

BOSN: Good afternoon and welcome. Welcome to the Judiciary Committee. I am Senator Carolyn Bosn from Lincoln. I represent District 25, which is southeast Lancaster County, including Bennett. I serve as chair of the committee. We will be taking bills up in the order posted outside of the room, with some potential flexibility for senators who may be opening in other hearings in other rooms. But this public hearing is your opportunity to be part of the legislative process, and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets on the back table of the room. Please print clearly, filling it out completely. When it is your turn to testify, come forward, give the sheet to the page or to the committee clerk. If you do not wish to testify but would like to indicate your position on a bill, there are yellow sign-in sheets on the back table for each bill. These will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone, stating and spelling your first and last name to ensure we get an accurate record. We will begin each hearing today with the introducer's opening statement, followed by proponents, then opponents, and neutral testifiers. We will finish with a closing statement by the introducer, if they wish to give one. We use a three-minute light system in this hearing room for all testifiers, and we follow that as closely as we possibly can. When you begin your testimony, the light on the table will be green. When the yellow light comes on, this means you have one minute remaining, and the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard; it's just part of the process, as senators may have bills to introduce in other committees. A few final items. If you have handouts or copies of your testimony, please bring up 10 copies and give them to the page. Please silence or turn off your cell phones. Verbal outbursts and applause are not permitted in the hearing room, 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 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 submit a position comment for the record or testify in person; you may

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 18, 2026
Rough Draft

not do both. I will now have the committee members with us today introduce themselves, starting with Senator Hallstrom.

HALLSTROM: Bob Hallstrom, Legislative District 1, representing the counties in southeast Nebraska: Otoe, Johnson, Nemaha, Pawnee, and Richardson.

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

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

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

McKINNEY: Good afternoon. Terrell McKinney, District 11: north Omaha.

ROUNTREE: Good afternoon. Victor Rountree, District 3: Bellevue and Papillion.

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. Our pages for the committee today are Kayanne Casperson, Kleh Say, and Luke Lawton, all from UNL. Thank you very much for being here. With that, we will begin today's hearings with LB935.

DeBOER: As Senator Bosn is making her way up, I will announce that there were 10 proponent comments, 8 opponent comments, and 0 neutral comments. Welcome, Senator Bosn, to your Judiciary Committee.

BOSN: Thank you, Vice Chair DeBoer. Good afternoon, members of the Judiciary Committee. For the record, my name is Carolyn Bosn, C-a-r-o-l-y-n B-o-s-n. I represent District 25, which is southeast Lincoln, Lancaster County, including Bennett. LB935 strengthens accountability and fairness in civil litigation against Nebraska's political subdivisions. In doing so, it protects taxpayers and municipalities from frivolous litigation. Across Nebraska, cities, counties, and school districts increasingly face lawsuits that are frivolous or for purposes of delay or harassment. These cases consume taxpayer resources, they burden local budgets, and they divert public employees and

officials from their core responsibilities. LB935 helps protect scarce public dollars by clarifying a political subdivision may request attorney's fees and court costs when it must defend such a claim. Current law allows attorney's fees and costs for frivolous or bad-faith claims, but it is ambiguous as-- about how these provisions apply to local government. This bill resolves that ambiguity. LB935 works as follows: a political subdivision may request attorney's fees and court costs when it is forced to defend a claim that is, quote, "frivolous or intended primarily to harass the political subdivision or its public officials," end quote. If the court rejects the underlying claim against a political subdivision and the political subdivision requests attorney's fees, the court must hold a hearing to determine whether the claim was frivolous or harassing. If the court determines the claim was for frivolous or harassing, the party asserting the claim has the burden to rebut that finding or show that the claim was otherwise excused. If the party fails to carry that burden, the court must award reasonable attorney's fees and other expenses to the political subdivision. LB935 accomplishes three primary objectives. First, it harmonizes and updates existing statutes, including Section 25-824, chapter 25-1802, and chapter 25-1804 to ensure that the same definitions, same thresholds, and same remedies apply across actions involving political subdivisions. This removes inconsistencies that have created uncertainty for litigants, local governments, and courts. Regardless of the attorney fee provisions, this is good clean-up language. Second, LB935 codifies and clarifies eligibility for attorney's fees and costs in cases against political subdivisions. When the underlying standards for frivolous or bad-faith actions remain, the bill makes clear political subdivisions may seek recovery just as any other party would. This protects taxpayers by deterring baseless litigation while preserving access to courts for legitimate claims. Third, the bill defines and redefines key terms including, quote, "political subdivision" to ensure uniform treatment of the wide range of local government entities covered under Nebraska law. These clarifications reduce ambiguity and help courts apply the statutes consistently statewide. Again, this is useful cleanup language. In short, LB935 strengthens Nebraska's civil justice framework by safeguarding taxpayer resources, discouraging misuse of the legal system, and reinforcing fairness in litigation with local governments. It does not diminish anyone's right to bring a meritorious claim. Instead, LB935 reinforces long-standing statutory standards to deter frivolous or harassing litigation, and protects public

resources. Thank you for your time and consideration, and I would be happy to answer any questions.

