defendant, kind of the same as you would have in a criminal case. So no, this would not-- signing a will, transferring title to a car, executing a power of attorney, those are not civil proceedings within the meaning of our statutes.

BOSN: OK, and since you were here for our last hearing, I'll just ask, what about circulating a petition?

JOHN LENICH: I'm sorry, I-- well, you know, and one of the reasons why this bill was limited was because there are lots of, of mentions of affidavits in our statutes. And there was a, a bill a couple years ago that would have just said you can use a, a declaration wherever you could use an affidavit. And the problem with that is what does it reach? You know, you could reach, for example, the affidavits by the circulars. Maybe that's a good thing. Maybe it's not. But I did a Westlaw search, that's a computerized legal research service. And I found hundreds of mentions of affidavits in our statutes. And I, my thought was the danger is, is what are you reaching? And so that's why this was limited to civil proceedings court stop. And not a general statute that says you can use a declaration any time in lieu of an affidavit.

BOSN: Perfect. Thank you for answering my questions. Any other questions from the committee in light of that? Seeing none. Thanks for being here.

JOHN LENICH: OK. Thank you.

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BOSN: Yeah. All right, any other proponents? Anyone else here in support? Opposition? Anyone here in opposition? Opponents? Neutral testifiers? Senator DeBoer, come on back. You're waiving. All right, that will conclude our hearing today on LB1080, as well as our hearings for today. Thank you all very much.