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Judiciary Committee January 30, 2026

Rough Draft

BOSN: All right. We're going to go ahead and get started in anticipation of somewhat of a long day. Welcome to the Judiciary Committee. I'm Carolyn Bosn from Lincoln. I represent District 25, which is southeast Lincoln, Lancaster County, including Bennet, and I serve as the chair of the committee. We will take up bills in the order posted outside to the best extent we can. This is a public hearing and your opportunity to be part of the legislative process and express your position on the proposed legislation before us. If you're planning to testify, please fill out one of the green testifier sheets on the table at the back of the room. Print clearly and fill it out completely. If you see an organization when testifying that is not on your sheet, it will not be included on the committee statement. When it is your turn to 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 on a bill, there are also yellow sign-in sheets on the back table which will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly, stating and spelling your first and last name to ensure we get an accurate record. The process will be the introducer's opening statement, followed by proponents, then opponents, neutral testifiers, followed by a closing if the introducer wishes to give one. We use a 3-minute light system for all testifiers. When the light is green, you may begin your testimony. When the light turns yellow, you have 1 minute remaining, and the red light indicates that you need to stop and questions may follow. If you have copies or handouts, please bring up 10 and give them to the page. Please silence or turn off your cell phones. Verbal outbursts and applause are not permitted and will be cause for you to be asked to leave. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 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 to be included in the official hearing record-- will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. You may testify in person or submit a position comment for the record, but not both. I will now ask the committee members with us today to introduce themselves starting to my left.

HALLSTROM: Thank you. Bob Hallstrom, Legislative District 1, southeast Nebraska: Otoe, Pawnee, Nemaha, Richardson, and Johnson Counties.

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STORM: Good afternoon. Jared Storm, District 23, Butler, Sanders, Colfax County.

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

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

ROUNTREE: Good afternoon. My name is Victor Rountree. I represent District 3, which includes western Bellevue, eastern Papillion, and the lands between.

BOSN: Thank you. Also assisting the committee today to my left is our legal counsel, Denny Vaggalis, and to my far right is our committee clerk, Laurie Vollertsen. We have three pages with us today, Kyanne Casperson, Kleh Say, and Luke Lawton, all from UNL. With that, we will begin today's hearing with LB1100 and Senator Sorrentino. Welcome to the Judiciary Committee. I will note there were no proponent, opponent, or neutral comments submitted online. Thank you, Senator Sorrentino.

SORRENTINO: Thank you, Chairwoman Bosn, members of the Judiciary Committee. My name is Tony Sorrentino, T-o-n-y S-o-r-r-e-n-t-i-n-o, and I bring to you LB1100. LB1100 makes a very narrow update to the Nebraska civil procedure statutes by removing the outdated word "hereafter" from the provision that establishes that Nebraska has a single form of civil action under Nebraska statute 25-101. This is a technical cleanup bill only. It does not change the substance of the statute. It does not change the unified civil procedure framework for Nebraska courts, which have operated under that for decades. The update simply modernizes the phrasing and removes language that no longer serves a legal purpose, more broadly because the committee is considering a number of civil and civil procedure proposals this session. I introduce this bill in part as a simple starting point that can help us keep related civil procedure changes organized in one place if the committee decides that that makes sense.

BOSN: Thank you. Questions for Senator Sorrentino? Seeing none, thank you very much. Proponents? Anyone here to testify in support? Opponents? Neutral testifiers? Senator Sorrentino, do you wish to close?

SORRENTINO: I waive close.

BOSN: All right. Thank you. That will--

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SORRENTINO: Thank you.

BOSN: Yes. That will conclude our hearing on LB1100. Next up, we have LB1148 with Senator Hunt. While she's making her way up, can I just see a show of hands, how many individuals are here to testify in some capacity on LB1148? One, two, three. All right. Thank you and welcome.

HUNT: Thank you.

BOSN: Also, I'll notice there are 21 proponent comments, 32 opponent comments, and one neutral comment submitted. Welcome, Senator Hunt.

HUNT: Thank you, Chairwoman Bosn, members of the Judiciary Committee. I am Senator Megan Hunt, M-e-g-a-n H-u-n-t. I represent District 8. And I'm here today to present LB1148, a bill that would provide a clear standard for parent-child relationships for kids that are conceived through assisted reproductive technology. So think of IVFs, sperm donation, anything other than the first thing we're taught about in school, you know. The impetus for this bill was an email that I received over the interim from a man whose father was a sperm donor. He lives in Utah, so he isn't able to be here, but as an adult, he's connected online with his half-siblings, and one of them is from Nebraska, so that's his connection to Nebraska, and that kind of spurred his advocacy for us looking at our parentage statutes. His name is Jack, and he submitted an online comment in support of this bill that you can look at, too. Some quick history about where assistive reproductive technology has come from. The first successful documented artificial insemination that resulted in a pregnancy was in 1953. Prior to that, American cultural attitudes toward donor inseminations were more archaic, that the use of donor sperm constituted adultery and resulted in an illegitimate child. But as science advanced to make this breakthrough more accessible to would-be parents, attitudes toward donor insemination started to turn and by the 1960s states began adopting statutory language to recognize these children and grant legal parental status to nonbiological fathers. Georgia was the first state to develop its own law and many others followed when in 1973 the Uniform Law Commission and the American Bar Association approved the first Uniform Parentage Act that year. If you're not familiar, the Uniform Law Commission is a bipartisan group of legal experts from across the country that creates model legislation as standards for states to adopt and avoid patchwork laws. At that time there was a widespread assumption that these kids conceived through artificial reproductive technology would never know who the biological father was. And we know now today with the advent

of DNA testing, and now you can even do DNA testing in your home with 23andMe and stuff like that, it really changed that. And now adult children of donors can easily and affordably do a genetic test at home. They can identify their biological fathers and biological siblings that they may not have even known about. And donor insemination, sperm donors, are no longer the primary form of assisted reproductive technology either. Women can donate their eggs, couples can donate embryos, and future fertilization can occur with or without the use of donor sperm. And these methods have become common for couples who are struggling to conceive. With all of that said, knowing the lay of the land with this technology, Nebraska law has not kept pace with modern forms of technology and the rise of more and more kids being born through these type of technologies. And this is practically leaving these children and parents on some precarious legal ground and the courts have no clear legal standards to follow. While a majority of other states have adopted some addition of the Uniform Parentage Act or developed their own law to address these situations including most of our neighbors, Wyoming, Colorado, Minnesota, Missouri, Nebraska's has been stuck in the 1950s as one of the few remaining states to statutorily address parentage and assisted reproductive technology in some way. Another thing happening is across the country informal sperm donation has surged driven by the Internet and shifting ideas about parenthood. There's online platforms like Facebook groups, there's websites like Known Donor Registry, and it's made it easier for Nebraskans to connect with donors outside traditional medical settings. While this provides hope for many families, especially in rural areas with limited access to fertility services, it leaves children born through these arrangements with uncertain legal parentage. Without clear laws, children face risks such as inheritance disputes, lack of parental support, or custody conflicts, most commonly. The gap in Nebraska's laws is increasingly concerning as diverse family structures continue to grow. LB1148 would address some of the legal complexities for parents who use assistive reproductive technology. My staff worked with drafters to adapt the ART, Assisted Reproductive Technology, ART-related portions of the 2017 Uniform Parentage Act to fit within Nebraska statutes. It's one that 11 states have now adopted, and it updates the previous 1973 standards. Nebraska needs a clear framework for establishing legal parentage in cases of assisted reproduction, including informal donations. By following the example of the many other states that have passed some uniform standard, Nebraska could proactively protect children, donors, and intended parents, ensuring legal parentage aligns with today's realities while informing family stability-- while

reinforcing family stability. Without this bill, parentage and the legal rights and responsibilities that come with it, like child support, inheritance, medical decisions, are assigned just based on biology, rather than what family structure that kid is actually born and raised in. Currently, many couples also have to undergo a second parent adoption process in order to establish a legal parent-child relationship for the nonbiological parent, which can cost tens of thousands of dollars. There's a recent court case where the state of Kansas sued a Craigslist sperm donor for child support, won, and then lost it on appeal. Its mirror image happened in Minnesota, where an informal sperm donor's suit for custody was only denied at an appellate level, which played a major role in the state's adoption of this law last year. In New Jersey, an informal sperm donor sued a lesbian couple for custody and won. A case in Pennsylvania made it all the way to their Supreme Court this March, trying to sort out parentage for a lesbian couple who underwent IVF and then separated before the child was born. Another risk is that biological connections identified through genetic databases can be weaponized by, quote unquote, surprise heirs or newly discovered half-siblings or turn into unwanted legal claims like inheritance disputes. I'm sure there are many more cases like this that haven't made the news, and I think we can expect even more in years to come, which is why we need to clarify the law. All of this is costing affected families and taxpayers a lot of money and legal resources, and also creating uncertainty in the lives of the children that are involved. The only obvious winners from the present arrangement that we have in Nebraska are family law attorneys. It's also, by and large, not happening in states with more recent versions of the Uniform Parentage Act because the courts in those states aren't having to make up the law on the fly. But our current statute's silence on these topics leaves us open to complex interstate paternity disputes that could easily be prevented by codifying clear statutory guidelines regarding parentage. I want to highlight for you that we are fortunate to have two members of the Uniform Law Commission here who are ready to share their experience with the committee. Mr. Larry Ruth is here from the Nebraska Chapter of the Commission and Ms. Libby Snyder came here from Chicago to be with us today as a subject-matter expert. I believe they will easily hit their time limit but they told me that they are happy to take additional questions from committee members concerning the history and background of the Commission and also the practical applications of the language that we've proposed through this bill. As you know I am not an attorney, this is not my level of expertise, this to me was just more of a thing that we go through as senators where someone

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reaches out to your office with a problem and there's a solution and so then you're when to bring it and I think that my office did our best to try and come up with a solution for this problem. I'm, of course, open to, you know, whatever feedback experts have and whatever feedback the subject-matter experts on this committee have. There is a clear need for Nebraska to update this area because it's currently silent on these situations and we do see in other states that there are disputes, it affects kids, and it costs taxpayers. This bill would move Nebraska in alignment with nearby states like Wyoming, Missouri, North Dakota, Minnesota, Colorado, and Illinois, all of which have adopted a similar Uniform Parentage Act governing assisted reproduction. So, yeah, please advance this bill so we can bring clarity and harmonization for parents and families who are just trying to build their families. Thank you.

BOSN: Thank you, Senator Hunt. Are there any questions? Senator Hallstrom.

HALLSTROM: Senator Hunt, thank you. In your testimony, you gave examples of a donor who had won a case, lost on appeal, another donor who won the case. And this bill says a donor is not going to be considered a parent, so we conclusively determine that. Am I reading that correctly?

HUNT: That's right.

HALLSTROM: Thank you.

HUNT: But, you know, if you, if you donate the sperm, you can't then, like, claim parentage over the child.

HALLSTROM: But it seemed like there were cases that went both ways elsewhere.

HUNT: Yes. I've also seen Law and Order SVU episodes about this, so I can imagine cases where that would happen.

HALLSTROM: And I stayed at the Holiday Inn Express last night.

HUNT: That, that helps, too. That's supposed to be good for you.

BOSN: I just have one question. Did you, and maybe you haven't had a chance yet, which is fine also, to read the online comments from Nicole Barrett at HHS.

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HUNT: Yes.

BOSN: OK.

HUNT: So we're really grateful that they're coming in neutral, happy to address any amendment.

BOSN: OK.

HUNT: Yeah.

BOSN: That's really my only question.

HUNT: No problem. Whatever. It's all good. Yeah.

BOSN: Thank you.

HUNT: Yeah. Thank you.

BOSN: All right. Thank you very much.

HUNT: Thank you.

BOSN: We'll begin with proponents. Anyone here to testify in support of LB1148? Opponents? Good afternoon and welcome.

MARION MINER: Good afternoon. Thank you, Chairwoman Bosn and members of the committee. My name is Marion Miner, M-a-r-i-o-n M-i-n-e-r. I'm here on behalf of the Nebraska Catholic Conference, which advocates for the public policy interests of the Catholic Church and advances the gospel of life through engaging, educating, and empowering public officials, Catholic laity, and the general public. I am here to express the conference's opposition to LB1148. We do not disregard the fact that in 2026 children come into the world who, due to their conception via gamete donation, will never have a relationship with one or even both of their natural parents, nor is the Church dismissive of children whose parentage is complicated by surrogacy or other arrangements that make the story of their family origin more complex. It is in fact on behalf of these children that we oppose policies like LB1148. In our view, the bill treats children as market commodities that can be acquired and/or abandoned at will by adults. Adult desires, adult autonomy, and adult consent are all, are everything in this worldview. And what happens to the children at the center evidently counts for very little. Section 2 of the bill makes clear that at least half the biological parentage of the child means

nothing if the child is conceived by assisted reproduction. The following sections are worse. Recall the Nebraska law presumed by default that a woman who gives birth to a child is the child's legal mother. Section 3(1)(a) provides that an individual who consents to assisted reproduction by a woman with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child, is a parent of the child. This requires no biological ties to the child nor any commitment to the woman who gives birth to the child. Alarming when read in conjunction with Section 3(1)(b) it also does not preclude-- a couple of examples: (a) The woman assumed by Nebraska law to be the child's mother, making a written agreement with the man who is unrelated to the child to be that child's legal parent, even over the objection of the child's biological father, who is a donor, as a donor is not a parent by definition; or (b) A married mother making a written agreement with a person outside the marriage to be her child's other legal parent. Section 3(1)(b) makes clear this can be accomplished simply by written agreement. Section 3(2)(b) requires a court in certain circumstances to navigate a maze of contingencies to try and establish what might best be described as an intent to intend to consent to parent. Section 4 allows for biological fathers of embryonic human beings created through ART but not yet transferred to the mother's body to abandon the children they consented to parent and cast off responsibility in the event of divorce. Section 5 allows for anyone to revoke prior consent so long as these babies languishing in freezers have not been transferred to the mother's body, these embryos. Section 8 reinforces abandonment rights of a married adult whose spouse gives birth to a child, given that marriage-- giving that married adult until the child is 2 years old in some cases to decide whether or not to be a parent after all and providing no time limit in other circumstances. I'll close there by saying we oppose this bill and we hope that you don't advance it from committee. Thank you.

BOSN: Thank you. Any questions for Mr. Miner? Seeing none, thank you very much for being here.

MARION MINER: Thank you.

BOSN: Next opponent. Anyone else here in opposition? Neutral testifiers? Anyone here in the neutral capacity?

LARRY RUTH: I don't have any written testimony.

BOSN: He just needs your green sheet.

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LARRY RUTH: Yes, interested in passing it over to Senator Hallstrom.

HALLSTROM: Other one, Larry or Mr. Ruth.

LARRY RUTH: OK. Good afternoon, my name is Larry Ruth, L-a-r-r-y R-u-t-h, and I'm here today representing and being a part of the Nebraska Uniform Law Commission. We appear today in a neutral position, but I want to explain that neutrality so that it isn't misunderstood. First, a bit about the Uniform Law Commission, the Nebraska Uniform Law Commission, which is a agency of state government, it has three former law school deans, two drafters who have made a living drafting, one being the current revisor of statutes and one being the former revisor of statutes, so they really add to the ability to draft and we have several practicing attorneys. I'm a practicing attorney here in Lincoln. Don Swanson from Omaha and Bob Hallstrom is now on the Commission also. He did practice law, does practice law, believe it or not, in Syracuse. But we certainly would normally be here to support the bill because it's one that we drafted. So we endorse the drafting of the bill, but here's a couple little things that have made us think about neutrality being the right position. Usually when we bring a bill to you for enactment, we spend a lot of time with local stakeholders, and we didn't have that opportunity this time, early, early introduction, early hearing, and not being critical of that process, but we feel-- would feel more, more comfortable if, if we had had an opportunity to work through the Bar Association, for example, and others. And then also we generally discourage selecting only a part of a uniform act. This is part of the Uniform Parentage Act, which addresses a lot of different issues, because sometimes you can't take something out of the middle of one act and just pass it. However, this, this is different because this language appears to be discreet, deals with legal parentage, where there's assisted reproduction, whereas the Uniform Parentage Act is much broader than that. And it answers issues which are currently unanswered in Nebraska by either the common law or statutory law. So with that in mind, we would be neutral in the bill, but it is our drafting. And I've asked one of our staff people in Chicago with the national organization who is actually involved with the drafting and can answer the subject-matter questions much better than me. So thank you very much.

BOSN: Thank you. Any questions? Seeing none, thank you, Mr. Ruth. Next neutral testifier. Good afternoon and welcome.

LIBBY SNYDER: Thank you.

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BOSN: Is it colder here or in Chicago?

LIBBY SNYDER: Chicago, I think, right now.

BOSN: OK.