DeBOER: Thank you, Senator Bosn. Are there questions for this introducer? Senator McKinney.

McKINNEY: Thank you, Vice Chair DeBoer. Thank you, Senator Bosn. I'm just curious, how would somebody, I guess, show that they haven't filed a frivolous claim?

BOSN: So, there-- there's a hearing to determine. I mean, if somebody wants to make that allegation, they would initially likely file a motion to dismiss or a-- I'm drawing a word blank. There-- there's a variety of motions that are filed, findings then by the court, and then you would make this determination following those hearings.

McKINNEY: OK.

BOSN: So, there is a process by which-- I mean, the court doesn't get to unilaterally make that determination. It has to go through a, a process.

McKINNEY: All right. Thank you.

BOSN: And I also have-- to your point, I have examples of a case that was brought that does a nice job of articulating this circumstance. And I only brought one copy, and so I will share copies of that with all the committee members just to use as an example.

McKINNEY: All right. Thank you.

DeBOER: Other questions? All right, I'm told there are very few testifiers in Revenue, so you might be going over there, but will you come back to close if you can?

BOSN: Yes.

DeBOER: OK. All right, can I see a show of hands? How many people would like to testify in any way on this bill so we can get a sense of how long we're-- OK, just two. Perfect. We'll have our first proponent.

DAVID LEVY: Good afternoon, Vice Chair DeBoer, members of the committee. David Levy, D-a-v-i-d L-e-v-y. I'm an attorney with the Baird Holm Law firm in Omaha, and I'm appearing here before you today on behalf of the city of Omaha and the city of David City in support of LB935. I want to thank Senator Bosn for introducing this bill. Senator Bosn, I believe at the beginning, or maybe it was you, Senator DeBoer, mentioned the online comments. And I think it just bears noting, I know you have those, but some of the, the comments as proponents of the bill came from the City of Lincoln, Lancaster County, Douglas County Sheriff, Nebraska Association of County Officials, the County Attorneys Association, NIRMA, which is the risk pool, the insurance group for counties, and OPPD and MUD, to name some. So, you can see there's a broad variety of political subdivisions who support this legislation. This bill came about because I serve as city attorney for the city of David City, and we-- they had one resident in David City who at one point had five lawsuits pending against the city. Three were legitimate disputes over an annexation, although they could have, I think, been brought as one lawsuit; one was questionable, and, and one, frankly, just about constituted malpractice in my opinion. And it's those last two that LB935 tries to address. Those lawsuits, those two lawsuits, cost the taxpayers well over \$100,000 and they took a lot of city staff time. And again, that all occurred really over the course of only one year. Senator Bosn, I think, mentioned one of the cases that-- elsewhere that had to do with NIRMA; somebody sued all 93 counties over the same issue. LB935 has safeguards built into it. This gets a little bit, Senator McKinney, to your question. First, the court has to deny or dismiss the claim against the political subdivision. So, if the, if the plaintiff wins the lawsuit, we, we never even get to this. Then, the political subdivision has the burden of proof because they have to bring the motion to seek attorney's fees, and they have to prove to the court why they think they deserve attorney's fees because of the claim, and why they think the claim was frivolous. Only then does the original plaintiff have to then try and prove out their case that the case-- their position that the case was indeed not frivolous. Then, the court has to decide. The court doesn't have to award attorney fees; the court can award the attorney fees requested, less than the amount of the request, or, or none. So, there are safeguards, as Senator Bosn mentioned. This concept already exists in the law. This is applying it to in this political subdivision context, and cleans up and harmonizes existing statutes. I think this is a common-sense approach to what I have learned working on this is really a widespread problem across the state. With that, I'll

conclude my remarks and respectfully request that the committee advance this bill to General File. I'm happy to answer any questions.

DeBOER: Thank you. Let's see if there are any questions. I have one for you, Mr. Levy.

DAVID LEVY: Yeah.

DeBOER: Would this apply-- so, if this gets past the dismissal phase and goes to summary judgment, and then there is a-- the political subdivision gets summary judgment, would, would that potentially still be frivolous, even though they got past dismissal?

DAVID LEVY: No.

DeBOER: OK.

DAVID LEVY: So, the, the, the way the bill is written-- and our intent is that the case would have to be weak enough to fail to survive a, a motion to dismiss or a motion for judgment on the pleadings, some kind of a fairly preliminary dispositive motion. If it goes to a trial on the merits or a summary judgment type situation on the merits and, and the plaintiff loses, I think that's pretty clear that's not a frivolous lawsuit, and that's not what, what this bill is trying to get at.

DeBOER: OK, so this will only be for those that first look and dismissal [INAUDIBLE]

DAVID LEVY: Right. You don't-- you have-- you don't even make the initial hurdle, essentially. And, and only then does this potentially even arise.

DeBOER: OK. And then is there a body of case law on the issue of frivolous? I assume there is. Is, is there sort of some parameters around the concept frivolous?

DAVID LEVY: There-- yes. Yes is the short answer. There is a body of case law around that, because again, the idea and the concept of attorney fees for frivolous lawsuits is, is in and has been in Nebraska law for some time. I don't know that there are a lot of those cases, but they certainly are out there.

DeBOER: OK. Other questions? Thank you.

DAVID LEVY: OK. Thank you.

DeBOER: Next testifier in favor.

CHRISTY ABRAHAM: Senator--

DeBOER: Welcome.

CHRISTY ABRAHAM: Hi, thank you, Senator DeBoer and members of the Judiciary Committee. My name is Christy Abraham, C-h-r-i-s-t-y A-b-r-a-h-a-m. I'm here representing the League of Nebraska Municipalities. We first want to thank Senator Bosn for introducing this. As Mr. Levy mentioned, this bill came through our League legislative process, which is a month-long process where we try to determine what our legislative agenda for the year is going to be. And as part of this process, we, we submitted this to our attorney subcommittee, which is a group of city attorneys from across the state who look at our legislation. And I think the thing that struck me the most was the unanimous support from city attorneys across the state. We have a hard time getting our city attorneys to agree on a lot of things. There's a lot disagreement out there. But I was surprised that all of them said that they are facing this issue, that they are all facing these harassing and frivolous lawsuits. And I was surprised at the number of them that said that the person filing these claims had representation, they had an attorney representing them. It wasn't a pro se situation where they were just filing; it was someone who had represent-- representation from an attorney. So, I just wanted to mention that this-- although this sort of came from David City, I just wanted to mention this seems to be a problem statewide, and we're just so grateful for the committee's time for this, and again for Senator Bosn introducing it for us.

DeBOER: All right. Thank you. Are there any questions? I don't see any.

CHRISTY ABRAHAM: Right. Thank you so much.

DeBOER: Thank you. Next proponent. Anyone like to testify in opposition to the bill? Is there anyone who would like to testify in the neutral capacity? Senator Bosn.

BOSN: Thank you, colleagues, and I, I will be brief. I appreciate those who came in in support. I'm happy to answer any questions that you guys may have, but I am also willing to follow up with getting some further guardrail definitions of what constitutes frivolous and to make sure that we're not unnecessarily shifting that burden, but I, I will tell you that in conversations with the city attorney in Lancaster County-- or, in Lincoln, excuse me-- and also the city attorney in Omaha, the issue that this does is it takes these employees away from actual cases, and they're spending hours and hours doing a motion to amend and then a second pleading, and then they just get a continuance. And it's these delay tactics that make it take longer than just a motion for summary judgment where the case could be dismissed. And it's-- it is-- and, and I can get you the documentation showing the cost that this is creating for taxpayers when you have this over and over again. And oftentimes, certainly, in the case of David City, it's the same individual who does this over and over again. And I, I think this is an issue that really does warrant some sort of solution, and, and I think this the right solution for that. But happy to work with anyone, if you have questions.

DeBOER: Questions from the committee? Senator Storm.

STORM: Thank you. Thanks for being here. Yeah, I'm from David City. I know exactly what you're talking about. It's a good bill.

BOSN: Thank you.

STORM: It's not me bringing them.

BOSN: I knew-- I know that.

DeBOER: Senator Rountree has a question.

ROUNTREE: Thank you so much, Vice Chair, and thank you so much, Chair Bosn. I'm assuming there's a type of database across the state that tells how many lawsuits have been filed in all of the places. And probably how many of those have been determined to be frivolous?

BOSN: So, there-- the statewide system is called JUSTICE,--

ROUNTREE: JUSTICE, ok.

BOSN: --which I'm sure you've heard of. We talk about how outdated that is, and needing of some modifications and issues that it causes, but-- so, I don't know if there's an easy way to actually just do a search for how many of those cases are determined to be frivolous. But you could probably do a search and find out how many are dismissed against political subdivisions at a summary-- motion for summary judgment, and I could probably find out some more. I'm happy to look into the-- I see-- get your point is, like, "How prevalent is this?" and find out how many are being dismissed at a motion for summary judgment against a political subdivision.

ROUNTREE: Thank you.

DeBOER: Other questions? So, I-- is-- the reason I asked is because dismissal is first, and then summary judgment is later.

BOSN: Right.

DeBOER: So, I was-- so, the bill is just for, for cases that are dismissed at the dismissal level, right?

BOSN: Correct.

DeBOER: OK, because you just-- so I was just making sure.