LIBBY SNYDER: Here's my written testimony, and this is something that I reference. Good afternoon, my name is Libby Snyder, L-i-b-b-y S-n-y-d-e-r. Thank you all for considering, considering LB1148, which enacts certain portions of the Uniform Parentage Act related to assisted reproduction. Nebraska currently has no statutory law governing the recognition of parentage born as a result of fertility treatments like intrauterine or intracervical insemination, in vitro fertilization, and intracytoplasmic sperm injection. This bill clarifies and codifies procedures for determining parentage when a child is born as a result of these types of fertility treatments, which is also known as assisted reproduction. This bill does not apply to the birth of a child conceived by sexual intercourse, nor does the bill apply to or provide for recognition of surrogacy agreements. Instead, the bill is narrowly tailored to apply only to the determination of parentage of a child born as a result of assisted reproduction. It was drafted to provide clarity in an array of complex situations that might arise in the fertility treatment process. It requires the woman giving birth to the child and the other intended parent to enter into an agreement where the other intended parent consents to the assisted reproduction and creates procedures for an intended parent who entered into an agreement to withdraw consent prior to transfer of gametes. It also provides guidance on how to establish parentage if there was no written agreement. It clarifies when and how the spouse of a woman who gave birth to a child by assisted reproduction could challenge their parentage of the child. It also provides guidance to courts when a marriage is terminated and how parentage would work in that situation. Finally, it provides guidance to courts on the parental status of a deceased individual in the case of a child born as a result of assisted reproduction. I didn't fully understand the importance of clarifying the parental status of a deceased individual in this context until I heard about a recent situation in Delaware. A husband and wife, Ryan and Megan Murray, were in the process of starting their family using assisted reproduction. In January of 2020, embryos were created through in vitro fertilization using the wife's eggs and the husband's sperm. The embryo transfer was scheduled to take place on February 4, 2020, but tragically Mr. Murray died suddenly and unexpectedly on February 3, 2020. Mrs. Murray postponed the scheduled embryo transfer and did

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undergo that embryo transfer in March of 2022, and several months later, their son Levi Ryan Murray was born. Mrs. Murray went to court to establish Mr. Murray as the father of Levi, but the court denied her petition based on existing Delaware law. In 2025, the Delaware Legislature worked to pass a stand-alone bill directing the state registrar of vital statistics to place Ryan Murray as the father on Levi Murray's birth certificate. If Delaware hadn't enacted a law similar to this bill in front of you today, Mrs. Murray wouldn't have been able to establish her deceased husband's parentage in an efficient manner. For this Delaware family, establishing Mr. Murray's parentage of Levi was vitally important. Not only did it recognize that Levi had two parents who deeply loved him, desperately wanted him, and worked together to bring him into the world, but it also allowed Levi to receive social security survivor benefits based upon his father's work history. This bill would clarify parentage law in Nebraska for children born as a result of fertility treatments. Thanks, and I'd be happy to answer any questions you all have.

BOSN: Thank you very much. Any questions for this testifier? Senator Hallstrom.

HALLSTROM: If you can clarify in, I think it's Section 2, that conclusively says, "A donor is not a parent of a child conceived by assisted reproduction." No exceptions, that's a conclusive determination. What's the background or the purpose of shutting out the donor, even with consent or agreement to having any parental rights?

LIBBY SNYDER: Yes, of course, thank you for the question, Senator. The reason that statement is put into the law so clearly is because there are many situations where the donor being referred to is an anonymous individual who's donated their sperm to a sperm bank. If the donor in this context is also the intended parent, it would not exclude that person from being established as the parent. It would just not be based upon the fact that was the donation. It would be based on the intent to be a parent under the act.

HALLSTROM: And what in the bill provides for that exception to the, to the Section 2?

LIBBY SNYDER: In Section-- oh, I don't know what section it is. Hold on.

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HALLSTROM: Yeah, just, just tell me in general, I can look up the section.

LIBBY SNYDER: It's Section 3, and it's saying that an individual who consents to assisted reproduction by a woman with the intent to be a parent is a parent under the statute. So you'll have a situation sometimes where the donor is also the intended parent, and it's often, you know, a husband or a partner who is donating his sperm and then also intends to be the parent because they need to go through in vitro fertilization or some other type of fertility treatment. So in this case, that donor is not a parent just based on the fact that it is his biological material being donated. It's because he's intending to be the parent of the child. And that line that we're drawing in the law is to clarify situations where-- there was a case in Oklahoma a few years back where an anonymous sperm donor found out that he was-- you know, his sperm had been used and got his parentage of the child established over the objections or, or of the wishes of the two intended parents.

HALLSTROM: I'm thinking of the Jennifer Aniston, Justin Bateman movie.

LIBBY SNYDER: Exactly. I actually was thinking of that movie the other day. What's it called? The Switch?

HALLSTROM: Yes.

LIBBY SNYDER: Yes.

BOSN: All right. Thank you very much for being here.

LIBBY SNYDER: Thank you.

BOSN: Next neutral testifier. Anyone else here to testify in a neutral capacity? All right, Senator Hunt.

HUNT: Thank you. And thank you for the questions for the experts, you know, I'm, I'm really grateful to all the help that they gave my office in drafting this. And, and it's really, really a good feeling as a lawmaker when someone identifies a problem for you, and then you can find the people to help you fix it. And it's not something you have to make up. You know what I mean? So this was a really productive process, I thought. What surprised me about working on this bill and what's really encouraging is the feedback I've received since introducing it. You know, you talked about how many comments there were and I know that many people have sent emails to senators and I

thought this was something initially that I was doing for, like, a very niche group of people. Like, it wouldn't really affect that many people. But when I heard from the Uniform Law Commission and we talked about how many kids this actually affects, you know, I was kind of surprised by that and it made me realize how important this really is that Nebraska doesn't stay silent on the law on this issue. Some of the comments, one woman from Papillion said, you know, that she and her husband were trying to conceive, her husband's an active duty airman, after lots of heartbreak, embryo donation was brought up as a pathway to parenthood. They, they were able to find an embryo donor and they had their daughter, but they have to get their parentage recognized. And so this bill would help them with that. You know, there's many pages. Another proponent from Omaha said that she's a social worker and she knows of a family that had to pursue adoption for the children they conceived via IVF. So through the comments, you can read lots of personal examples of just kind of the legal trouble that through this law we can just avoid for people going forward and make it much more clear and also align us with standards in other states and nationally. So thank you very much.

BOSN: Thank you. Any questions for Senator Hunt? All right.

HUNT: Thank you, all.

BOSN: That will conclude our hearing on LB1148. Next up, we have Tyler on behalf of Senator Ibach for LB1199. And while he's making his way up, I will note there were 18 proponent comments submitted, no opponent and no neutral comments submitted for LB1199. Welcome, Tyler.

TYLER MAHOOD: Good afternoon, Chair Bosn and members of the Judiciary Committee. As you know, I'm Tyler Mahood and I'm Senator Ibach's legislative aide. She does apologize that she can't be here today, so she sent me in her stead. Today, on behalf of Senator Ibach, I am presenting for your consideration LB1199. LB1199 is a critical part of ongoing conversations among stakeholders in Nebraska's legal community. As you know, our state's rural counties face a crisis with respect to access to legal services as we see all across the state and, of course, in Senator Ibach's district as well when we lose practicing attorneys. Without lawyers living and working in our communities, Nebraskans who have business or personal planning needs or who need them-- or who find themselves needing our court systems have a hard time getting help. The Legal Education for Public Service and Rural Practice Loan Repayment Assistance Program serves to attract and keep attorneys in rural parts of the state by offering small

grants towards student loan repayments. Unfortunately, as the time has passed since the implementation of this program, the crisis has spread from our smallest towns to even larger communities that are now having trouble recruiting and retaining young lawyers. LB1199 is a small step towards addressing this problem. Section 1 of the bill works to expand the definition of rural for purposes of determining whether an attorney is practicing in a rural county and eligible for assistance from a population of 15,000 to 75,000. Section 2 provides a placeholder for the potential for additional funding for the program to augment its impact and to provide additional dollars to help accommodate this expansion as more applicants are more likely to become eligible. Testifiers from across the legal community will appear behind me and will be able to answer your questions about the program and its impacts and the need for the change. Thank you for your time and Senator Ibach asks that you advance LB1199 to General File.

BOSN: Thank you very much. All right, can I see a show of hands, how many individuals are here to testify in some capacity on LB1199? One, two, three, four, five, six. All right. Thank you very much. First, proponents. Good afternoon, Judge.

JOHN GERRARD: Good afternoon, good to see you again, Senator.

BOSN: You as well.

JOHN GERRARD: Good afternoon, Senators. My name is Judge John Gerrard, J-o-h-n G-e-r-r-a-r-d. I'm the President of the Nebraska State Bar Association, testifying today in support of LB1199. Rural Nebraska is not approaching a crisis, we have one with the loss of lawyers in many counties, leaving their residents underserved. Currently, out of our 93 counties, there are 12 counties with zero lawyers and an additional 22 counties with 3 or fewer lawyers. The NSBA hears regularly from attorneys in rural Nebraska that they would like to retire, but their clients literally won't let them. Those same lawyers would hire associates tomorrow if the right person walked in the door, but few are walking in the door. According to the American Bar Association 2024 survey data, the median law school debt for graduates is approximately \$112,000, with cumulative student debt often exceeding \$137,000. And roughly 90% of law students borrow to finance their education. ABA data also tells us that student debt impacts graduates' job selection and, and detours many who originally were on a trajectory to go into public service. Nebraska's Legal Education for Public Service and Rural Practice Loan Repayment Assistance Program

provides an important and effective recruitment tool for rural legal employers and can help support a lawyer interested in opening a solo practice or becoming a deputy county attorney or public defender. I know we'll have several that will be testifying today. Eligibility for the program is currently limited to lawyers who either work full time for tax-exempt charitable organizations serving low-income individuals or who practice law in designated legal shortage areas across the state. And currently a, quote unquote, designated legal shortage area is defined as counties with a population below 15,000. Unfortunately, communities that historically were insulated from these hiring challenges are now feeling them acutely. The NSBA is currently hosting listening sessions in rural districts throughout the state. To date, we've held sessions in Nebraska City, Broken Bow, Hastings, and North Platte, and the message is consistent: One, lawyers are turning down more clients than they ever have. Two, the list of lawyers taking court appointments is reaching alarmingly low levels, particularly in juvenile court, and GALs, etcetera. Our communities need more lawyers, and young lawyers testified in each one of those communities, and they cite that loan repayment assistance is critical to their decisions to locate in, in rural communities, so. LB1199 would raise the population threshold to 75,000, making an additional 16 counties eligible for the program. And that would include Hall, Buffalo, Dodge, Platte, Scotts Bluff, Madison, Lincoln County, Adams, Cass, Dawson, Saunders, Gage, Washington, Dakota, Seward, and Otoe Counties. Now, this group of counties has collectively lost 116 active licensed lawyers, net losses, just within the last dozen years. And, historically, the lawyers in these counties are ones that travel to provide legal services to the less populated neighboring communities. I was one of those. I practiced in Norfolk, Nebraska, and I commuted up and down Highway 20 and 275 and down to Schuyler and other places to, to try lawsuits, and I wasn't the exception. That's the, that's the norm. LB1199 is a straightforward, clean bill that will provide a critical tool to help alleviate the crisis, not just a tool, it's one of them. The declining lawyer population is a complicated issue. Nebraska's legal community is involved in an effort this year to explore a myriad of ways that we can increase the amount of legal services available in rural Nebraska, and that includes examining potential regulatory reforms, expanding use of technology and other means to track candidates to rural positions. But the Legal Education for Public Service and Rural Practice Loan Assistance-- Repayment Assistance Program is having its intended impact, and LB1199 expands this reach at a critical time. So on behalf of Nebraska's legal community, I want

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to thank you for consideration and I'm happy to take any questions if there are any.

BOSN: Thank you. Any questions? Senator Storer.

JOHN GERRARD: Yes, Senator.

STORER: Thank you, Chair Bosn. And thank you for being here.

JOHN GERRARD: You're welcome.

STORER: I am one of those residents in rural Nebraska and certainly agree that we are in a, in a crisis of, of losing legal counsel in those communities. I guess my only question really is how effective has the loan repayment program been so far? Is there evidence that it's attracted some attorneys out to those rural communities?

JOHN GERRARD: There, there is evidence, and that's part of the evidence that I was just talking about. I'm, I'm part of the group that goes around to the legal communities, because we're gathering ideas. We're saying what, what helps? The number one thing that is cited by the, by the young lawyers is this particular program. They wouldn't have been out in several of those-- three out of those four communities without the loan assistance program, so it's, it's a crucial piece. And I know there's county attorney and public defenders here that they will tell you that that is crucial. And, and what's really important is expanding it from 15,000 to 75,000. I'm not going to steal the thunder of some of them, but they-- I mean, they, they are in smaller communities now and they will go to another community like Seward County or others that are larger than the 15,000 to become an assistant public defender or become the public defender and they lose their loan assistance at that time. So it's, it's really crucial to, to move that threshold from 15,000 to 75,000. But to answer your question, it's really effective to them.

STORER: Thank you.

BOSN: Senator Hallstrom.

HALLSTROM: I know there's, like, a 3-year period or commitment for those who get loans to agree to practice in that underserved area. Are there any provisions for any need to claw back or what, what is the benefit? Are they interest free loans? How are they structured that, that provide that, that incentive for people to come back?

JOHN GERRARD: I see Todd Lancaster behind me and he will, he will be testifying today and I'd, I'd like you to ask him that question. There are no clawback provisions, not been in need for that thus far, but, but Todd would answer your question better than I'd be able to.

HALLSTROM: Thank you, Judge.

JOHN GERRARD: All right. Thank you.

BOSN: Oh, I'm sorry, I didn't see your hand. Senator Rountree.

ROUNTREE: Thank you, Chair Bosn. Thank you so much, Judge, for your testimony.

JOHN GERRARD: You're welcome.

ROUNTREE: We're looking at expanding from 15,000 to 75,000 to incorporate. By expanding it out and having additional services, does that mean for the loan forgiveness program there'll be less money to go around for the lawyers out there or how do we plan to fund that?

JOHN GERRARD: Well, that's, that is a good question. I'm in, I'm in discussion right now with the Attorney General to, to increase that fund, not only to increase the fund, but to have a longer commitment. And I would say those discussions are productive, but I will be back here to beg, borrow, and steal in any way that we can the funding for the-- for this program. But I, I think part I think your question also is, well, if we, if, if we have, like, 40 students or 40 lawyers now that are applying and we expand it to 75,000, now are we going to have 60 or 65 or 80, and what's, what's that going to do to the program? And, and, again, I'll have Mr. Lancaster describe how, how that program is administered, but we need and want more funding. We, we certainly do. And, and the Attorney General, I will say, is on, is on board for the rural practice in this, in this program, so.

ROUNTREE: All right. Thank you so much. Appreciate it.

JOHN GERRARD: Thank you.

BOSN: Thank you very much. Oh, I'm sorry.

HALLSTROM: I was just going to comment. I think we're open to begging and borrowing.

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JOHN GERRARD: Oh, OK. I'm sorry. I probably shouldn't be stealing either. [INAUDIBLE].

BOSN: Good thing you got that on the record. All right.

JOHN GERRARD: Thank you. Thank you very much, Senators. Appreciate it.

BOSN: Next proponent. Anyone else here to testify in support?

SUZANNE GEIST: Hello.

BOSN: Good morn-- good afternoon and welcome.

SUZANNE GEIST: Thank you. Thank you. My first time back here in quite some time, so it's good to be here.

BOSN: Like riding a bike.

SUZANNE GEIST: Well, we'll see.

BOSN: OK.

SUZANNE GEIST: We'll see. Hi, good afternoon, Chairwoman Bosn and members of the Judiciary Committee. My name is Suzanne Geist, S-u-z-a-n-n-e G-e-i-s-t. I serve as Chief of Staff to the Attorney General Mike Hilgers, and I'm here today to testify in support of LB1199. LB1199 is an important effort to encourage attorneys to build careers in rural Nebraska and strengthen access to legal services across our state. The Attorney General has long been a supporter and champion of recruiting and retaining lawyers in Nebraska, both in his private practice and in his current role. Our office has demonstrated our commitment through continued financial support of the rural practice loan repayment act since at least 2018. We recognize the value of these programs and support the objective of this legislation. In addition, we have opened an office in Ogallala, which we believe is the first Attorney General's office, which is west of Lincoln, and it's part of a greater strategy, a larger strategy effort to recruit and retain lawyers in greater Nebraska. We have expressed our support for this bill with the understanding and representations that the funding mechanism does not come from our consumer cash fund during this budget year. Those funds are necessary to support the ongoing work of our Consumer Protection Bureau, which directly protects Nebraska citizens from fraud and unfair business practices. These funds directly pay for salaries for a number of professionals in our office, and because settlements are unpredictable, maintaining

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sufficient funds is critical to our ability to retain personnel and to do the critical work of the Bureau. Although we've used these funds in the past to support broader state priorities, we can't sustain a greater drawdown at this time. And I'll also reiterate that we are continually-- every year, we do contribute to this fund from our cash fund. So I want to be clear that we do support LB1199. We appreciate Senator Ibach's continued leadership and certainly Judge Gerrard's help in addressing this important need. But that support is contingent upon a different-- finding a different funding source other than the Attorney General's cash fund. And with that, I thank you for your time, and I will take any questions.

BOSN: Thank you. Any questions for this testifier? Senator Rountree.

ROUNTREE: Thank you so much, Chairwoman Bosn. And thank you so much for coming down and testifying today.

SUZANNE GEIST: You bet.

ROUNTREE: As we go forward, are there any plans to increase fees, you know, for members that are using services? We know that a lot of times the increase in fees become a little bit regressive so that members that may not be able to pay those services but the increased fees may keep them out of our justice community.

SUZANNE GEIST: Just to be clear, do you mean increasing fees within the court or within our office?

ROUNTREE: Within the courts or the office.

SUZANNE GEIST: I am going to defer that to the court.

ROUNTREE: OK.

SUZANNE GEIST: I'll, I'll let you all make that decision. That's a little bit out of my lane, but thank you.

ROUNTREE: OK. Sounds good. Thank you.

SUZANNE GEIST: Mm-hmm.

BOSN: Senator Storer.