BOSN: You're right. Yes.

DeBOER: Sorry.

BOSN: No. I mean, you could probably pursue it. There's things-- there may be cases-- and I-- I'd have to think about this more, but there may be places where you don't realize that it's frivolous until you do, right? You may think there's a legitimate claim, and then you file a motion for discovery, determine that it is a frivolous situation.

DeBOER: Can it be frivolous if-- if you and the judge and nobody knows that it's frivolous through a whole dismissal process, and then you get to summary judgment, you brief it and then realize it's frivolous? I mean, the fact pattern is getting harder to prove frivolous, I would say.

BOSN: As you go, I would assume so.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 18, 2026
Rough Draft

DeBOER: Yeah.

BOSN: But I-- let me think about that more.

DeBOER: OK. Other questions? Thank you.

BOSN: Thank you.

DeBOER: We then will close our hearing on LB935, and we will open our hearing on LB779. Welcome.

CONRAD: Are you OK sequence-wise? Sorry, I know everybody's running behind--

BOSN: Nope.

CONRAD: --between a lot of committees today.

BOSN: You're good. I think I'm good, and I may have to step out, though, in the middle of this. So.

CONRAD: Very good.

BOSN: Welcome, and thank you.

CONRAD: Thank you, Chair Bosn. Thank you, members of the committee. My name is Danielle Conrad. It's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I represent north Lincoln in the Nebraska Unicameral Legislature, and I'm pleased today to introduce LB779. This legislation creates safeguards for Nebraskans who are facing medical debt, and provides common-sense steps to help protect financial health and security and well-being of Nebraska families when they are facing medical debt. Medical debt has become one of the most common forms of consumer debt in our state and nation, and far too often, hard-working families are burned with high interest charges that can escalate otherwise manageable bills into long-term financial stress. So, the two primary components of this legislation is to, number one, limit excessive interest and charges, and to protect an individual primary residence from for-- lien and foreclosure solely based upon medical debt. So, this is an issue that has drawn considerable interest, so I'm going to try and keep it as absolute brief as I can to put the spotlight on the experts and impacted Nebraskans who are here in a very broad and diverse coalition to show the need for this legislation. But basically,

how it came to my desk and why it is before you today is for the following reason. So, I was watching what was happening on the federal level in recent months in regards to the shutdown and negotiations on the ACA credits and all of these things that captured our headlines for quite some time. And it occurred to me that perhaps we weren't going to be able to fix everything in terms of "skyrocketing," "skyrocketing"-- skyrocketing costs for health insurance as a result of that federal dysfunction. But maybe we could do something on the state level to protect families as those costs are escalating to have a manageable structure to maintain their responsibility for those bills, but to also protect their primary residence when they are facing those skyrocketing health insurance costs. So, due to Medicaid unwind a few years ago, about 140,000 Nebraskans newly became uninsured. Due to impacts of the so-called Big Beautiful Bill in the last year, about 30,000 additional Nebraskans will become uninsured, losing Medicaid. And we know those have wide-ranging impacts, including through very courageous storytelling by our own Senator Rountree, who discussed and shared how those policy decisions impact real families and cause a great deal of stress, particularly amid an affordability crisis. So, also knowing that about 130,000 Nebraskans rely upon ACA credits in order to pay for their health insurance costs. We know that because of changes on the federal level that well over 91 percent of those who utilize ACA credits will see increases in their health insurance costs. So, all of that is to set the table and to contextualize and show we're seeing an increase in the loss of health insurance coverage, which means more Nebraskans are going to have to pay more out of pocket for their health assurance and for actual medical services. And we know that Nebraskan are hardworking and responsible, but we also know that this skyrocketing medical pressure puts a lot of pressure on families. So, some solutions that have been put forward in this regard in our-- at our sister states and on the federal level, for example, would prevent credit-reporting implications surrounding medical debt. That has proven controversial, and is presently subject to litigation, so it didn't seem like that was probably the right way to go. What my research did discern is that many of our sister states, including deep red states with strong culture of protection of private property like Arkansas and Texas and South Dakota and Oklahoma and Kansas and Iowa and Florida had protection for the family primary residence in regards to medical debt. And more and more states are putting thoughtful guardrails on the rate, the rate of interest and fees when it comes to medical debt as well. So, that is how the origins of this bill came together, and I'm happy to present you

today. To keep it brief-- as brief as I can, Senator Holdcroft. Trying. I passed along an article from Kaiser Family Health Foundation that details the particular impacts for rural families and farm families right now in regards to the pressures that they're facing financially, and with health insurance needs and costs specifically. We know that farm bankruptcies are on the rise, including in Nebraska, and this has particular resonance for farm families as well, to ensure that as they're grappling with volatility and affordability and a disproportionate share of medical debt that they can protect their family farms as well. So, I won't go into all that, but that's the handout that I wanted to reference that I sent around to you all. Happy to answer questions.

BOSN: Thank you. Are there questions from the committee?

CONRAD: OK. Thanks.

BOSN: Awesome. Are you staying to close? OK. And can-- before we get started with proponents, can I see a show of hands, how many individuals are testifying? All right, I got 2, 4, 6, 8. All right. With that, we will start with proponents, and while our proponents are making their way up, for the record, I will note there were 13 online proponent comments submitted, 1 opponent comment submitted, and 2 neutral comments submitted. Good afternoon and welcome.

CAMI BERGMAN: Hi. Good afternoon, Chair, and members of the committee. My name is Cami Bergman, C-a-m-i B-e-r-g-m-a-n, and I am a Nebraska mom raising a family of four kids in Valley County. I'm here today to ask for your support for LB779 because my child Keely [PHONETIC] was diagnosed with cancer, and because even after doing everything right, medical debt continues to follow my family long after her treatment has ended. When Keely [PHONETIC] was in active treatment, my entire world stopped. Like every parent in that situation, my only focus was keeping her alive. I showed up to every appointment, followed every instruction, and trusted the system to care for my child. During treatment, I was incredibly grateful for the generosity of my community and organizations that helped keep me afloat. For a period of time, strangers paid my mortgage; others helped with utilities or meals. Those supports quite literally kept us in our home. But what people don't talk about enough is what happens after treatment ends. The bills don't stop, the scans don't stop, the follow-up care doesn't stop, the fear doesn't

stop, but the help does. Once treatment ended, the assistance disappeared while the medical costs continued to pile up. And, unlike during treatment, I was expected to just absorb those costs on top of returning to work, caring for my other children, and trying to recover emotionally and financially from years of living in crisis. I had insurance, I worked, I paid what I could, and still, medical debt became a constant weight on my family. This is what people mean when they talk about financial toxicity. It's not just about money; it's about the ongoing stress, the impossible choices, and the fear that a medical diagnosis could permanently derail your family's future. Research confirms that family like-- families like mine already know medical debt is one of the leading causes of financial instability for families with serious illness, and families with sick children are at an even higher risk. Some studies show that nearly one-third of families dealing with serious pediatric illness experience housing instability or foreclosure. This bill will not erase our trauma, it will not undo our fear, but it will make things more manageable, it will give families some breathing room, it will help ensure that having a child survive cancer does not also mean facing financial ruin. No parent should have to choose between follow-up care and keeping a roof over their child's head. I am here today because I don't want other Nebraska families to go through what I have; not just a child diagnosed with cancer and going through treatment, but in the long, quiet years that come after. I respectfully ask you to support this bill and stand with families who are doing everything they can in the hardest moments of their lives. Thank you for your time and for listening to my story.

BOSN: Thank you very much for being here and sharing your story. Let's see if there's any questions from the committee. Senator Strom-- sorry. Storm. Excuse me.

STORM: Thank you. Thank you for being here today, Mrs. Bergman. I'm glad to hear your daughter is doing better. So, when you-- your financial debt, is this through the hospital, or is this through a bank?

CAMI BERGMAN: So-- well, so my daughter was treated for cancer--

STORM: Right.

CAMI BERGMAN: --at Children's Nebraska, but we live in central Nebraska.

STORM: Right.

CAMI BERGMAN: So, she has to get therapies and everything through the outside. So, all of those things put together, all the, the physical therapy, speech therapy, and those types of things is all what those bills are.

STORM: So it's through a, a bank loan? Or is it--

CAMI BERGMAN: Through the--

STORM: Or is it through--

CAMI BERGMAN: --the clinics? Is that what they're called?

STORM: So, so-- and are they charging you interest on that now?

CAMI BERGMAN: I think so.

STORM: OK.

CAMI BERGMAN: I have to go back and look.

STORM: OK. Thank you.

BOSN: Thank you. Any other questions? Senator Rountree.

ROUNTREE: Thank you, Chairwoman Bosn, and thank you so much for your testimony today, and thank you for being a good mother, taking care of your family. When you say the community rallied around you, talk to me a little bit about that support, and-- because I know that once your daughter came home, then some of that stopped. But talk to me a little more about that.

CAMI BERGMAN: So, after she was diagnosed, there's, you know, different nonprofits and organizations that will help out with some gas cards or paying some bills. And then, my community made a-- held, like, a benefit for her,--

ROUNTREE: Yeah.

CAMI BERGMAN: --where people had donated things--

ROUNTREE: OK.

CAMI BERGMAN: --at a silent auction. And, and then all of that money went to us, and that was a significant amount that helped throughout. Her treatment was almost three years; it was-- 795 days is how long she was in active treatment. So-- and that was just at the beginning that they did that.

ROUNTREE: OK, OK.

CAMI BERGMAN: So then, that kind of carried us through, so then there wasn't anything left at the end.