STORER: Thank you, Chair Bosn. And hello.

SUZANNE GEIST: Hello.

STORER: Welcome. I guess my only question is I kind of look at the population breakdown of our counties, expanding this up to 75,000 really only excludes Douglas, Lancaster, and Sarpy. Does that-- I, I would be remiss to not ask, if this has the potential to actually draw people away from those variable counties that often are the ones without any lawyer into the more populated North Platte, Lexington, sort of the mid-size communities that might already have a lawyer?

SUZANNE GEIST: I'm-- I would say possibly. However, I-- the emphasis that our office has made is to get our attorneys out further west. And, actually, the, the focus of that was to directly draw younger attorneys to further west in Nebraska. I haven't calculated the numbers of whether that would actually draw people away from-- with this program, draw people away. But I do know that our focus has been to elevate-- we have a more seasoned attorney in western Nebraska now anchoring our western office, and our goal is with him there to then lure some younger, less experienced attorneys. And so that we're hoping will be part of the lure to get, to get people further west. So I suppose this could have that effect, but that's not the intended effect.

STORER: Thank you.

SUZANNE GEIST: Mm-hmm.

BOSN: All right. Thank you very much for being here.

SUZANNE GEIST: You bet. Thanks for having me. It's good to see you all.

BOSN: You as well. Next proponent. Anyone else here to testify in support? Good afternoon and welcome. How are you?

TANA FYE: [INAUDIBLE]. Thank you. Good afternoon, Senators. My name is Tana Fye, T-a-n-a F-y-e. I am the managing attorney at FGH Law Office that has offices in Shelton and Seward, Nebraska. I also serve currently as the public defender for Seward County. I also chair the Greater Nebraska Lawyers Opportunity Committee, which is a mouthful, previously called the Rural Practice Initiative of the Nebraska State Bar Association. I'm here testifying in support of LB1199 today. My testimony here today is both as a previous recipient of the loan repayment assistance as well as an employer here in Nebraska. I think that ultimately this bill, as it was originally designed, was to address the shortage of attorneys in greater Nebraska, and as

implemented, I do believe it's helping with that goal. But LB1199, I believe, is necessary to further the aims of that, that original bill, and it's desperately needed in counties that would be added under the expanded availability. My law practice largely has been centered in the counties that would be affected by this and I'm talking specifically Hall, Buffalo, Adams, Dawson, and Seward counties. Those would all now be included in the definition of a legal profession shortage area with the passage of the bill and I want to highlight why I can tell you with my own personal experience why those counties should be included. Seward County went for well over one year without a public defender before my office accepted the contract about a year ago. When we accepted that contract to serve as the public defender in a county that hadn't been able to recruit and attract someone, I lost my eligibility for the loan repayment assistance that I previously had received. And this is-- essentially our, our taking on that contract was to try to meet the needs of, of rural counties in the state, provide legal services to people who otherwise were having their attorneys travel from a significant distance. We wanted to open an office there, serve the people in that community. Additionally, Adams County will be losing their public defender within a matter of days. They-- this is the second time that this has occurred. They previously went approximately a year, 2 years without a public defender previously. Their county attorney's office has only been fully staffed just recently within the last few months after about 5 years of being understaffed. Buffalo County public defender's office is currently not fully staffed. The Hall County attorneys and public defender offices, I'm, I'm aware that the Hall County attorney is here and can tell you with more detail about their situation, but they've been struggling with fully staffing their offices as well. And I was just on a meeting this morning with the Dawson County judge and district judge trying to address their legal shortage because they will be also losing their public defender within a matter of days. It's discussion of reassigning about 78 felony cases in that county alone. So these are just the governmental offices that are pretty easy to track whether they're fully staffed or not. Nearly every law office and private attorney that I am familiar with would tell you that they would hire someone tomorrow if they could find somebody who would be willing to move to greater Nebraska and practice and stay in the community. The goal of this ultimately is to make sure that we're addressing those legal shortages in our state and I think that LB1199 is necessary to do exactly that.

BOSN: Thank you very much. Any questions for Ms. Fye?

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HALLSTROM: If this isn't your question, maybe Mr. Lancaster--

TANA FYE: Sure.

HALLSTROM: --can listen and be prepared. To Senator Storer's question, it's not just that there's 15,000 or 75,000, there's also a component that says they have to be determined by the board to be underserved by available legal counsel. Are you familiar with what's in the regulations that determines what is underserved by available legal counsel?

TANA FYE: My understanding is that they're looking at data that's obtained and maintained by the Nebraska State Bar Association, but I've never been involved in that particular component of the decision-making so I would defer to Mr. Lancaster.

HALLSTROM: So the concern of Senator Storer, there's at least a protective mechanism that if there's sufficient attorneys in one of those moderately populated areas, the board may not automatically classify somebody with 75,000 or less.

TANA FYE: Yes, I believe that's correct.

HALLSTROM: Thank you.

BOSN: All right. Thank you for being here.

TANA FYE: Thank you.

BOSN: Next proponent. Good afternoon and welcome.

MARTY KLEIN: Good afternoon and thank you. Good afternoon, Chairperson Bosn and the members of the Judiciary Committee. My name is Marty Klein. I'm the Hall County-- elected Hall County Attorney. I'm testifying on behalf of my office and the Nebraska County Attorneys Association and appreciate the opportunity to testify in support of LB1199. Counties like Buffalo, Hall, Dodge, Madison, Scotts Bluff, Platte, Lincoln, and 12 other counties between 15,000 residents and 75,000 residents are not small frontier counties, but we also are not Douglas, Lancaster or Sarpy, the three most populous counties in the state of Nebraska. And that gap matters when it comes to recruiting and retaining, in particular, prosecutors, but attorneys, in general. We handle the same serious and violent crimes, homicides, sexual assaults. I just got done with a 3-day sexual assault of children under 10 or under 12-year-old trial, often at very similar per capita

rates as the largest counties in the state of Nebraska. The work is no less complex, it's no less demanding, and no less critical to public safety. What is different is our ability to compete for attorneys. I'm going to call them the big three. The big three counties benefit from higher salaries, larger offices, proximities to law schools, and broader professional networks. Counties like mine do not. At the same time, today's law school graduates are carrying an unprecedented-- unprecedented student loan debt. Without meaningful incentives, choosing a public service prosecutor position in a mid-sized county is often not financially realistic. Now, Nebraska's loan payment program is particularly effective if it was available to Hall County and those middle-sized-- mid-sized counties, because it provides assistance on an annual basis, rather than requiring the attorney to wait 10 years for relief. So there is a federal student loan forgiveness program, it's PSLF, Public Service Loan Forgiveness. But you have to serve for 10 years, and then you get your-- the rest of your loans forgiven. This is immediate assistance what they have, and so by expanding it to counties of the population of the, the-- my size county would help some of my people immediately. The current statute is well-intended and appreciated, but it's too narrowly drawn, limiting eligibility to only the smallest county ignores the real workforce shortages facing mid-sized counties like mine across Nebraska. I have been working 4, 5, and 6 at some times county attorneys short when my office is-- when fully full, when full is, is, is 14 county attorneys. By extending it to under 75,000 people, it will give counties like mine more opportunity to hire good new attorneys. This is not about special treatment, but it's about parity, fairness, and public safety. Understaffed prosecutor's offices mean delays for victims, heavier caseloads for remaining attorneys, and increased turnover. I lost an individual who got a job for almost double the salary. I lost just another individual recently, so I was full and now I'm, again, not full again for higher salaries. I realize my time is up, but I hope you will consider advancing this bill. Thank you, and I'm happy to answer any questions the, the Judiciary Committee might have.

BOSN: Thank you. Any questions for this testifier? Senator Rountree.

ROUNTREE: Thank you so much, Chairwoman Bosn. This is the only question I have for you. My math is a little slow today. And some might say every day it's slow. But if we have our big three counties, which are Sarpy County, Lancaster County, and Douglas County, they're not involved in the loan repayment process now. They're not, because we have the resources, think that was to a prior question. So going to

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75,000, does that bring basically every other county in Nebraska underneath this particular umbrella now except for the big three?

MARTY KLEIN: It would. I pulled up the county list as I was looking before I came in, and the, the range of counties, there are 19 counties currently, or 22 counties currently that this is not available to, that would reduce that number to 3 counties being Lancaster, Douglas, and Sarpy.

ROUNTREE: OK.

MARTY KLEIN: With Hall County being the fourth most populous county is 62,000, so, so it was 601 for Douglas, 332 for Lancaster, and 204. And then the next most populous is Hall County at 62.

ROUNTREE: From 204 to 62.

MARTY KLEIN: Yes, sir.

ROUNTREE: OK, thank you so much.

BOSN: Thank you very much for being here.

MARTY KLEIN: Thank you, ladies and gentlemen.

BOSN: Yes. Next proponent.

ELAINE MENZEL: Good afternoon, Chair Bosn, and members of the Judiciary Committee. For the record, my name is Elaine Menzel, that's E-l-a-i-n-e M-e-n-z-e-l, here today on behalf of the Nebraska Association of County Officials. I'm here in a qualified support position, and the only reason I'm saying qualified is because we have not taken an official position on this legislation yet, but are doing so this afternoon. So in the event the position would change, which I do not expect it to do so, we would let you know that. This is an issue that you may, at first glance, think why would NACO be interested, but the prior two testifiers have done a good job laying out some of the difficulties with which we have had retaining and recruiting county attorneys and public defenders so I think that you can see we have a strong interest in that. We have a strong interest in having a good background for the judicial system and the jobs that these individuals do. It was roughly whenever Senator Bosn came into office the summer before, so perhaps 2023, but we had had-- we brought together the Bar Association, public defenders, county attorneys, the judicial system, and the Governor's Office to have dialogue related to

some of these issues because it was at that time that we were seeing more of these counties facing difficulty with some of the staffing of the public defender's office as well as the county attorney's office. So this was one of the areas which we were supportive of enhancing and increasing and glad to look into other things as well. So with that, I'll stop and open myself up to questions if you happen to have any.

BOSN: Thank you. Any questions for Ms. Menzel? Seeing none, thank you very much for being here.

ELAINE MENZEL: Thank you.

BOSN: Next proponent. Last call for proponents. All right, opponents. Anyone here to oppose LB1199? Neutral testifiers? I was going to say I thought we were promised Mr. Lancaster. Welcome.

TODD LANCASTER: Thank you. My name is Todd Lancaster, T-o-d-d L-a-n-c-a-s-t-e-r. I am the Chief Counsel of the Nebraska Commission on Public Advocacy. We are a state agency that are appointed around the state of Nebraska to represent indigent clients in serious crimes of violence. So I get to go out to Nebraska and see all these areas where there are not enough trades, there's a need. We are also tasked with administrating the Legal Education and Public Service Rural Practice Loan Repayment Program. So I get to see every application and look at everybody's financial status and their loan amounts every year. We have about 40 people each year that receive awards. And I've been doing this for 3 years. The program has, I think, been in effect since 2014, but I'm pretty much aware of everything that happens with the program and can probably answer the questions that Senator Hallstrom and others have had. The program does work. I think Senator Storer asked about if this is effective. We have heard from participants in the program when they finish paying off their loans say I couldn't have done this without you. I couldn't have stayed in rural practice doing this, or I couldn't have stayed in a public service position without this money to do it. We also have heard from attorneys throughout Nebraska that do use this as a recruiting tool. OK, come to my firm, we're in rural Nebraska, I can't pay you as much as you can in Douglas County or Lancaster, but you will qualify for the loan repayment program. So what we are hearing, at least from participants and other attorneys, is that this program is effective in drawing people to rural areas and to keep them there. The program is designed to do that. It seems to be working doing that. I think there was a question, I can answer this, so there's a, I guess, a clawback or something of that nature. Participants in the program sign a

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contract for 3 years, and they have to be in either a public service work or in a legal need area for those 3 years. If they leave those positions, say you're working in Scotts Bluff and you move to Douglas County and your 3 years are not up, you are required to pay back the money that we gave as part of the loan assistance. And we've had several people do that, where they get a different job and say, OK, I can't be here anymore and they pay us back. We've had to sue one person who didn't want to pay us back, so that's something we also do. But this would add-- I think Senator Rountree asked this-- this would add everybody except Douglas County, Lancaster, and Sarpy County. There are people in those counties that receive awards if they're working in a public service position. So if you're working in a nonprofit public service position full time, you can get awards even if you are in those countries. So, again, this seems to be something that's working. I would say LB99 [SIC] would expand the number of participants, I think, and that comes with the problem of if we have more participants and we don't have more than the \$150,000 we've been getting each year for this, it's going to be a problem. The, the people that participate get anywhere from usually \$3,700 to \$5,000. There have been times we've given some participants, you know, a minimum amount of \$1,000 if they're making over, say, \$160,000 or over \$120,000 and they're almost done with their loans. But if we have double the number of participants and no more money, people are not going to be able to get enough money to really encourage them to stay in these, these types of areas and those public service jobs. So I will stop with that, but I am happy to answer any questions. And I, I thank Judge Gerrard for throwing that in my court so I get to answer all the questions. So any questions you have, I'm happy to answer them.

BOSN: All right. Any questions for Mr. Lancaster?

ROUNTREE: He answered mine.

HALLSTROM: Yeah, can-- I thought I read somewhere in the statute it says it's only to be used for loan refinancings. Can you explain exactly--

TODD LANCASTER: Say that again.

HALLSTROM: For loan refinancings.

TODD LANCASTER: Yes.

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HALLSTROM: What-- how does the program work? What is the benefit that's derived from the funding that's provided, how can it be used, how can it be benefited?

TODD LANCASTER: Thank you for asking that. It is a very simple answer. You get an award and you have to pay that to your loan provider in full. You can't use that money and then make your monthly payments with that money. That money is designed to go to your loan provider to pay down your principal so that you're not racking up a bunch of interest every year. We've had people who want to use it each month to pay that. They still have to pay their monthly payments. This amount is specifically to go directly to the loan payment to pay down your principal.

HALLSTROM: So when-- it's more like a grant then, unless we claw it back because they don't satisfy. But the statute refers to it as loan refinancing. It's basically a loan pay down.

TODD LANCASTER: It's a-- it's, it's a [INAUDIBLE], yes. We, we give you a chunk of money to pay down your loans, and for that purpose only, you can't use it for anything else, and you got to give us proof that you did that.

HALLSTROM: The statutory language seems to be a little inappropriate, but the program's good, so.

TODD LANCASTER: I didn't write that language, and I would agree with you.

HALLSTROM: Mea culpa.

BOSN: All right. Thank you very much for joining us.

TODD LANCASTER: Thank you.

BOSN: Yes. Next neutral testifier. Anyone else? All right. That will conclude our hearing for LB1199. And next up, we have Senator Juarez here for LB1161. While she's making her way up, I will note there were 67 proponent comments, 236 opponent comments, and no neutral comments submitted. While she's getting seated, can I see a show of hands, how many individuals are here to testify as it relates to LB1161? One, two, three, four, five, six, seven. All righty, thank you. It just helps us to tell the next testi-- bill number when they should start making their way, so. Good afternoon and welcome, Senator Juarez.

JUAREZ: Thank you very much. So I'd like to thank Chair Bosn and members of the Judiciary Committee. My name is Margo Juarez, M-a-r-g-o J-u-a-r-e-z, and I represent District 5. In Nebraska, minors who are pregnant or minors who are parents face barriers to accessing timely and necessary medical care. Many of these young people must rely on a parent or guardian to consent to their care, which can delay prenatal care, preventative services, or care for pregnancy-related conditions. Some minors may not have a trusted adult to turn to, or may avoid care out of fear of stigma and punishment. This can have a serious consequence for their health and the health of their children. LB1161 addresses this gap by allowing three groups to consent for their own medical care: minors who are pregnant or experiencing pregnancy-related conditions, minors who have a dependent 8 years old or younger, and 18-year-olds. This ensures these young Nebraskans can access essential health services without unnecessary delays while maintaining appropriate safeguards. My true intention with the bill is to allow minors to consent to pregnancy-related care and focus on medical consent generally. That said, I understand abortion has been brought into this conversation, and there groups that raise distinct concerns over the language in this bill. I'm willing to consider an amendment that creates an exception for abortion to maintain the current statute here in Nebraska. Again, this bill is rooted in getting medical care to pregnant and parenting teens. Let me be clear, this bill does not lower the age of majority, does not eliminate parental involvement, does not affect juvenile court authority, and does not grant general adult status. Teen pregnancies in Nebraska are not evenly distributed. In 2024, nearly half of teen births, 46.6% were to Hispanic mothers, compared to only 22.6% of all births statewide. This highlights the disproportionate burden faced by my-- by communities like those in my district and underscores the need for policies that reduce barriers to care. Allowing pregnant minors to consent ensures that they can access prenatal care, care for pregnancy-related complications, and postpartum services in a timely manner. Across the U.S., 27 states explicitly allow minors to consent to prenatal and related care, recognizing that removing parental consent barriers supports healthier outcomes for both the minor and their pregnancy. While we encourage minors to involve trusted adults, we know that some may not have that support, making this legislation critical. Similarly, minors who are parents are already trusted to make medical decisions for their children. This bill recognizes that they should also be trusted to make decisions for their own health. Currently, 42 states plus D.C. allow parenting minors to consent for their own care. This bill ensures Nebraska aligns with best practices

and supports families by giving young parents the tools they need to stay healthy. Finally, 18-year-olds should be able to consent to their own care. Nebraska remains the only state that does not allow this, despite 18-year-olds being able to vote, join the military, drive, work, and take care of, of other adult responsibilities. Allowing them to consent aligns health policy with real-world expectations, supports the transition into adulthood, and ensures young adults can make timely decisions about their health. LB1161 also includes an exception for minors in DHH [SIC] custody, recognizing that the department retains authority over medical and psychiatrically necessary services for youth in its care. This preserves the juvenile court's authority where appropriate and ensures the bill does not interfere with foster care or other state-supported programs. In conclusion, LB61 [SIC] removes barriers for pregnant and parenting minors and 18-year-olds, promotes timely access to care, supports family well-being, and aligns Nebraska with standards in other states. It is a carefully drafted, narrow bill, narrow bill that responds to real-world challenges while maintaining essential safeguards. Thank you for your time, and I'm happy to answer any questions.

BOSN: Thank you. Questions for Senator Juarez? Senator Hallstrom.

HALLSTROM: Senator Juarez, I don't have your opening statement in front of me, but I, I thought I heard you say that this doesn't change the age of majority and it doesn't affect the rights of parents. But the way I read the bill, it does change the age of majority for purposes of consenting to health care. And they can do so without the consent of the parents or a guardian. Doesn't that-- that clearly changes the current law with regard to both the age of majority for these purposes and with respect to a parent's right to be involved in those decisions. Isn't that the intent of your bill?

JUAREZ: Yes, it is, it is the intent for them to be able to make their decisions for their own health care. But, again, you know, the bill doesn't say that they can't consult with their parents. It's not forbidding them to consult with an adult. You know, that's, that's not the intention of the bill.

HALLSTROM: OK. Thank you.

JUAREZ: Uh-huh.

BOSN: Senator Storer.

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STORER: Thank you, Chair Bosn. And thank you, Senator Juarez. I guess, I'm, I'm trying to understand in the event that there is a minor under the age of 19 in a crisis pregnancy situation today, if what I'm understanding is there's, there's some history of problems where they can't find their parent, or a parent simply won't sign for medical release, or what, what is happening with those situations today? If there's a 15-year-old that wants to go in for prenatal care and they don't have a parent or guardian to sign off, what happens?

JUAREZ: I think that the minor is allowed to go the judicial route, you know, if they need to and they don't-- and the parent might not be involved in their life unless they're under the DHH-- DHHS, how should I say, I don't want to say control, but you know what I mean, they're like DHHS is in their custody, that they will always stay in control of the decisions that are made medically for the minors.

STORER: OK. And that's what I'm trying to understand is if, if they had no parent or guardian-- access to a parent or guardian, that maybe that should also be a concern of their overall well-being or their overall care.

JUAREZ: Well, you know, obviously in those scenarios, that's why we're trying to find a solution so that they can get their health care needs met.

BOSN: Thank you very much. Will you be staying to close?

JUAREZ: Yes, thank you.

BOSN: Awesome. We will start with proponents. Anyone here to testify in support of LB1161? Good afternoon and welcome.

CLEO ZAGURSKI: Good afternoon, Chairwoman Bosn and members of the Judiciary Committee. Thank you for the opportunity to testify today. My name is Cleo Zagurski, C-l-e-o Z-a-g-u-r-s-k-i, and I'm the Policy Fellow and Lobbyist for the Reproductive Health Collaborative Nebraska. We are here to expand access to health care, which is why we urge the committee to support LB1161. Reproductive Health Collaborative Nebraska works with a statewide network of 10 health care agencies in 22 counties, including 30 clinics, to advance access to high-quality reproductive health care for roughly 25,000 patients across Nebraska annually. We appreciate Senator Juarez for bringing LB1161. Our providers consistently see the need for minors to be able to consent to their own health care, including prenatal care, STI

testing, and preventative services. This bill allows commonsense exceptions to the existing statute when minors' ability to consent in specific situations directly supports their health and well-being. The first population affected are pregnant minors or those experiencing a pregnancy-related condition. Over the past decade, minor pregnancies have accounted for an average of 1,066 pregnancies, or 4.2% of all pregnancies annually in Nebraska. In 2024, only 64% of births to Nebraska teens received adequate prenatal care compared to 81% of all births. Removing parental consent barriers will increase the likelihood of timely prenatal care, improving outcomes for both patients and pregnancies. This bill also explicitly addresses care after pregnancy loss, ensuring minors can access medically necessary care without delay. The second group are minors who are parents or have dependents. These minors are already trusted to make health care decisions for their children. LB1161 recognizes that responsibility by allowing them consent to their own care. Research shows that improvements in parental health are associated with increased child flourishing. Access to preventative care, including contraception, supports their health and strengthens family well-being. Finally, 18-year-olds will be able to consent to their own care under LB1161. Nebraska is currently the only state where 18-year-olds cannot generally make their own medical decisions. This change aligns health care policy with the realities of adulthood, allowing young Nebraskans to manage their health as they graduate, join the workforce, or live independently. By addressing the needs of these populations, LB1161 improves access to care without expanding services or undermining parental involvement where appropriate. Reproductive Health Collaborative Nebraska strongly encourages the committee to advance LB1161 to General File. Thank you for your time, and I'm happy to answer any questions.

BOSN: Thank you. Questions for this testifier? Seeing none, thank you for being here. Next proponent. Good afternoon and welcome.

SYDNIE CARRAHER: Thank you. All right. Good afternoon, Chair Bosn and members of the Judiciary Committee. I am Dr. Sydnie Carraher, S-y-d-n-i-e C-a-r-r-a-h-e-r. I am a Neonatal Nurse Practitioner and the Executive Director of the Nebraska Perinatal Quality Improvement Collaborative. I am here today to testify in support of LB1161 on behalf of NPQIC and in my role as a private citizen. The Nebraska Perinatal Quality Improvement Collaborative, or NPQIC, is a statewide network committed to improving health care and outcomes for all Nebraska mothers and babies. In my 26 years caring for Nebraska's smallest and most vulnerable patients, I have seen firsthand the

consequences when pregnant individuals cannot access timely prenatal care. Late or inadequate prenatal care contributes to pregnancy complications, preterm births, NICU admissions, and even maternal and infant death. While some factors contributing to poor outcomes are difficult to change, early and adequate access to prenatal care is a significant mitigating factor that we can improve. Prenatal care is most effective when it begins early and continues throughout pregnancy. Currently, Nebraska's early and inadequate access to prenatal care here falls below the Healthy People 2030 goal of 80% for the Medicaid-covered population in most of our public health districts. LB1161 will eliminate a barrier-- barrier for minors seeking pregnancy care. Allowing pregnant minors to consent encourages adequate prenatal delivery and postpartum care. When people have control over their health care decisions, they are more likely to seek care and adhere to treatment plans. The ability to make decisions can save lives and reduce medical complications. This approach is not new to Nebraska. Nebraska already recognizes that minors are competent to make certain health care decisions. Minors can consent to mental health services and STI testing and treatment. Minor parents can consent to medical care for their own children. If a minor can make medical decisions for their own child, they should be trusted to make decisions about their own health care. Yet, Nebraska is the only state where an 18-year-old cannot generally consent to health care. This bill does not eliminate parental involvement or essential protections. Providers will still assess decision-making capacity, capacity and mandatory reporting laws remain in place. This bill removes a mandatory consent requirement that can delay critical care. As a neonatal provider, I have witnessed minor parents in labor who were denied an epidural because a parent refused to consent for it. It also removes practical barriers, such as coordinating appointment times-- appointment times between a parent's work schedule or the minor's school schedule and health care availability. Supporting healthy pregnancies and babies leads to healthier communities. I thank Senator Juarez for introducing this bill, and I urge the committee to advance, advance LB1161. Thank you for your time and attention. Happy to answer any questions.

BOSN: Thank you. Any questions for this testifier? Seeing none, thank you for being here.

SYDNIE CARRAHER: Thank you.

BOSN: Next proponent. Welcome.

MADELINE WALKER: Hi. My name is Madeline Walker, M-a-d-e-l-i-n-e W-a-l-k-e-r. I'm, I'm the Human Trafficking Program Coordinator for the Nebraska Coalition to End Sexual and Domestic Violence. We're a nonprofit organization that represents the domestic and sexual violence agencies throughout the state, and we support LB1161. Pregnant and parenting teens experience a disproportionately high rate of domestic violence. Domestic violence and human trafficking victimization are linked to poor maternal and neonatal health outcomes. Access to health care is a protective factor against domestic violence and human trafficking because providers have the opportunity to be alone with patients and may screen for violence victimization and provide resources. LB1161 would allow a greater number of pregnant and parenting minors to easily access potentially lifesaving care. Not every child has safe and supportive parents. An analysis of data from the Counter-Trafficking Data Collaborative found that 41% of child trafficking cases were facilitated by a member of that child's family. Youth who experience sexual abuse are nearly three times more likely to become pregnant as teens. Pregnant and parenting minors experiencing family violence cannot safely involve their parents in their health care decisions. LB1161 would increase health care access among these highly vulnerable youth. LB1161 would strengthen access to health care among a high-risk population by removing barriers for minors who do not have supportive relationships with their parents. Increased access to health care is a key factor in violence prevention. We urge you to vote this bill out of committee.

BOSN: Thank you. Any questions for this testifier? I guess I have just one. You didn't have the benefit probably of reading all the online comments like I did, but one of the comments that we-- that was submitted actually sort of goes to the counterpoint of what you're saying of there are cases where this would be protecting victims of domestic violence. Her story shares that when she was 15, she was the victim of sexual abuse by a high school coach who was trying to coerce her into getting an abortion. And it was because she had to have parental consent that ultimately that went differently for her and her abuser was held accountable and it goes on. Do you see that as another counter balance to this?

MADELINE WALKER: I think what's important about this bill is that it doesn't preclude parental involvement. And so in a case where a minor has access to protective adults and parents, they can get that support from them. And I don't know about that individual's particular experience, but the fact that their parent-- their parents not being involved in that was what saved them, I think.

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BOSN: Well, no, she's saying that it was because her abuser couldn't sign off on it.

MADLINE WALKER: Right.

BOSN: And her parents-- she had to have her parents do it, so she had to disclose to them and it ultimately led to her getting out of that situation.

MADLINE WALKER: Mm-hmm.

BOSN: Does that make sense?

MADLINE WALKER: Yeah, and I think with what we have to remember is that medical providers often do screen for violence. And when parents are a protective influence in a youth's life, they can still step in and provide that type of support. But the way that it is right now, if somebody doesn't have that support from a parent, they're not able to make their own decisions and they're not able to access necessary health care and that could put them at more-- in more danger in the long run.

BOSN: OK. Senator Hallstrom followed by Senator Storer.

HALLSTROM: Both you and Senator Juarez have said that it doesn't preclude consultation, but isn't the bottom line that the minor is now in control of whether or not they either consult or seek consent from the parent with this change?

MADLINE WALKER: Yes, and I would argue in some cases, especially when there is familial abuse going on or familial trafficking, that would be a protective factor for the minor.

HALLSTROM: If there's a parent available and willing-- and I, and I understand what your comment was earlier-- if there's a parent available and willing to help make the decision, the minor under this bill is still in control of whether or not that conversation ever takes place.

MADLINE WALKER: Correct, yeah.

HALLSTROM: OK. Thank you.

MADLINE WALKER: Mm-hmm.

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BOSN: Senator Storer.

STORER: Thank you, Chair Bosn. I guess I'm going to ask a similar question to what I asked of Senator Juarez, which is in the event that a minor is in need of medical treatment and cannot access or does not have access to a parent or guardian, don't we have bigger concerns about their lack of care in general?

MADLINE WALKER: Yeah. Yeah, we do.

STORER: So, I mean, I'm-- would there not have been some intervention from the state, or should there not have been some intervention from the state for that reason prior to a minor being in a position where they need medical care and they have no parent or guardian to sign off on that?

MADLINE WALKER: It depends on what their living situation is and if it's a situation that has been brought to the attention of authorities. I mean, it's kind of-- it's highly individualized, so it would, it would depend on if it's been reported and they've been removed. Yeah.

STORER: I mean, I guess I'm looking at this from sort of a, a broader viewpoint that this could actually perpetuate that lack of care that a minor would have because if they can sign off on things and there's no parent in their life, there's no guardian in their life, it sort of extends the period of time that they have no supervision or care for in general.

MADLINE WALKER: When they can consent to their own care, though, they can access the provider, and then that gives them an avenue to make connections with somebody outside of their family and outside of their abusive situation, and potentially get resources through that.

STORER: So what would happen today if a 15-year-old went in and needed or asked for prenatal care and the provider said, well, you need your parents. Well, I don't know where they're at, but would-- they're going to be denied care or would there be some steps taken to find an avenue for them to get care?

MADLINE WALKER: A medical provider would have to answer that question as to what would happen.

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STORER: I'm just having a hard time believing that the medical community would turn that individual away because they are telling them they don't have access to a parent or guardian.

MADLINE WALKER: Yeah, I-- you'd have to ask a medical provider as to what specifically would happen within a clinic.

STORER: Thank you.

MADLINE WALKER: Yeah, when a minor presents.

BOSN: All right. Thank you very much for being here.

MADLINE WALKER: Thank you.

BOSN: Next proponent. Anyone else here to testify in support?

JESSE BARONDEAU: Hello, my name is Jesse Barondeau, J-e-s-s-e B-a-r-o-n-d-e-a-u. And just introduction, so I'm an, I'm an adolescent medicine, young adult board specialized, fellowship trained physician. I work for Children's Nebraska and UNMC. I don't-- I'm not here in-- I'm not representing them, but I'm representing pretty much every physician that I work with in that entity. I, I am here representing the Nebraska Chapter of American Academy of Pediatrics. And I'm also here as a board member of the Reproductive Health Collaborative Nebraska. So I'll just give a little background. So I'm, I'm from rural South Dakota, farm kid. I went to medical school in South Dakota. I was trained in pediatric medicine and adolescent medicine during my 11 years of army service. I've taken care of service members' teenagers in Texas, Washington State, and in South Dakota and Nebraska now. So I've seen four different states and four different state variations on laws. I moved around 5 years ago, I was frankly shocked to learn that this was the case in Nebraska that 18-year-olds who are graduate-- high school graduates, college students, can go to the military, all that kind of stuff, can't get medical care without parental permission. This just creates a lot of confusion and unnecessary barriers for both healthy and unhealthy young adults in Nebraska. Again, unlike everybody else, Nebraska is the only state that has it like this. Every other state, whether it's red or blue state, has 18-year-olds that can make their own consent. Some even go lower than that for certain very specific reasons. Nebraska is about 50 years, half a century behind in this. Hurdles in this causes, like, people want to seek basic care for urgent care visits, like fevers, coughs, things like asthma, more sensitive situations like possible

contraceptive services. They, they aren't able to do that without their parents' permission. I want to point out, I learned about this, this really doesn't have anything to do with abortion. And this should not be seen as pro-life or pro-choice. I myself am anti-abortion and I can tell you the situations like you kind of mentioned there where somebody else or even parents might pressure our youth into getting abortion. I know we always think it might be the other way around but that's not always the case. So this actually might help some in some cases but that is really a red herring to this. This is not an abortion bill at all and it, it should not be looked at and it sounds like they're-- they opened amendment in there for that anyways. Example that this affects a lot of things like if you're an 18-year-old from Iowa going to school in Lincoln now, you can't go to a regular clinic without them calling mommy or daddy to get permission to see you. And that does put up barriers. I've seen kids that have this barrier put up so either you get ahold of mom or dad or if you can't get ahold of them, you either illegally see them or you say we can't see you. And I did hear last year by one of the senators who commented that the colleges can sign a-- the parents sign, sign a form saying you can be seen, which is kind of true, but it only applies to the college health. It does not apply to any other medical clinic in the town or the state. So then you cannot be seen [INAUDIBLE] clinic unless they have to get [INAUDIBLE] parents' permission either. And it should be unnecessary for the college to even send that paperwork out to do that. So, yeah, I can think of any different specific situations for this, but I just think-- I experienced many 18-year-olds that have no relationship with parents, family arguments, or are neglected. And this just makes a bigger barrier for those 18-year-olds. Sorry, I see the red light. And I'm happy to answer any questions. I heard some of their questions before that I wanted to answer, but I wasn't up here, so.

BOSN: Any questions for this testifier? All right. Thank you very much for joining us today. I appreciate your testimony.

JESSE BARONDEAU: OK.

BOSN: Thank you.

JESSE BARONDEAU: I do have answers to the questions that you guys were asking earlier to somebody that couldn't answer them.

BOSN: All right. Thank you for letting us know. Next proponent. Anyone else here to testify in support? Opponents?

ELIZABETH NUNNALLY: Good afternoon, Chairwoman Bosn and members of the Judiciary Committee. My name is Elizabeth Nunnally, E-l-i-z-a-b-e-t-h N-u-n-n-a-l-l-y, and I am here testifying in opposition to LB1161 on behalf of Nebraska Family Alliance and the thousands of parents and families we represent that believe parents are the primary protectors of their children. Parents care more and are better equipped than anyone else to make decisions about their child's safety and well-being. LB1161 is harmful to children and families because it cuts parents out entirely of critical moments when their guidance, care, and protection are most needed, placing expectant teenage girls in isolation. This bill would allow pregnant minors to seek and undergo risky abortion procedures alone without the consent or knowledge of a parent or guardian. This undermines Nebraska's existing protections and makes children vulnerable and susceptible to abuse. LB1161 risks leaving teenage girls facing coercion, abuse, human trafficking, and exploitation by themselves by isolating them from their families and leaving them in the hands of the profit-driven abortion industry with no opportunity for parents to intervene. LB1161 strips away important safeguards for minors who are in situations where extra support is needed. Teenagers in these situations should have their parents' support and guidance to help them navigate medical decisions. When we take that support away, we endanger children and isolate them from the people who care about them most. Nebraska's values are rooted in family and caring for the vulnerable. And we want to see our state foster a culture that strengthens parental rights and values, and values every human life, born and unborn. For these reasons, we urge the committee not to advance LB1161. Thank you for your time.