ROUNTREE: All right. I understand. Thank you so much.

CAMI BERGMAN: Mm-hmm.

BOSN: Any other questions? I don't think so. Thank you very much for being here.

CAMI BERGMAN: Thank you.

BOSN: Yes. Next proponent. Good afternoon. Welcome.

DON COULTER: Good afternoon, thank you. My name is Dr. Don Coulter, and I'm here as an individual citizen, not representing the university. I'm a clinical pediatric oncologist.

BOSN: Could you spell your first and last name?

DON COULTER: Oh, I'm so sorry. Thank you.

BOSN: That's OK. That's OK.

DON COULTER: D-o-n C-o-u-l-t-e-r. I am a clinical pediatric oncologist caring for children with cancer in Nebraska. I'm also the director of the Pediatric Cancer Research Group, a public-private partnership created in 2014 by the vision of the Nebraska Legislature. As many of you know, pediatric cancer is the number one cause of death by disease for America's children. For those who survive, 75 percent will go on to have chronic medical conditions for the rest of their life. These facts are of particular importance to the state of Nebraska, given that Nebraska has the seventh-highest incidence of pediatric cancer in the country. We have the highest incidence of pediatric cancer of any state west of Pennsylvania. The financial impact of childhood cancer on caregivers has been studied broadly in

the past, but our research team in Nebraska recently completed the first study to examine the impact of material, behavioral, and psychological aspects of financial hardship on a caregiver's quality of life in pediatric oncology. We surveyed 166 caregivers of Nebraska childhood cancer patients diagnosed within the last five years. We evaluated financial hardship across three specific domains. We looked at how-- the household material hardship, physiological-- psychological financial hardship, and behavioral hardship. We also used a quality-of-life assessment. 40 percent of our caregivers reported household material financial hardship; 20 percent could not cover the cost of the child's medical care visits and treatments; 60 percent took unpaid time off; almost 20 percent quit their jobs; and 35 percent borrowed money or went into debt. Caregivers experiencing household material financial hardship reported a 10.3 point reduction in their quality of life. 67 percent of caregivers experiencing material hardship reported psychological distress as a result, and for this psychological and behavioral aspect of financial hardship, 38 percent delayed medical care for their own needs, and a quarter of them delayed mental health care due to the cost. These impacts were more common in middle socioeconomic status caregivers. This study highlights the multi-dimensional nature of financial hardships experienced by pediatric care-- caregivers. It also makes it clear that we should be thinking more about ways we can alleviate financial hardship given these multi-dimensional impacts. Any intervention that addresses common causes of financial hardship for caregivers would have the broad impact on other pediatric conditions, such as trauma, asthma, and behavioral health issues. Furthermore, the data presented today can be extrapolated to adult patients, adult caregivers, and all patients who interact with our health care system. Financial hardship is a universal issue with health care. Comprehensive support strategies like the one outlined in this bill could go a long way to protect these patients. I really appreciate your time today, and I would be happy to answer any of your questions.

BOSN: Awesome, thank you. Let's see if there's any questions from the committee. All right. Oh, Senator DeBoer.

DeBOER: So, I'm looking at this-- the statistics you gave us.

DON COULTER: Yes, ma'am.

DeBOER: This-- 38.5 percent delayed medical care--

DON COULTER: Those are for the parents-- I'm sorry, I interrupted you. Those are for the parents.

DeBOER: The parents, yes.

DON COULTER: For the care-- yes, ma'am.

DeBOER: The parents who have a child who has cancer.

DON COULTER: Yes, ma'am.

DeBOER: Is it just cancer?

DON COULTER: Yes, ma'am.

DeBOER: OK, so did you do this study yourself?

DON COULTER: Yes, ma'am.

DeBOER: You all, you all did the study yourself. That's a pretty-- that's a pretty high number.

DON COULTER: Yes, ma'am.

DeBOER: What kind of costs-- costs meant to the family as a result of delaying that medical care?

DON COULTER: Yeah. I think that's an incredibly broad question.

DeBOER: Yeah, it's just--

DON COULTER: I think we just heard some-- we just heard some testimony that talks about the impact of having a sick child on a family, which, I think, in a state like ours that has a rural population, has even wider impacts in those rural areas. When these people who are the ones who are making the money that is "abling" them to get the insurance can't make it to work because of their mental health, their concern, their stress, trying to figure out how they're going to make all this work, that has a huge impact on the family. And when they can't get the behavioral health that they might need or the medical health that might need because they're delaying that or concerned about

their-- for their financial hardship, I think that has a huge impact on the family as a whole.

DeBOER: And ostensibly, some of this would be perhaps delaying preventative medical care, and then they would end up with higher costs later?