BOSN: Thank you. Senator DeBoer.

DeBOER: Thank you. Thank you for testifying. So I'm curious if-- Senator Juarez mentioned that she would be open to an amendment.

ELIZABETH NUNNALLY: Yeah.

DeBOER: If she sort of cut out an exception for abortion care would you still oppose the bill?

ELIZABETH NUNNALLY: I can only speak to the bill that was introduced today, but I would say, generally, we believe that parents have a right to protect and care for their children and they should be the primary people doing that. So we would, I would say still be opposed in that case.

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DeBOER: OK. Thank you.

BOSN: Senator Rountree, sorry.

ROUNTREE: Thank you so much, Chairwoman Bosn. And thank you for your testimony. I understand your position. With the-- if Senator Juarez were to make that exemption, let's just put it to the side, but what about a minor if they're experiencing critical emergency needs and one of the parents-- I heard a doctor testify-- in past testimonies we've heard doctors testify that a child has an emergency but a parent cannot be found and so action is critical at the moment. What about a situation, would you be for or against?

ELIZABETH NUNNALLY: It's my understanding that in any case, whether a minor was pregnant or not pregnant, if there was an emergency situation, doctors would step in and take care of that patient--

ROUNTREE: OK.

ELIZABETH NUNNALLY: --without any kind of repercussion, so. So this bill would not be, it would not change that. Passing this bill would not make a difference in that situation.

BOSN: I know we're kind of playing mental gymnastics here, but to sort of follow up on Senator DeBoer's question, and perhaps it doesn't change your position, but if this were limited to 18 and up, and it precluded any abortion care, so we're only talking 18 and up, nothing under 18 and also an agreement that there wasn't any potential for seeking abortion or abortion-like care, would that change anything for you?

ELIZABETH NUNNALLY: So that's a good point because people keep talking about 18-year-olds, but this bill also includes any minor. I don't know what our official position is on changing like the age of--

BOSN: If you'd be willing to have a conversation with your organization and maybe let us know--

ELIZABETH NUNNALLY: Yeah, definitely.

BOSN: --if that changes it, Senator Juarez might be interested to know that.

ELIZABETH NUNNALLY: For sure, we could definitely talk about that.

BOSN: Thank you.

ELIZABETH NUNNALLY: Yep.

BOSN: All right. Seeing no one else, thank you very much for being here.

ELIZABETH NUNNALLY: Yeah. Thank you.

BOSN: Next opponent. Anyone else here in opposition? Good afternoon and welcome.

MARION MINER: Thank you. Good afternoon, Chairwoman Bosn and members of the committee. Once again, my name is Marion Miner, M-a-r-i-o-n M-i-n-e-r. I'm here on behalf of the Nebraska Catholic Conference, which advocates for the public policy interests of the Catholic Church and advances the gospel of life through engaging, educating, and empowering public officials, Catholic laity, and the general public. The conference opposes LB1161. I'm going to skip what I had in here that's specific to the abortion context because I think we're all familiar with that now. I will say the bill, as written, would have implication that's-- implications that reach well beyond abortion because it would cover health care decisions of any kind as long as you qualify under one of these three, three tiers. Consider that the bill in Section 1(2)(c) names three categories of minors who may make their own health care decisions without the consent of the parent or guardian. One is a person under 19 who is pregnant; two, is a person under 19 who's the parent of a child younger than 8; or, three, person under 19 who is experiencing a pregnancy-related condition; of course, fourth, is a person who's reached age 18. You know, I just wanted-- some-- you guys have heard me do this a few times on different types of bills, but I start-- I think through these things and the type of the hypothetical situations that this could bring up. The one that entered my mind in this case is that you do hear story-- you read stories sometimes in the news because a teacher gets arrested or, you know, something where you have, say, a 14-year-old boy and a teacher or maybe it's a high school senior girl, sexual relationship, that, that 14-year-old boy could father a child. Now he's the parent of a child under 8 years old, and now that person for the remainder-- that 14-year-old boy, for the remainder of his, his majority, has the right to make his own health care decisions of any kind without any parental consent through the remainder of his minority. This-- that's the type of scenarios that this makes possible. Now-- and, and that's one reason other than the abortion context specifically that we're opposed

to the bill. We also, along with NFA's position, we agree with the position that parents, generally speaking, are in a better position. They have better judgment. They know better what the best interests of their children are. They should have the authority to have-- to give consent to weigh in to help the child make a good decision. That said, I might not get to it before the red light, but I think some of the questions that were asked specifically of Ms. Nunnally are interesting. We don't have a position on 18 versus 19. So that's, that's-- we don't have a position on that. And, again, I think if, if it's, if it's very clear that certain types of things like abortion are precluded, I think that makes-- I, I think that opens the door to being able to talk this through, but it also-- how broad this is or could be is of concern to us, because of that general principle that parents just know, just know better. But if you're in-- if, if the child has reached age 18, maybe that's not so much a concern. I, I don't want to, I, I don't want to commit to anything, but I think that that's something that reasonable people can, can talk through and negotiate on. So I'll stop there.

BOSN: Thank you. You've answered my question. Senator McKinney.

McKINNEY: Thank you. Thank you, Marion. A couple questions. So does a Catholic Conference have a position on minors being sent to adult prisons?

MARION MINER: Minors being sent to adult prisons. I don't know if we have ever been presented with having to take a position on it. I just don't.

McKINNEY: Because I ask this question for multiple reasons, but recently the state announced that youth in the Nebraska youth correctional facility will be sent to adult prisons. And there could become a situation where, let's say, a 16-year-old passed in an adult prison is going through a medical situation and probably would need to make a decision. How would you feel about that?

MARION MINER: Yeah, that's, that's fair enough. I-- oh, gosh, I'm trying to remember, because I feel like we've, I feel like we've had legislation where we've been involved in these kinds of conversations on that very issue before and I'm trying to recall what it was. I remember conversations with Senator Morfeld when he, when he was in the Legislature on an issue like that and I feel like there was one more recently, too. But, gosh, I can't, I can't remember. But those, those were, those were situations that we were involved in

specifically because it perhaps implicated the question of abortion, and we wanted to make sure that our position was taken into account. All that being said, you know, there are situations, of course, where you've got somebody who is incarcerated or in, in another situation, a minor for some reason, needs to be able to make a decision and their parents are not in a position to be able to help them or give them guidance. I do think-- and it's also my understanding that in emergency medical situations, they're going to get that treatment. But the situation you're talking about specifically is a unique one. I think it's different from the, the general case and if we want to talk about that specifically and I have something to look at, we'll play ball on it. We'll definitely look at it. But I don't know the answer to your question just generally offhand.

McKINNEY: All right. Thank you.

MARION MINER: You're welcome. Sorry for the long answer.

BOSN: Senator DeBoer.

DeBOER: Thank you. So I could ask this in such a way where I ask you a series of questions and then we kind of have, like, a gotcha moment and I don't want to do that.

MARION MINER: OK.

DeBOER: I don't want to do that. Yesterday I had a bill, I think that was yesterday, where I had a bill to make 17-year-olds in Nebraska not able to be married. So you have to be 18 or older to get married. And I was a little sad that you all didn't show up and support me there, because it seems to me that you've always tried to talk about the strength of marriage as an important commitment and, and I hear you saying this again that young people are not able to sort of make these big decisions on their own. So, one, I plugged for my bill and maybe you should look at it. Two is if you are 17 years old and you have a child and you're-- it gets a little complicated, right, because you're saying, well, the parents are the best ones who know how to deal with it, but then the 17-year-old parent ostensibly is the best one that should know how to deal with it.

MARION MINER: Sure.

DeBOER: So, like, at some point, is there a cutoff? Like, I think what Senator Juarez is saying is, if you have children, then maybe you-- like, where does that-- where-- at what age does the number change so

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that you are in the position to make the best decisions for your child?

MARION MINER: Yeah, I hear you, and that's a reasonable question. I, I think that, that, that is a case-by-case thing, it really is. But, but generally speaking, in the, in the large majority of cases, I think, minors are just not very good judges of the consequences of their actions or of what's in their best interest. There are exceptions to that, and I'm-- we are open to seeing, you know, what might be done to narrow this in such a way that it still protects them and that we have certain situations that are definitively ruled out. Because the flip side of that coin is, you know, how do you, how do you draw the line in such a way that you keep it narrow enough, but, but also wide enough? I'm not saying it can't be done. It can be a hard thing.

DeBOER: So you're at least open to-- because I heard-- I hear a little bit of openness on the 18-year-olds from you.

MARION MINER: I'm just saying we don't have a position on it, so, yeah.

DeBOER: So I'll, I'll describe that as a bit of openness.

MARION MINER: OK.

DeBOER: It's not a hard no--

MARION MINER: Right.

DeBOER: --at this moment

MARION MINER: That is correct.

DeBOER: Although it may become so, if that's fair. Is there also a similar kind of not hard no at this exact moment, although it may become so in the future, about something like 16- or 17-year-olds with kids?

MARION MINER: I don't know how to answer that. I won't-- I will-- how about this? I won't tell you that that's a definitive, no, we're not open to that.

DeBOER: So you're saying there's a chance. OK. Thank you.

MARION MINER: But I don't know. Yeah.

DeBOER: Thank you for, for that discussion.

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

MARION MINER: Thank you.

BOSN: Next opponent. Good afternoon and welcome.

MATT HEFFRON: Good afternoon, Senators. My name is Matt Heffron. I'm an attorney with the Thomas More Society, a national public interest law firm with headquarters in Chicago and an office in Omaha. I come to issue or to state our opposition to LB1161. And I will address the, the bill as it's now written, because contrary to what one of the previous testifiers said, it certainly does directly affect abortion in the language there in Section (2)(c) [SIC] that is anyone who has a pregnancy-related condition or pregnant should make their own decisions. And so that's why everyone is maybe alarmed about this bill the way it's now written. I would say that first of all one thing I haven't heard yet said, so I will say it, is that it's entirely unneeded. One of the proponent's testimony was that, you know, in case there was an abusive parent, so on and so forth, that's already handled in Section 71-6901, and that's the parental bypass for abortion. A lot of us don't like that, but it's already taken care of. So this one is, is clearly-- this, this new bill is clearly not needed. It doesn't, it doesn't affect the problems, at least of abortion, in that way. It also sets up a conflict with Section 71-6901 and following. And the reason is that, is that this, this statute would be in direct conflict with, with the parental consent provision, which is what I've been talking about. And, therefore, it's a newer statute, under statutory interpretation, I assume that it would-- it might prevail, I don't know. It also should be pointed out that parental consent across the country, as well as here in Nebraska, is overwhelmingly popular. In fact, as, as stated in the materials that I issued to you, it consistently gets a majority of voters across, across the, the political aisle because people in this country want parents to be involved with their children. I'll also note that this is kind of bad timing for this statute. It's kind of tone deaf. And that's because in the wake of *Mahmoud v. Taylor*, the Supreme Court's decision in the recent, the recent session. In fact, a decision we were involved in, we were invited to submit an amicus brief. That decision, granted, was based on a free exercise clause, but it was overwhelmingly in support of parental rights to be involved with their children. So this particular statute is just going the wrong way. And

with that, I'd just like to again restate our opposition to LB1161 and I'm open for questions.

BOSN: Thank you. Thank you for being here. Any questions for this testifier? Seeing none, thank you.

MATT HEFFRON: Thank you.

BOSN: Next opponent. Anyone else here in opposition? Welcome.

BUD SYNHORST: Good afternoon. Good afternoon, Chair Bosn, members of the Judiciary Committee. My name is Bud Synhorst, B-u-d S-y-n-h-o-r-s-t, appearing today as the registered lobbyist on behalf of Nebraska Right to Life, the largest grassroots statewide pro-life organization working to protect innocent human life in Nebraska. And as the previous testifier mentioned, we're just going to address the bill as written, and if there are amendments we would take a look at those and, and respond to those individually. We stand in opposition to LB1161 as it takes away the commonsense measure of parental consent that safeguards young Nebraska girls from an industry that seeks to profit from abortion performance. In 2011, the Legislature passed a law protecting minors from a procedure that brings about risk and consequences. LB1161 seeks to leave parents out of the decision entirely while leaving parents responsible for their child's potential physical and emotional risks such as infection, hemorrhaging, or emotional trauma. In a 2022 Rasmussen poll, about 60% of those surveyed indicated parental per-- parental permission should be required before an abortion is performed on girls under 18 and 29% opposed. LB1161 undermines parental rights and responsibilities and makes a mockery of the proper and fundamental role parents play in their children's lives. Parents could be left out of situations that could potentially involve coercion, human trafficking, and abuse. When these go undetected, the minor child can feel isolated and unsupported by those who have the greatest investment and interest in their lives. Nebraska Right to Life supports involvement when a minor child is faced with critical life-altering decisions. Abortion takes the life of a precious human being in the womb and can scar the mother with physical and emotional side effects. The parents are the protector of their child, the ones who have the greatest vested interest in their child's well-being. They should be present and fully aware of the circumstances their child faces and be part of the decision-making process. Thank you.

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BOSN: Thank you. Any questions for this testifier? Senator, Senator McKinney. Excuse me, I almost called you Senator Terrell. Sorry.

McKINNEY: No problem. So in your testimony you said parents should be a part of the process, but what if the parents are the ones forcing the teen girl to have the abortion?

BUD SYNHORST: I, I don't know how to respond to that Senator, I don't, I don't know that we've seen a lot of that. So I don't know how to respond to that, frankly, I'd have to get back to you.

McKINNEY: Thank you.

BOSN: Thank you for being here.

BUD SYNHORST: Thank you.

BOSN: Next opponent. Last call for opponents? Neutral testifiers? Anyone here in the neutral capacity? All right, Senator Juarez, if you want to make your way back up. Thank you.

JUAREZ: Thank you very much. And I did want to say thanks to the committee for the good questions that you asked. I was very interested in listening to the responses myself. And so I appreciate the questions you addressed. LB1161 is a narrow, thoughtful response to real barriers faced by pregnant and parenting minors and 18-year-olds in Nebraska. By allowing these young people to consent to their own medical and prenatal care, the bill promotes timely access to essential health services, supports healthier outcomes for families, and brings Nebraska in line with well-established practices in other states while preserving appropriate safeguards. I respectfully ask for your support of LB61 [SIC]. And a couple more comments that I wanted to say was that I really wish that we could say that all of these age groups, that family life was perfect and that parents were really great in caring for their children. But truly that, that doesn't happen in all situations. I mean, that's why we have children who are sometimes removed from the custody of their parents. So I really would appreciate taking a look at the fact that just because you have the word parent behind you, doesn't mean that that's great, that it's perfect. Because the real world truly doesn't reflect that. And an immediate scenario that I could think about today in our current environment is what about immigrant parents who are removed from the home right now with what's going on in our world and leaving their, their children behind. I think that, again, this is a real-world

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aspect that we need to consider when we're making decisions about my bill like this. Thank you.

BOSN: Thank you. Any questions for Senator Juarez? Seeing none, thank you very much for being here.

JUAREZ: Thank you.

BOSN: That will conclude our hearing on LB1161. Last, but not least, we have our very own Senator Holdcroft here for LB1228. I will note for the record that we received no proponent, one opponent, and one neutral comment submitted for the record. Can I see a show of hands, how many individuals are here to testify regarding LB1228? One, two, three, four, five, six. All right. Is this your first bill in here?

HOLDCROFT: No, I think I've had at least one or two more earlier.

BOSN: You get 3 minutes to open, too.

HOLDCROFT: Thank you.

BOSN: Yeah.

HOLDCROFT: Won't need more than that. Good afternoon, Chairwoman Bosn and members of the Judiciary Committee. My name is Senator Rick Holdcroft, spelled R-i-c-k H-o-l-d-c-r-o-f-t, and I represent Legislative District 36, which includes west and south Sarpy County, 80,000 acres of the finest farmland in Nebraska. Thank you for the opportunity to present LB1228 and AM1887. This is a vital piece of legislation brought at the request of Governor Pillen in close coordination with our State Supreme Court. Behind me, you will hear from the State Budget Administrator who will provide you with the dollar-for-dollar impact this bill will have on our General, General Fund. You will also hear from the Nebraska State Court Administrator who will explain the importance of modernizing the judicial user system to increase court effectiveness or justice case management system. The court system is often the most direct point of contact Nebraskans have with government, whether they are settling a small claims dispute, navigating a difficult family dissolution, or resolving a traffic citation. Currently, every Nebraska taxpayer, regardless of whether they ever step foot in a courtroom, shoulders the burden of maintaining our judicial infrastructure. At the same time, the digital case management system is becoming a relic of the past. We cannot expect 21st century justice to run on 20th century software without a dedicated, sustainable investment. LB1228 shifts

the financial weight of our civil and administrative courts from the general public to those who actively use the system. Further, we are bringing Nebraska's rates into the modern era to be comparable with our neighbors. This legislation specifically excludes criminal cases. The amendment you received came from the courts after they had a chance to review the bill. It strikes the last section of the bill, eliminating the requirement for counties to remit fees that they are unable to collect from those in need. The amendment also adds clarifying language, makes corrections in terminology, and adds an emergency clause to the bill. We will continue to work with stakeholders, including clerks of the district courts to make sure all concerns are addressed. Chairwoman Bosn, members of the Judiciary Committee, thank you for your consideration of LB1228 and AM1887. The legislative initiative-- this legislative initiative represents a rare opportunity where the executive, legislative, and judicial branches have come together on a unified solution. I would like to thank Chief Justice Funke and his team for their collaboration, and I urge the committee to advance the measure to General File. And I'm happy to answer any questions you may have, but as I mentioned, there are-- there will be subject-matter experts coming behind me. Thank you, Chairwoman Bosn.

BOSN: Senator McKinney.

McKINNEY: Thank you. Thank you, Senator Holdcroft. I don't know if you agree with this statement, but do you feel as though court fees are one of the most regressive taxes that a government can impose on its people?

HOLDCROFT: No, I don't believe that. I believe people should pay-- I mean, I don't think it's right that I should pay the court fees for someone who's getting a divorce or someone who is suing someone or has a misdemeanor. I think that those individuals should pay their own court costs, and so that's the thought behind this bill.

McKINNEY: OK, what about-- so I'm looking at traffic misdemeanors or infractions, should a-- because I think that's different than a divorce fee or something, that's actually somebody being ticketed by or "citated" by law enforcement in some type of way. How do you feel about that one?

HOLDCROFT: Well, I should be paying their court fees? I didn't get that citation. I didn't speed. So why, why should I pay those court fees? Not to mention, I think we're talking 61 bucks.

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McKINNEY: Yeah, but what if I'm indigent?

HOLDCROFT: Well, then there are, then there are other avenues, I think, for you to go with that. I mean, we, we cover indigent fees for defense, so I think there's probably a method to, to handle those kind of situations.

McKINNEY: All right. Thank you.

BOSN: Do you speed, Senator Holdcroft?

HOLDCROFT: I'm sorry?

BOSN: Do you speed?

HOLDCROFT: Do I speed? I take the fifth. I take the fifth on that. It's been a long time since I've had a speeding ticket.

BOSN: Any other questions for Senator Holdcroft? All right, thank you.

HOLDCROFT: I'll be here for closing.

BOSN: Good. First proponent. Good afternoon.

NEIL SULLIVAN: Good afternoon. Chairwoman Bosn, members of the Judiciary Committee, my name is Neil Sullivan, N-e-i-l S-u-l-l-i-v-a-n, and I am the State Budget Administrator for the state of Nebraska. I'm appearing today on behalf of Governor Pillen in support of LB1228. I'd like to thank Senator Holdcroft and the Supreme Court for the collaboration on this bill to establish a state docket fee which provides a new funding source for current court services and planned upgrades for the case management system. Current court fees in Nebraska are low in comparison to our neighboring states. Bringing these fees in line to a regionally comparable level provides a more stable source of court funding separate from the General Fund tax dollars. For example, the total cost of filing for marriage dissolution in Nebraska is currently \$164, while in Iowa and Colorado the fees are \$100 higher. The proposed state docket fee will increase the total dissolution fee in Nebraska by \$111. The case management system's cash fund would receive \$10 and the remaining \$101 would go to the Supreme Court Operations Cash Fund. The state docket fee is applied to civil cases and traffic violations, but does not apply to criminal cases. Under the proposed AM1887, the state docket fee would hold counties harmless when fees are waived by the court. The fees in LB1228 keep Nebraska in line with other states, and are another good

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example of running government like a business to ensure our rates are competitive and sufficient to cover the cost of providing services. The resulting revenue increase is projected at \$14.4 million per year, \$3 million to the case management system upgrade, and \$11.4 to offset General Fund expenditure for court operations. The Governor's team remains available to work with the Judiciary Committee on this state docket fee. Thank you. And are there any questions?

BOSN: Senator McKinney followed by Senator DeBoer.

McKINNEY: Thank you. First question: there wasn't \$14 million sitting in a cash fund that we could have used.

NEIL SULLIVAN: I-- believe me, we looked at 900 cash funds. If, if there was, we'd be using it.

McKINNEY: OK. Would the Governor's Office be open to a suggestion if, if this does go forward to say the fees go back to today once whatever is paid off that pays for justice?

NEIL SULLIVAN: The, the idea behind this is to get the appropriation for the courts lowered as much as possible, so the ongoing General Fund impact. We want to make a difference for how much of the ongoing base General Fund goes to the courts so they can be more self-sufficient. So now the \$10 piece of it, the, the piece that goes to the case management system, yeah, maybe.

McKINNEY: But would they be more self-sufficient? Because let's say there's a year where one year the fees are up and money is coming in because people are using the courts, well, let's say we have another pandemic and the courts are not being utilized as much, that would destabilize the funding source. So is it really a stable funding source? Because it-- what comes in will definitely change depending on usage.

NEIL SULLIVAN: Certainly, if we have a significant, huge, prolonged swing in revenue source, there would have to be operational adjustments made and reconsiderations of, of the ongoing funding source or maybe a temporary solution to shore up funding for the operations. But I do think that the more we can rely on, on cash fund revenue coming in, the more self-sufficient we are, but we have to be ready to make those operational adjustments and have the conversations when big things come up that need to be addressed.

McKINNEY: All right, last question. This might be one I need to ask Corey. Is the usage of the courts down or up?

NEIL SULLIVAN: That would be a good question for Corey.

McKINNEY: All right. Thank you.

NEIL SULLIVAN: You bet.

BOSN: Senator DeBoer followed by Senator Hallstrom.

DeBOER: Thank you. So I was going to ask you that same question, but I also have another one that's a clarifying question.

NEIL SULLIVAN: Sure.

DeBOER: And then I think maybe we were just imprecise in the language. You said that this does not apply to criminal.

NEIL SULLIVAN: Correct.

DeBOER: But it does apply to traffic violations.

NEIL SULLIVAN: It does apply to traffic, yeah.

DeBOER: But traffic violations in Nebraska are criminal.

NEIL SULLIVAN: [INAUDIBLE] traffic, yeah. Yes.

DeBOER: OK. So criminal other than traffic.

NEIL SULLIVAN: You got it.

DeBOER: Thank you.

BOSN: Senator Hallstrom.

HALLSTROM: My question is right along the lines of thinking alike with Senator McKinney and Senator DeBoer, so I hope none of us get struck by lightning. How long do you anticipate the case management upgrade is going to take? And, and when will it start?

NEIL SULLIVAN: Right. Definitely, I'm sure that Corey can provide some better information on their plans for it. I know that we're just in the beginning stages of planning for implementation, quite some time,

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especially raising \$3 million a year through this standard. There'd probably be other funding sources we'd have to figure out.

HALLSTROM: Yeah, and, again, the back-end question for Corey, then, when does it start? How long does it take? How much money is it going to take? And then presumably we, once we get to that point, that 3-- that 10% portion of it perhaps could fall off.

NEIL SULLIVAN: Yes.

HALLSTROM: Thank you.

BOSN: Senator Storer.

STORER: Thank you, Chair Bosn. And thank you for, for being here. Is there-- and maybe it's in here and I just missed it--is there an estimate of what that upgrade is going to cost?

NEIL SULLIVAN: I've seen some numbers. I've seen numbers as high as \$100 million. That seems incredibly high. Very preliminary numbers.

STORER: And, and Corey may be able to address that as well. And I guess my only other question is if, if we're anticipating that expense, why would we not be putting all of the money generated from these, these increased fees into the fund to pay for the software update?

NEIL SULLIVAN: So I think a lot needs to be figured out. For sure, there is something needs to be done. Now, I don't know if everything that's proposed in the case management system needs to be just an automatic yes go ahead. There needs to be a lot of analysis to find the right approach to upgrading the system. At the same time, we're also trying to address the base General Fund appropriation for the courts. You'll see in the recommended budget bill, there's no reductions to the courts. I don't know if that would be the case if we weren't having this conversation about court fees. Everyone needs to do their fair share, I think, to, to contribute to solving the, the budget deficit. And this, I think, is a win-win commonsense way to, to get to that-- the court system.

STORER: Thank you.

BOSN: Senator McKinney.

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McKINNEY: Thank you. Was the budget deficit caused by the people using the courts?

NEIL SULLIVAN: Was it caused by the people using the courts? I wouldn't say it was caused, no.

McKINNEY: So what's the cause of the budget deficit?

NEIL SULLIVAN: Well, the cause of the budget deficit is the spending plan, right? So if we plan to spend more than we're going to be able to, and everyone's got to make adjustments to be able to reduce that spending requirement.

McKINNEY: So is it fair to say the Governor's Office decided to spend more and because of that we're raising fees on people?

NEIL SULLIVAN: Well, we don't pass the laws for how much is spent, it actually comes to you guys.

McKINNEY: But, but you got a great influence on this body.

NEIL SULLIVAN: We, we, we influence.

McKINNEY: Yes.

NEIL SULLIVAN: Yeah, we try to propose good plans for reduced government spending, for reducing government. And when the planned revenue doesn't come in as the Forecast Board projects, we have to be responsive to that, and we can be responsive to that by making adjustments.

McKINNEY: By charging increased fees on people.

NEIL SULLIVAN: One of our proposals is to make sure that we have competitive, comparable rates. So we are charging comparable rates, same as our neighboring states, Colorado, Iowa, Kansas.

McKINNEY: All right. Thank you.

NEIL SULLIVAN: You bet.

BOSN: And looking at the fee schedule here, you mentioned neighboring states, are these consistent or were those factors taken in-- I mean, because this varies, you've got a \$38 fee for some, all the way up to \$116 filing fee for or docket fee for others. Was that based on what other states are doing similarly?

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NEIL SULLIVAN: It is, yes. So everything was based on looking at Iowa, South Dakota, Missouri, Kansas, Colorado, looking to see what their rates are, what they charge, and then see how we compared with them. So we're low in, in almost all the ones that we were addressing here, and we're bringing it up to-- for instance, Iowa and Colorado were \$260, \$265 total, and we would be pulling our rates up to, it'd be \$275 total with the, with the new fee.

BOSN: Would you be willing to share that with the committee just so we have some sort of comparative--

NEIL SULLIVAN: Absolutely, we can do that.

BOSN: --basis there? Any other questions? All right, thank you very much for being here.

NEIL SULLIVAN: Thank you.

BOSN: Next proponent. Good afternoon and welcome.

COREY STEEL: Good afternoon, Chairperson Bosn, members of the Judiciary Committee. My name is Corey Steel, C-o-r-e-y S-t-e-e-l, and I am the Nebraska State Court Administrator for the Nebraska Judicial Branch. I am here today to testify in support of LB1228. In a perfect world, the court system should be fully funded by General Fund appropriations to meet their constitutional statutory obligations. In Nebraska and many other states across the United States, this is not the case. Court costs and fees along with General Fund appropriation are what fully fund our court system-- system's budget. With the current financial climate in the state of Nebraska and the need to cut General Fund appropriation, the judicial branch stance on LB1228 is that it's a reasonable method to ensure other judicial branch services are not reduced or cut. I'd be more than willing to expand on these if requested. These types of fees, dissolution, civil in district and county court, traffic, and small claims have not been increased in the state of Nebraska since 2005, so in 20 years. This bill would preserve the current funding for the judicial branch services and operations. It is in line with the surrounding states' court fees. Courts can still waive or approve in forma pauperis requests by the individual, and the county will not have to pay any waived portion of the new fee. The intent of this bill does not include juvenile or criminal case types. It is a user fee for those seeking resolution of disputes by the court, and it will assist the state in upgrading the current justice case management system. For those reasons, we are in support

of LB1228. I've attached numerous materials with court data on collection of court fines and fees over the past 5 years, 2025 state fee comparisons for the surrounding states, exactly on these specific case types, and some additional amendments, which I think have been addressed to the bill so it meets the original intent. I would be happy to answer any questions that I think are set up for me by this committee. And thank you for your time and thank you to Senator Holdcroft for his time.

BOSN: Senator Storer followed by Senator DeBoer.

STORER: It's like you were looking right at me as if your [INAUDIBLE]. I-- and you heard being asked the question earlier, what's the estimation of the cost of upgrading the, the software system adjustment?

COREY STEEL: So, currently, we've been in phase one of our justice upgrade. It's about a 5- to 6-year process, which would be maybe 7 years, I think. We did a complete mapping of our system, all of the case types, all of the information where it comes and goes in and out of justice and how everything operates. We're doing an RFP this summer, and with our project group that we have hired through a grant they're estimating about \$70 million for a full upgrade to do everything our current justice system does. Now, we're going to parcel that out over those, over those years. Currently, we know it's going to take pooled funding resources in order to do that. So what that looks like is we upgrade our user fees on our self-help services that have-- in almost 30 years have not been, been updated. So we expect some revenue, about \$3 million, a little over \$3 million a year from that upgrade. Court fee is one option, as well, which would be another between \$2 and \$3 million a year depending on how many cases come into the court system. We're also looking at other fees that the judicial branch charges and what we do for our operation of attorney services. And then we're looking at grants. We're going to be applying for a grant next month with the federal government with the hopes anywhere from \$6 to \$9 million to kick off that project and other grants come available. They're called NCHIP grants. Other states have been successful in getting monies, up to \$10 million for court case management systems. So we think we have a pretty good shot there. So we're looking at a lot of pooling funding. We know we're going to have to come to the legislature with some sort of General Fund appropriation. The hope is we can get halfway through the project and space that out year after year. We're looking anywhere from \$20 to \$30 million of General Fund appropriations is probably what we're going to

need for that, for that case management system. The other thing that we're doing is partnering with the OCIO, where they're going to be able to do some of the service in the transition from one case management system to the other at a much reduced cost than if we had the provider do that as well. So that could potentially come down in our partnership with OCIO.

STORER: So to that point, my question earlier, which would be the same, is, is there a reason for only suggesting \$3 million of the, the revenue generated by these increased fees would go into that justice cash fund?

COREY STEEL: Because the original intent when we met with the Governor's Office was the need for reduction in the judicial branch's General Fund operation cost. And in order to do that, the proposal was if we do a fee increase, we can reduce your General Fund operation cost in the budget bill, and you see that in the Governor's budget recommendations an \$11.4 million reduction, with then the passage of this bill to recoup those funds so we wouldn't have to reduce services from the judicial branch.

STORER: Thank you.

BOSN: Senator DeBoer and then Senator Storm.

DeBOER: So you and I-- thank you for being here-- you and I have worked on the various places that court fees go for a long time, like we've--

COREY STEEL: Correct.

DeBOER: --talked about it many times. I can't remember the approximate number but, if you have in your head, what are the approximate number of places that our court fees go to?

COREY STEEL: Hundreds. So I have on one of our sheets, it would be at the bottom of the 2025 state's fee comparison, there's a link there to our judicial branch website that explains where all the costs go, how much are brought in for each case type. Under each case type, there's many different subtypes. There's different fees sometimes associated with those subtypes as well through statute and then it describes what those all are for every violation. It's, it's about, when you print it off, about an inch thick so I didn't want to bring that to the committee.

DeBOER: I looked through it, it's, it's a lot of different things.

COREY STEEL: It's a lot of different things. And then there's a listing, once those fees come into the court, then there are about 30 different placements where those court fees are divided up to.

DeBOER: OK. So I know-- there's a lot of different places. I'm not trying to cut you off, I'm just-- there's a lot. And those fees go towards a variety of different, I would even say, kinds of things, kinds of activities. For example, it goes for the judge's retirement fund.

COREY STEEL: Correct.

DeBOER: It goes for the public advocacy.

COREY STEEL: Correct.

DeBOER: So is it the Commission on Public Advocacy?

COREY STEEL: Commission on Public Advocacy.

DeBOER: Commission on Public Advocacy, that is a commission which we put into place because we found that these small counties needed support when there was a big criminal case there.

COREY STEEL: Correct.

DeBOER: And the idea behind it, when you look at the law that passed that, was that they wanted to save those counties' property taxes.

COREY STEEL: Correct.

DeBOER: So these court fees are being used for a variety of things right now. Is there any court fees that goes to the General Fund, I can't recall?

COREY STEEL: Yes.

DeBOER: So General Fund is being raised by the court fees?

COREY STEEL: There are some, there, there's the law enforcement and training center. There's-- you know, your citation tickets, a lot go to the schools. I mean, it's a, it's a-- some go back to the county, the counties get court fees that, that are generated and then go back

to the counties as well. So there's, there's a listing, and I could provide that to the, to the committee if need be.

DeBOER: I mean, I think if we're going to reshuffle these things, we ought to be saying what's already-- like, we're raising essentially a tax on the people who use the judicial system. It would be, like, if we said to the people who come into the room here, OK, everyone can testify because this is your government, but you need to pay \$5 to testify. And so if we're charging this additional tax and you know, you know that I am a big fan of fixing justice. And I think we need to do it and I will, I've told you from the very beginning that I will support you in that and getting funds to do that. What I'm wondering is, is there some version of this bill that says, OK, we're going to start-- we're going to put general funds in charge of general funds so we're not going to get general funds out of the court fees anymore. We're going to do the judges' salary-- judges' retirement fund like every other retirement fund in Nebraska that is coming for state employees. We're going to make these things line up so that the-- if what we're really saying is we got to run this like a business-- I'm trying to use some of the words that I've heard. We need to run this like a business and so it's a pay-to-play situation and the, the, the money that we raise should pay for the thing. Then we should be getting rid of some of these other things in order to make that work. If we did that, this is the question, because I did get to a question eventually, all the other pieces that we're siphoning off, then, in that situation that don't directly go to the day-to-day activities of the entire judicial system, what would be the rough estimate, in your mind, percentage of money that we would be siphoning off that we could then put to, under our current fee structure, could put to this justice upgrade? Like, what percentage is already going out to other things?