DON COULTER: You are exactly right. And I think it's one of the things that allows interventions like of this to have such a broad impact, just like you pointed out. I'm only a pediatric oncologist, so I only take care of kids with cancer. And these are only families in our state that had cancer. But now, you just think about anybody who's taking care of a parent, anybody who's taking care a sibling, anybody who's taking care of anybody. The stress that comes into it nowadays. And quite frankly, physicians, we, we try our best, but medical technology now gets so confusing for people to understand. They have to go to this visit, that visit, everything else, the stress that's involved in all of that. And if they are worried about financial hardship and they're not getting themselves taken care of, they're just going to be part of the problem down the road.

DeBOER: Appreciate that. Thank you.

BOSN: Thank you. Any other questions from the committee? Seeing none. Thank you for being here--

DON COULTER: Thank you.

BOSN: --and the work you do. Thank you. Next proponent. Good afternoon and welcome.

JOYCE BECK: Good afternoon. Thank you. Senator Bosn and members of the Judiciary Committee, my name is Joyce Beck, J-o-y-c-e-B-e-c-k, and I'm here today to testify in support of LB779 as a volunteer state president on behalf of AARP Nebraska. I recently retired from health care after a 50-year career. I was a nurse first, and then served 28 years as a nursing home administrator, a hospital chief operating officer, and later a hospital CEO. I was also a caregiver for my husband who passed away in 2021. These experiences gave me a unique perspective on health care from the providers', the patients', and the family's perspective. Medical debt is like no other debt; it is unpredictable, it's often unavoidable, and it's usually incurred during moments of crisis. No plan-- no one plans to have a heart

attack, and no one has a savings account set aside for cancer diagnosis. Yet those illnesses strike, families are often left facing overwhelming bills. The strategies sometimes used to collect medical debt, including charging interest or placing liens on patients' homes can take a devastating emotional toll. While medical debt affects patients of all ages, adults age 50 and un-- and older are usually impacted more because they are likely to have more expensive medical care. Today, more than 44 percent of individuals aged 60-- or, 50 to 64 and 22 percent of those age 65 and older carry medical debt. For many, recovery from that financial setback is extremely difficult. As both a health care provider and, and a caregiver, I can say with confidence that charging unfair interest or placing liens on homes is not in the patient's best interest; it only adds stress to an already difficult situation, and there are better solutions. Medical bills can be managed through reasonable monthly payments developed in partnership with the patient and with the health care facility. Payment assistance programs can reduce or eliminate bills for eligible individuals. And those, those approaches protect patients while following-- allowing facilities, particularly nonprofit institutions, to maintain financial stability and fulfill their mission. Medical debt is a serious issue, but it's manageable. Through responsible financial practices, workable payment plans, assessable assistance programs, and effective use of Medicaid, we can protect patients without undermining healthcare institutions. Thank you for the opportunity to speak today, and I respectfully request that the committee to support the-- and advance LB779 to General File. And I'd be happy to answer any questions.

BOSN: Thank you. Senator Holdcroft.

HOLDCROFT: Thank you, Chairwoman Bosn. Just for my own education here, how many-- is everyone 65 and older eligible for Medicare, or are there--

JOYCE BECK: Yes.

HOLDCROFT: Everyone is?

JOYCE BECK: Yes.

HOLDCROFT: OK. So, what kind of costs then beyond Medicare do they incur?

JOYCE BECK: Well, for example, medications. Although AARP has been very active in capping the, the coverage gap at \$2,000, in, in the past, there was no cap on it. So, AARP was active in doing that. But that \$2,000, for example, would, would be part of the medical debt, perhaps.

HOLDCROFT: OK, how about beyond medication? Is there anything else? Co-pays?

JOYCE BECK: There could be some co-pays, yes. It depends if they have just straight Medicare and they don't have insurance besides, then that 20 percent is also part of their medical debt, so yes.

HOLDCROFT: Thank you.

JOYCE BECK: You're welcome.

BOSN: Senator Rountree.

ROUNTREE: Thank you so much, Chairwoman Bosn, and thank you so much for your testifying today. When we're talking about medical debt and the members that you see, do you see a lot that have transferred, or either tried to pay down their debt on credit cards? I know we're talking about capping the interest rate now from institutions, but if you're paying medical debt on a credit card, that greatly exacerbates the interest rate [INAUDIBLE]--

JOYCE BECK: Yes, it does, and that's a very good point, Senator Rountree. And when I was a hospital CEO--

ROUNTREE: Yes.

JOYCE BECK: --I saw that quite often. And you know, we tried to, to work with them so they didn't feel like they had to use a credit card, so that they would set it up with payments with us. But sometimes, they have one debt after the other after the other after the other, and it just becomes overwhelming to them. Even if the hospital is working on payments with them, maybe the clinic and the physical therapy or whatever, you know, else they have, is not. And so, they do turn to credit cards where it's very high interest.

ROUNTREE: All right. Thank you so much.

JOYCE BECK: That's a good point.