COREY STEEL: I'd have to look at, at our total collection and what our collections are total for all court fees, not just what we recoup through court fees because some of those do come back to us as well with the Office of Dispute Resolution Cash Fund, with our, with our current automation fund, and those types of things. The thing is, if you take away paying for, we'll use Commission on Public Advocacy, and not use court fees to pay for that, where's the funding going to come from that?

DeBOER: I'm saying if we're raising the fees for-- I'm saying we should give you general funds for that. If what-- if we're raising the fees because we're saying we can't pay for justice because we don't

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want to use general funds for it, I'm saying all these other things-- I mean, that's about property taxes so let's pay for that with general funds and we'll just pay for the court with the court.

COREY STEEL: Right. One thing I want to make clear, only \$10 of this fee increase will be going towards the new justice case management system, whatever that is. The rest of it is to offset a General Fund deficit recommendation by the Governor's Office.

DeBOER: So then--

COREY STEEL: So that we can remain and keep our court operations stable in what we provide today.

DeBOER: I mean, it's essentially supporting the General Fund then--

COREY STEEL: Correct.

DeBOER: --because what you're doing, and, and we're already supporting the General Fund off of these court fees because you've said some of this goes to the General Fund. So this is an increase in a tax, but just on the people who use the judicial system.

COREY STEEL: We're saying it's a user fee. We were specific in the case types. So it wasn't criminal filings. It wasn't juvenile filings that people are brought in because of, of, of that. These were more, they're using the court for coming to use the court for-- in order to, to resolve a dispute.

DeBOER: I very much apologize for having raised my voice. I shouldn't have done it. And I, obviously, care a lot about this issue. We've worked on it for a lot of years. And I appreciate you answering my questions.

COREY STEEL: Yes.

BOSN: Any other questions? Senator Storm followed by Senator Hallstrom.

STORM: Thank you very much. Thank you for testifying. So just to make this clear. So you're cutting your general funds or the Governor is asking you to cut the general funds, you're trying to replace it with this, correct?

COREY STEEL: The Governor's Office came to us and said we're looking at a \$11.4 million reduction, would you be opposed to a court fee increase to generate funds that would fill in a cash fund to the court operations.

STORM: Right. So-- and then when I look at the proposed fees we're going up to, Nebraska will be one of the highest around if not the highest around fees. So we went from being the lowest and now we're going to be the highest and it looks to me like it's-- that's how you came up with the numbers, what proposed, you looked at every state.

COREY STEEL: We didn't just-- Senator, we didn't come up with the numbers, these were the numbers proposed by the Governor's Office.

STORM: Right. We ran it up to the very top of what Iowa is, Iowa is \$265 for divorce, so we're now, now going to be \$265. You know you look down here at traffic violations, we're now \$100 proposed, other states are \$55, \$105, \$91, \$108, so. And I, I agree maybe we need to do something but maybe not run it up to the top of every other state and be the highest fee. [INAUDIBLE]. Thank you.

BOSN: Senator Hallstrom.

HALLSTROM: Yeah, Mr. Steel, is the estimated funds that you'll derive from the 90% supposed to correspond to what your annual operating costs of the court are expected to be?

COREY STEEL: The money generated from this fee bill would keep our court operations exactly where they've been. There would not be an increase.

HALLSTROM: And with regard to-- but, but it's anticipated to continue to cover your operating costs that appear before to have been paid by general funds.

COREY STEEL: Not quite. We estimate the first year-- so if these were instituted, let's say July 1, we know as you come into court, some of the fees are up-front pay, some of them are after the fact. We know there's a 3-month lag time. We estimate that the first-year will probably only-- this would only probably generate about, oh, \$8 to \$8.5 million, so we know we're already going to be a little short that first year because you really start, it's on a full year of implementation. After that, then, based on our data and our research, on the current-- these case types and the IFPs, in forma pauperis, and the waiver rate, we should be very close to that \$11.4 million.

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HALLSTROM: OK. And then with regard to the 10%, I'm assuming based on what we've talked about that that's going to build up before you actually start the project and that's the design and intent. Do you have any trepidation that will go-- sweep those funds away from you, your--

COREY STEEL: Well, the hope is you won't. So just the, the 10%, we estimate that as, at base-- at best, between 2 to 2.5 with the potential increase, especially we're seeing an increase in civil filings over the last 2 years. That could potentially reach \$3 million. We know in, in starting with the justice system, we need some up-front money, so over that first year, it would generate about \$3 million, anywhere from \$2 to \$3 million, we'll say, that, that that'll help start that project. And so the hope is over the, the longitude of that project, it would continue to be able to be utilized.

HALLSTROM: So instead of hoping, you might just spend it quicker?

COREY STEEL: Well, it's going to get spent. I mean, if, if we start that project, the money needs to be there in order to start that project.

HALLSTROM: Thank you.

BOSN: Senator McKinney.

McKINNEY: Thank you, Senator Bosn. Thank you, Corey. So you just mentioned that there's been an increase in civil filings last year, so what if that decreases?

COREY STEEL: You're right, and we've had that in the past, right? We've seen our court cases ebb and flow over the years. And, and your comment regarding during the pandemic, that's where we had to set aside civil filings and not process those because there's no statute of limitations and really focus on our criminal filing. Those are things that we're, we're going to have to adjust and we're going to have to work through if we do see potential dips and decreases and work with the Governor's Office on what that funding would look like in our General Fund appropriation. We would probably have to come in for an appropriation increase or we'd have to start cutting budget in other areas.

McKINNEY: Should Nebraskans pay increased user fees for policies or plans that puts the state in a deficit?

COREY STEEL: Well, I think as I started my testimony in a perfect world and what we say is court system should be 100% General Fund appropriated. Everything a court needs because of the constitutional mandates and the statutory mandates that are put upon us in the court system in order to operate efficiently and effectively, we're not in that world. And so to say that we shouldn't have user fees, I think there's, there's user fees or court fees that can be and should be used for certain things and, and programs and services that are needed for some individuals, but I think that's a policy decision that this body needs to make is are they going to 100% General Fund fund a court system, and, and this is the cost-- we can tell you what the cost is to run our court system. And so that's a, that's a policy decision of, of that funding mechanism.

McKINNEY: Yeah, I know the courts don't generally engage in policy decision-making or proposals, but when things are put on the table that could have a negative impact on your budget, do you engage in any type of way?

COREY STEEL: We do. I think you've seen that in multiple occasions, we engage because it's a budget. We have to go in front of the Appropriations Committee and, and testify on our budget and our budget reductions. If there's going to be, if there's going to be a, a bill on the legislative floor that is going to directly impact our budget, we'll, we'll inform the Legislature of here's the impact that that's going to have. Your policy decision will have this type of impact and these are the programs and services that we would have to cut based on that, based on that legislative bill or policy decision.

McKINNEY: All right, last question. Are you open to a sunset on the fee for justice once it's fully paid for?

COREY STEEL: Yeah, I think as Neil, Neil had mentioned, we actually had that discussion. Do we put a sunset on this? The problem I think that we have at this time in the, in the bill is when is that sunset date, because we don't-- we're not sure how long that system is going to be before it's fully completed and done. We're still in an estimating phase because we don't have an RFP and we don't have a consultant group hired that's going to be implementing that. So what is that sunset? I think we had the discussion that we can always come back to the Legislature and say, OK, justice systems have been paid for, this \$10 now can be reduced. I'm not sure if in the legislation you could say once it's paid for should sunset, there has to be a mechanism in order to when does that get sunset.

McKINNEY: Is there a way to say it in a, like-- maybe not a sunset but once it's paid for, a review by the Legislature to further-- to, basically, discuss future appropriations because of the fees in some type of way, some type review, review process once it's--

COREY STEEL: Yeah.

McKINNEY: I don't know, maybe. I'm thinking out loud.

COREY STEEL: I think we'd be agreeable to have those discussions and seeing what that, what that would look like. But we had-- we did have those discussions early on when this topic was being discussed of do we put a sunset date, do we not? We also know any case management system, just like all of yours, there is ongoing cost with those, right? And so we're not sure what that ongoing cost is going to be just to maintain the system and keep it up, up and running. What does that, what does that look like? We don't know what that maintaining cost is year after year, just to keep it up and running. And every time a bill passes, right, I, I testified in front of this committee on many other, any time a bill passes, it's programming. We have to go into the system and update the system and what have you, and what are those ongoing costs?

McKINNEY: Thank you.

COREY STEEL: Yes.

BOSN: Thank you for being here. Oh, I'm sorry. You got to-- we got to, we got to implement a rule, team, higher than our head. I can't see, sorry. Oh, all right, all right, all right, just shout at me, then. Sorry, sir. Senator Rountree.

ROUNTREE: OK, thank you so much, Chairwoman Bosn. And thank you, Mr. Steel, for coming out and testifying. We've had conversations, you know I'm a big proponent of our justice courts and health courts and these because I see the great impact in our communities and the benefit of that. But as we look at this, you said this is brought to you by the Governor, I know it's brought in that, but as we looked at the fees and so forth, was there an opportunity to say maybe push back some, maybe not all that you have, is this what he presented to you, their office, and you say, no, we can't get there but we would come down to this reason together?

COREY STEEL: Well, I think we kind of did do that in the sense, Senator Rountree, is that's why we provided the fee comparison as the

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Governor's Office and, and my office were in discussion. We looked at these, we had these vetted to say, are these the, the fees by the legal research to say is it in line with other states? That is one concern that we had is, do we go way too far, higher than any other states, and, and we didn't want to do that, as well, and, and be in line or at least be comparable to other states. So once we, we had those figures and we came to the conclusion that there's the fee comparison, that was the discussion that we had.

ROUNTREE: Thank you.

BOSN: Bob Hallstrom.

HALLSTROM: Something that you said just spurred another question when we're talking about the sunset. You did reference and the bill says for the purchasing, implementing, and maintaining, and you talked about we passed new laws and you have to upgrade and so forth. So it may not be just as easy to say or simple to say that once you get it constructed and completed because you will have continuing upgrading and maintenance costs.

COREY STEEL: Correct, correct, there will be.

HALLSTROM: Thank you.

BOSN: Final call. All right. Thank you for being here.

COREY STEEL: Thank you, all.

BOSN: Next proponent.

ELAINE MENZEL: Chair Bosn and members of the Judiciary Committee, for the record, my name is Elaine Menzel, that's E-l-a-i-n-e M-e-n-z-e-l, here today on behalf of the Nebraska Association of County Officials. This time I have two caveats. I'm not sure the position we've taken on LB1228 is yet, but I believe it is a support. And the second is that the amendments get adopted that were proposed related to taking care of some of the concerns. Primarily, it's just to implement or clarify more so the intent that counties will be held harmless. So we do want to express a great deal of appreciation to Senator Holdcroft's office and to also the Governor's staff for working with us and addressing our concerns. And with that, that's all I have at this moment.

BOSN: Thank you. Any questions for this testifier? Thank you.

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ELAINE MENZEL: Thank you.

BOSN: Next proponent. Opponents? Anyone here to testify in opposition?
Good afternoon and welcome.

SPIKE EICKHOLT: Good after-- good afternoon. Thank you, Chair Bosn and members of the committee. 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 ACLU of Nebraska and the Nebraska Criminal Defense Attorneys Association in opposition to this bill. I did visit with Senator Holdcroft last week and explained--

HOLDCROFT: This is the first I'm hearing about it.

SPIKE EICKHOLT: Sorry for the back noise.

BOSN: Outbursts are not permitted, so--

SPIKE EICKHOLT: That's right.

BOSN: --you can be asked to leave.

SPIKE EICKHOLT: That's right. I think it's important for the committee to really appreciate what is happening here. In the Governor's budget, the General Fund appropriation to the Supreme Court was reduced by \$11.4 million. That's what this court fee is really all about, is fulfilling that deficit, that loss in general funds. The Chief, apparently, and he acknowledged at the House of Delegates today with the bar that he agreed to that when he met with the Governor's Office. I'm speculating that the agreement was for the 10% cut to be invested into the justice rebuild program. What that means to you is that for your constituents, there's going to be an over 200% fee increase for court cases. And I know people say, well, don't break the law, but it's not that. It's, you know, we've heard of bills on domestic violence. We were talking about raising the fee at almost \$300, and that doesn't even include sheriffs' fees, by the way. There's additional costs to serve summons and those kinds of things. You got a victim of domestic violence, she might want to divorce her abuser. She's going to have to come up with 300-and-some dollars now to do it. And, hopefully, she hasn't been evicted because she's going to have that judgment against her for the eviction action plus \$100 for the civil case there. That's what it means. Remember, last year you passed LB535, over my objection, that dealt with increasing fines for traffic tickets. On the second page of my handout, I'd like to break down what this means on the first page. The second page, that's an additional

cost. So your constituents, right or wrong reasons that they speed, are going to be paying \$200, \$300, \$400 for a traffic ticket now. That's money, that's a lot of money. I've heard some have to talk about the court can discharge it. That's not done in traffic cases. You can do IFP status. Yes, you can. You need a lawyer to do it. You can request, and it's not always done. And if it's done, think about that logic. Well, that means that they can just waive the fees and no one pays it, then you don't get the money. So that's not even, that's not even genuine. There's a comparison to the states that need to bring us in line with other states. I haven't seen any kind of actual comprehensive comparison. We treat fees and fines very differently. Other states don't. Other states-- and I've looked at this before, we've got other fee bills and, by the way, those fees have been, like, \$2 to \$5. You know, we're going hundreds of dollars is what we're doing here, it's a jump. And don't fool yourself for one minute, it's not going to get waived, it's not going to be repealed, it's going to stay on the books. If there's a sunset, it'll be extended. That's just how things work. It's worked in other agencies. Other states have things where you sort of index the fee based on the amount in controversy. Other states have different ways of approaching that. This is just a hike. It's an overwhelming increase, and it is a tax. And, Senator DeBoer, you're absolutely right. Courts are not a revenue source. Courts are for people. Article I, Section 13 of our constitution provides that courts are accessible for Nebraskans to use. You don't charge per testifier for exercising my right to appear in the Legislature. You might want to consider that, obviously.

BOSN: Thank you for your time. It was LB530 that you objected to last year,--

SPIKE EICKHOLT: LB530, that's right.

BOSN: --not LB535.

SPIKE EICKHOLT: OK, sorry. Thank you.

BOSN: It's a great bill. Any questions for this testifier? Senator Hallstrom.

HALLSTROM: We might want to charge by the word.

SPIKE EICKHOLT: Well, I stopped at the light. I stopped at the light.

HALLSTROM: I was just, I was just going to comment, you're categorically saying we know what's going to happen. Well, you've

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heard Senator McKinney, Senator DeBoer, and myself who don't agree on every issue--

SPIKE EICKHOLT: Right.

HALLSTROM: --all suggest that sunseting is probably a pretty good idea to consider. So I, I wouldn't discount categorically that it can't happen or it won't happen.

SPIKE EICKHOLT: I didn't know if that was a question, but--

HALLSTROM: It wasn't.

SPIKE EICKHOLT: OK.

BOSN: Any other questions? I mean-- I guess then it's your opposition at your point then, we shouldn't have any filing fees?

SPIKE EICKHOLT: No, I think it's just really-- that's not it at all, Senator Bosn, what I asked. I don't even know if I've opposed other fee increases before on behalf of my clients. That's not the issue. The issue is you're asked to hike these things up by nearly-- by literally doubling them.

BOSN: So it's the amount requested that is disproportionate in your mind to what is reasonable?

SPIKE EICKHOLT: Right, and I respectfully, your question is premised on the wrong way of looking at this. The Governor's budget cuts the court's budget by \$12 million approximately. That's not a done deal. The Legislature could revisit that. But what's happened is that this has been framed to you as something that the courts have worked out with the Governor and it makes so much sense and we're comparison to other states and it's a way to run a business and all these things that are missing the obvious point and that is courts are for the people to resolve differences. Victims to resolve differences, to get away from their abuser. For a landlord that wants to evict nonpaying tenants, they've got to come up with 100 bucks and they're not going to get that back from the tenant because the tenant couldn't even pay rent. It's just how we resolve differences. And I think the premise is not somehow, well, we should be in line with other states, the premise is whether that should be general funded or not. That's what I would respond to that.

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BOSN: And I guess my-- I wasn't trying to upset you, which I clearly did.

SPIKE EICKHOLT: Well, I could argue about this all day.

BOSN: Well, I don't want to argue. I, I guess-- I think we spend a lot of time trying to put a lot of energy and emphasis on our rehabilitative programs and structures that cost a tremendous amount of money. And we, we sometimes do that without thinking about the big picture cost that drug court costs. I mean, those costs are enormous and I'm very familiar with them.

SPIKE EICKHOLT: Right.

BOSN: And not all states around us have put those into place and, yet, maybe their filing fees are less and so there's a balance there of we really want these treatment programs and we want to prioritize that because I do think it saves money on our, our individuals who go into prisons then in the long run, so you're balancing that. But-- and, and maybe we are saying the same thing of there needs to be some increase, but this isn't what it is.

SPIKE EICKHOLT: Right.

BOSN: I just think if we want to keep funding those programs, we have to have some ability to say don't defund drug courts or treatment courts, in general, because we're out of money. We want to prioritize that. Let's see how else we can raise that money. And I guess when I looked at this, that's what I saw it as. Maybe you disagree and I'm open to your thoughts on that.

SPIKE EICKHOLT: I've heard that, that was mentioned today at the House of Delegates that drug courts will be in the mix, one of the first to be reduced. Now part of that sounded to me like any agency's argument when you look at cutting their budget. Find the most popular thing that no one wants to lose and throw it out there. I don't know. The court's not always necessarily open with this budget so I don't know. Another point that I wanted to make, and I kind of lost it there for a second was that, you know, the argument is drug courts should be funded, but this is illogical because the fees don't go to people who are committing crimes. It goes to civil litigants. It goes to traffic offenders. And I don't know why that is, maybe it's because of the volume of filing somehow, the math does it right way. I'm not sure, and I'm not necessarily arguing that everyone should have to pay it,

but I'm just saying that argument is a little bit illogical to make that point. And I know that drug courts cost money, problem-solving courts, too, then charge the participants something. This isn't it. And they do pay. I mean, they pay, and that's a thing that we've also talked about in other bills before. So there's a way to approach this. This is simply a tax, a user tax, on those people who use the court system.

BOSN: Fair enough. Thank you. Any other questions? Senator Hallstrom-- Senator McKinney followed by Senator Hallstrom.

McKINNEY: Thank you. Thank you, Spike. What does access to justice mean for lawyers and citizens?

SPIKE EICKHOLT: Well, you know, there's the financial ability. First, we already have a deficit of lawyers. You heard about that and not-- and people can't often afford to hire attorneys. I represent people for free. But if they-- they need to pay the court costs. They need to pay the filing fee. And if I need to have a subpoena served on somebody, they've got to pay the sheriff fee, which, by the way, is proposed to increase in LB900. So they've got to pay for that. That's an obstacle. Even if you are a landlord, and I do tenant assistance, I battle with some of the perhaps more evil ones, for lack of a better word, right? They have a, a right over their property to get nonpaying tenants out. You don't want them doing self-help stuff, so they have access to justice. You use the court system to do so. And some of those businesses are filing, you know, 10 cases a week. If you want to get divorced from your abuser, if you want to do those things, now, protection orders are-- the fees are always waived. I'm trying to think of some other examples. But you-- we have this notion under, and we have it in our constitution, Article I, Section 13, that the courts are accessible and open to the public. Just like here. I mean, there's a lobby fee that everyone pays, but that's for really reporting registration purposes. But anyone can stroll in here, bend your ear on an issue. We don't pay for that. And you wouldn't think to do that because it's our right. But somehow when it's courts, it's just all together different, like, well, they shouldn't have been doing that and other states do it, too. And it's just so easy to dispense, and I would just ask the committee to kind of look at that as a concurrent right.

McKINNEY: So people are going to pay for an increase-- pay an increased fee to pay for an update in justice and pay for justice as well.

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SPIKE EICKHOLT: Right. Right. Yeah, pay-- I mean, the court's done some other things. I have a justice account and they double the annual fee and they double the search costs, I think, basically, and that probably makes some sense. So there's other ways that the court can do this, I, I agree. But this is just something that we oppose, and maybe it's a matter of degree and amount, I don't know, but it's just extreme.

McKINNEY: Thank you.

BOSN: Senator Hallstrom.

HALLSTROM: You just recently suggested maybe putting a, a cost or a fee on those that utilize the drug court. If this calls for undue speculation, you don't have to answer it, but if we did that, is there a small likelihood that you might-- your group that you represent might oppose that?

SPIKE EICKHOLT: I don't think so because there are fees now. They-- and they have them in place and they are done-- most of them now are done through the court through the Probation Department anyway. There was, there was a dispute and argument for a while with the Lancaster County program's fees being more than other jurisdictions and that had a bill somewhere. We weren't opposing it but that's about the only time we weighed in on it. We understand there's a value to that.

HALLSTROM: Thank you.

BOSN: Thank you for being here. Next opponent.

ROBERT BRYANT: Good afternoon, Chair Bosn, members of the committee. My name is Robert Bryant, R-o-b-e-r-t B-r-y-a-n-t. I'm here on behalf of the Nebraska Collectors Association, and I also act as a collection attorney. We're here to express our opposition to LB1228. So it's our perspective that these increases-- as the previous testifier indicated, they're huge increases. This is not a couple-dollar increase like has happened in the past. At the county court level it's 130%, and at the district court level it's 134%. Some of the previous testifiers have said just as a matter of-- as a statement that our neighboring states are all similar to where we would be going at the end of this bill, but if you look at a place like Kansas, a neighboring state, there's a huge number of civil cases that are filed there at \$54, and there's another large number that are filed at \$74. So we're not-- it's not going to even out things with every neighbor

that we have. So our perspective is that, you know, small businesses rely very often on these courts to enforce their contracts, and so places like medical clinics and hospitals and those places, they have, they have already in these cases provided services to people. They've done good work for these people and then they sometimes don't get paid. They have to pursue that and this is causing a major-- it's a major difficulty to their access to, to, to getting paid and so it's really-- this point's already been made but it is just really a shift of where the money is coming from. It's, it's putting a user tax on the people who are using the courts and, and shifting that from where it was before, which is the General Fund.

BOSN: Thank you. Any-- oh--

ROBERT BRYANT: I'm open to questions.

BOSN: Any questions? Senator Hallstrom.

HALLSTROM: Under your method of doing business, you get an assignment of a, of a debt from a business for collection purposes. You go into the court system, you collect it, you can get court costs, possibly attorney fees, maybe that doesn't happen very often, but who would ultimately pay the increased cost of-- that, that would apply to your civil file?

ROBERT BRYANT: Well, in the case that you actually collect it, in the case you get the judgment and you fully collect the judgment, it would be the, the debtor would pay that cost. But there is some good portion of cases that get filed as, as a gamble, essentially, and the, the business would pay.

HALLSTROM: And, and what's the arrangement with the business that's assigning you the debt to go after-- do you, do you-- how does that arrangement become? Does it become all of your burden, then, or your risk that if you don't collect you're the one that pays?

ROBERT BRYANT: It's case by case. The, the, the attorney-- my-- I work with-- I'm the attorney and my office is not paying the cost, but often my client, the, the agency would be paying the cost quite often.

HALLSTROM: What arrangements do they make up front with the business? They just say here's the debt and we get a certain percentage of it or how, how does it normally work?

ROBERT BRYANT: Like that.

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HALLSTROM: OK.

BOSN: All right, thank you for being here.

ROBERT BRYANT: Thank you.

BOSN: Next opponent. Good afternoon and welcome.

SHIELA CAIN: Thank you. Good afternoon, Chairman Bosn and members of the Judiciary Committee. My name is Shiela Cain, S-h-i-e-l-a C-a-i-n. I'm here to just quickly talk on behalf of-- as a small business owner on behalf of other small businesses in opposition to LB1228. And so when I talk as a small business owner who represents other small business owners to put a lens on that, I'm talking about your local daycare, your heating and plumbing company, your local banker, a chiropractor, a dentist, those are the types of people that we represent. And I've also studied this issue of court cost increases over the last 20 years. And I can tell you that I, I firmly believe that this won't solve the problem. One thing that Mr. Steel's projections won't tell you is that each time there is an increase, there is less filings. And that's a simple matter of doing-- making a good business decision. So when I say this won't solve the problem, what I mean by that is we'll be back here next year with another increase. We've already just ended an increase, a 5-year stair-step increase that we negotiated, and now we're back here again this year looking at a 135% increase. And that's, basically, my whole point.

BOSN: Questions for this testifier? Senator Hallstrom.

HALLSTROM: Is there a threshold? I mean, I've seen some pretty small amounts that have been collected on behalf of businesses or for which collection has been sought. Is there a threshold or a dollar amount that it's just, with everything considered, it's not worth chasing after, or if I have a \$25 debt and I think I can get the court cost recovered, I'm going to go ahead and file?

SHIELA CAIN: I don't think that would be a good business decision that any of the Nebraska collectors would make. Yeah, there is a threshold, but each, each office decides that for themselves.

HALLSTROM: OK. Thank you.

BOSN: More about the increase that just was realized, when, when did that start?

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SHIELA CAIN: I believe it was 5 years ago, and it was a stairstep.

BOSN: 2020 or 2021?

SHIELA CAIN: I don't know for sure.

BOSN: Yes. OK. And what did those court filing fees begin at and what did they end at?

SHIELA CAIN: I know they ended at \$52.

BOSN: And you just don't remember what they started at?

SHIELA CAIN: Well, I think it was a \$5 increase.

BOSN: OK. All right. So \$47 to \$52 ish. OK. Any questions in light of that? All right, thank you very much. Next opponent. Neutral testifiers? Good afternoon.

MINDY WIEGAND: Good afternoon, Chairwoman Bosn, members of the Judiciary Committee. My name is Mindy Wiegand, M-i-n-d-y W-i-e-g-a-n-d. I am the clerk of the district court in Cheyenne County, Nebraska, and I am here on behalf of the clerks of the district court association. We just wanted to-- we're taking a neutral position on this. We just wanted it to come up and thank Senator Holdcroft and his office for cooperation. We have some initial concerns in the language of this bill regarding traffic, in forma pauperis, Title 40, child support cases and what the county's obligation would be to paying those fees if they were deemed uncollectible if, if they were filed that way. And through the amendment that has been filed so far and further amendments, we believe that all of our concerns on those will be addressed. And if there's anything further with our association, we're happy to, to work with Senator Holdcroft and his office. So that is all I had. And I would have any questions if you had any.

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

HALLSTROM: Congratulations on Sidney's football season.

MINDY WIEGAND: Yes, that was very exciting. First, first time.

BOSN: Senator Storm.

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STORM: I was going to ask where Cheyenne County was, but Sidney?

MINDY WIEGAND: Sidney.

STORM: OK.

MINDY WIEGAND: Yes.

STORM: That's all I had.

MINDY WIEGAND: Not Wyoming, almost.

STORM: Yeah, I was going to say it's--

HALLSTROM: That's why I asked the question to answer his question.

BOSN: You didn't ask a question, that was a statement, but not here nor there.

MINDY WIEGAND: I will let, I will let the boys know you've congratulated them.

BOSN: Any other actual questions?

MINDY WIEGAND: Thank you for your--

BOSN: I guess let me ask you this--

MINDY WIEGAND: Go ahead.

BOSN: --in the-- you heard the previous testifier's testimony regarding the increased stairstep over the last 5 years or ish 5 years. Have you seen a reduction in filings in Cheyenne County as a result of those stair-step increases?

MINDY WIEGAND: No, not in Cheyenne County. We have seen an increase in, in forma pauperis filings, but not-- but I think that they were \$1 a year and I believe they started in 2021. They just finished in-- July 1 of 2025. I believe that they were \$1 a year, so I think she was correct. I have not seen a decrease in civil filings.

BOSN: OK. Thank you for being here.

MINDY WIEGAND: Yes, thank you. Thank you, all, for your time.

BOSN: Next neutral testifier. Good afternoon.

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 in a neutral capacity on behalf of the Nebraska State Bar Association. Let me first start by saying that this bill has probably drawn some of the most intense and heated debate that we've had internally with the legisla-- through the Legislation Committee on the House of Delegates' floor as, as early as this morning before determining how we would appear before you today. I think there is broad consensus among almost everybody who has spoken on this issue or, or agreed or, or talked on behalf of the bar, whether it's lawyers or judges or whomever, that we feel, and we would echo what Mr. Steel said earlier, which is that our courts should be functioned and operated using General Fund dollars, and I think that's what's given us the consternation. The reason I appear neutral today is simply because of what we believe is at stake if we aren't able to fund our court system. The Bar Association has been working in conjunction with the court. I know we're talking about the last year. The last year is really when we've sort of intently started working on the plan for upgrading the justice system. It's incredibly out of date. Our House of Delegates took a position as recently as last fall that it's going to be one of our number one priorities over the coming years is to figure out how to upgrade that computer system that is way too, way too old. And so I think the fact that a portion of this fee goes towards that, and, and you're going to hear over the next several years other ways of raising dollars to do that implementation. As you heard prior testifiers testify, that's going to be \$60, \$70 million in funds that are going to have to be raised. A \$10 fee is not going to raise enough money and we're going to have to come up with more diverse sources of revenue to do that. I think that gives us pause, then, in, in why we appear in a neutral capacity and not simply saying this should be General Fund funded. I think the second key factor, and I think you heard Mr. Sullivan testify to it earlier, last year we saw substantial debate over the court's budget that led to a, a veto by Governor Pillen. That veto was not ultimately effective, but we were working to overturn that veto because of the things that are funded by the court system. If we were to lose \$11.4, \$11.5 million in funding for the court's system, we would be forced to make some hard choices, and I think the, the profession and the debate that we've had feels very strongly that we can't afford to have a step back as far as that goes. I will be working with members of the Appropriations Committee to try to preserve General Fund funding for these things. I, I am here in a neutral capacity to tell you that lawyers don't love this, don't like it whatsoever, but we would also echo to you that the things that

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these resources fund are absolutely critical to our justice systems, and we don't want to see that jeopardized either, so. With that, I'm happy to answer any questions that you might have.

BOSN: Senator DeBoer. Nope. No one has any questions?

HALLSTROM: Well, if you insist.

BOSN: All right. Senator McKinney.

McKINNEY: Thank you.

BOSN: Saving the day.

McKINNEY: Thank you. Why don't you, why don't you all just say no and then advocate to us to make sure we protect the funding?

TIM HRUZA: I think that I, I-- make no mistake that, that was heavily debated this morning. We spent well over, I think, an hour hearing from our House of Delegates' members, lawyers from across several different sides. I think the concern is-- candidly, if, if we took a position opposed and that jeopardizes the-- and, and the Appropriations Committee were not-- are not successful in getting the Appropriations Committee to make the General Fund adjustment in, you know, contrary to what the Governor has suggested, that \$11.4 million gap is too big of a loss from-- at least from our standpoint, that's, that is what our-- it's what our governing body decided here this morning.

McKINNEY: All right. Thank you.

BOSN: Thank you.

TIM HRUZA: Thank you.

BOSN: Yeah. Any other neutral testifiers? Going once. All right, Senator Holdcroft, if you want to close.

HOLDCROFT: I suppose. OK, so we asked the Governor to give us a balance of budget. This is the way he wants to balance the budget with our courts and worked out with the courts. I think it is the way we are headed in the future, increasing fees, decreasing tax. We are seeing that across the nation. People are pulling down, the states are pulling down income tax, they're pulling down property tax, and they're increasing, you know, the sales tax, but the sales tax is a

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user fee. I mean, you're paying a tax, a fee for what you buy and what you use for service. I, I see that as the same way here. We, we need to fund our, our courts. The way the Governor has recommended doing it here and worked out with the courts is to raise user fees to cover those costs. And if you've got a better idea, then let's, let's get with the Governor and the courts and figure it out.

BOSN: Questions? Senator DeBoer.

DeBOER: Am I a beneficiary of the court system if I never go into the court system, but they make sure that criminals are prosecuted so that I do not have criminals running around in the street?

HOLDCROFT: Yes, and I think there's a fair amount of taxes that go to cover that. So what we're doing is we're making up a deficit. We're trying to make up a deficit.

DeBOER: I understand that.

HOLDCROFT: And so then the, the way to-- we can either raise, again, the taxes I'm already paying for that kind of comfort because of the court system is in place, or I can put more of the load on the people who are using the court system.

DeBOER: Am I using the court if-- though-- am I a user of the court if I just sit here and know that someone will prosecute cases for me? But if I have--

HOLDCROFT: Yes, but are you--

DeBOER: --if I have-- sorry, let me just finish-- if I have a civil case so that I know, OK, no one's going to take huge advantage of me in terms of a contract that I have because there is a court system that I can go to, to go and enforce my contractual rights?

HOLDCROFT: Absolutely. I mean-- and that's why you pay taxes, and that's why your taxes go to the courts. But there's taxes that come-- there's court costs or the cost of, of funding the state court is split between the user fees and what you pay in taxes that goes to the courts out of the General Fund. And what we're saying is we want to adjust that. We want to put more of the load on the users and less of a load on the tax because we are pulling down our state income tax. And you decided, you voted to pull down the state income tax.

DeBOER: I didn't actually.

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HOLDCROFT: Oh, well.

DeBOER: Just for the record, I did not vote for that bill. But my point was just to object to the use of the word user because I think too def-- too narrow of a definition of the word user would suggest that I'm not a user of the court if I don't actually go into the courthouse because I think we're all users of the court by, by virtue of what the court, the court does for the society as a whole. But we don't need to argue semantics at 4:30 on a Friday when I think you all have somewhere better to be.

BOSN: Senator McKinney.

McKINNEY: Thank you. Senator Holdcroft, who caused the deficit?

HOLDCROFT: Who caused the deficit? Well, there's a number of reasons for the deficit. First, we are pulling down state income tax, and we're down to 4.5. That's less revenue for the state, so that's an issue. And on top of that, we had an increase in our overall average salaries in the state which bumped us up and bumped us down on Medicaid payments from the feds and so that took care of-- I mean, that-- again, less revenue and we've had a couple bad quarters with the GDP so that's less revenue. I would say that our deficit is, is caused mostly by less revenue not by overspending.

McKINNEY: OK. Do we-- does the Legislature have to agree with the Governor's plan?

HOLDCROFT: Absolutely not. We can change that. That's what appropriation is all about. And that's why I started off, I said, this is what the Governor has proposed. If you've got something else to do the same thing, well, then that's what the appropriation process is all about. But this is what the Governor has, has, has offered to us. Call it a starting point. Let's go forward with it.

McKINNEY: Thank you.

BOSN: All right, thank you very much.

HOLDCROFT: Thank you, Chairwoman Bosn.

BOSN: That concludes our hearings for Friday, January 30. Everyone have a great weekend.