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

JOYCE BECK: Thank you.

BOSN: Next proponent. Anyone else? Good afternoon, and welcome.

ANAHI SALAZAR: Thank you. Thank you, Chairperson Bosn and members of the Judiciary Committee. My name is Anahí Salazar, A-n-a-h-í S-a-l-a-z-a-r, here on behalf of Voices for Children in Nebraska in support of LB779. Healthcare debt is a significant issue affecting millions of individuals across the nation. Healthcare debt harms families in ways that go far beyond unpaid bills. It creates a ripple effect that touches health, finances, stress levels, and long-term stability. Voices for Children supports LB779 because it provides families with time to pay off their debt without interest or late fees, and helps safeguard families' housing. Healthcare debt can encompass expenses for medical services, hospital stays, surgeries, doctors visits and medications. Health care debt adversely affects physical and mental well-being by increasing stress, anxiety, and depression for parents and caregivers. It also disrupts children's access to health care. When a family is in debt, parents might delay or skip pediatric checkups, dental visits, or mental health care; children end up with untreated conditions that could have been managed early with, with preventative care. It forces families to make impossible financial trade-offs, having to choose between paying medical bills or buying groceries, covering rent and utilities, or paying for child care. These trade-offs can destabilize a household quickly. Premium tax credit enhancements that made the marketplace coverage affordable expired last year in December. Because the credits failed to receive an extension, health care costs spiked this year in 2026. Without the tax credit enrollment in Nebraska-- without the tax credits, enrollment in Nebraska went from over 136,000 in 2025 to 128,492 people in 2026, a decrease of 6 percent, which is higher than the nationwide average drop of 5.2 percent. During a time of hardship, LB77 [SIC] provides some relief to families across Nebraska with time to pay off debt, and creates guardrails so families are not having to pay more interest than, than their own healthcare debt. Research tells us that medical debt is now a key social factor that impacts mental and physical well-being. While many health insurance-- while many have health insurance, it does-- it often it doesn't cover everything; high

deductibles, co-payments, and co-insurance can leave individuals responsible for a significant portion of their medical bills. Medical debt leaves people with less coverage and higher costs. While the uninsured often face the most severe challenges, even those with insurance are not immune to the high cost. When medical bills go unpaid, the result is even more financial hardships, such as reduced access to credit and potential legal actions that could lead to wage reduction or loss of personal property. Medical debt is one of the leading causes of personal bankruptcy, bankruptcy in the United States. I want to thank Senator Conrad for this important legislation, and, and the committee for your time and consideration. For these reasons, we respectfully urge you to advance LB779. We also had some community stories on just the kind of astronomical fees that these debt collectors also put on to what they already-- to what families already owe. For instance, there was a, a, a mom who owed \$4, was served paperwork at her place of employment, but then ended up paying \$175 because of all the added-on fees, the interest, which was really hard on her family. So, with that, I'll 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, ma'am, for testifying today. For that individual that had the \$4, ended up with \$175, how did you-- how did you walk that situation--

ANAHI SALAZAR: I--

ROUNTREE: --soon as she reported that to you?

ANAHI SALAZAR: Yeah. She-- it was a payment plan, so she was paying it off. I think she could have paid it off a lot quicker with it, with it being just \$4, but it ended up being a really-- I think it was upwards two months to a year until she paid it off. So, it was just, I think, a burden that she had to carry for a while.

ROUNTREE: All right, thank you. One of the things I thought about as I was sitting here listening to all of our testifiers-- sometimes, when we think about medical debt, we think of astronomical amounts, but depending upon where you are

socioeconomically, a small amount of debt can be a mountain to try to pay off.

ANAHI SALAZAR: Absolutely. Yes. And from the research that we've seen, most debts are \$250 or less. But like you said, for a family that could, that could be, you know, groceries for the month or child care for, for the month or the week, so.

ROUNTREE: All right. Thank you.

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

ANAHI SALAZAR: Thank you.

BOSN: Next proponent. Anyone else here to testify in support? Good afternoon, and welcome.

SARAH MARESH: Hello. Chair and members of the Judiciary, I'm Sarah Maresh, that's S-a-r-a-h M-a-r-e-s-h, and I'm the health care access program director at Nebraska Appleseed, testifying in support of this bill on behalf of Appleseed. Along with my testimony you'll see passed out, there is a letter that I believe was also emailed to this committee earlier, but just so you have a paper copy in front of you, from a group of 10 organizations also in support this bill. But Nebraska Appleseed is a non-profit organization that fights for justice and opportunity for all Nebraskans, and one of our core priorities is ensuring that all Nebraskans have equitable access to quality, affordable healthcare. And at Appleseed, we consistently hear from community members that one of the biggest barriers to receiving health care is cost, and that is true even when people have insurance. And because this bill protects individuals with medical debt, we support this bill. We know, and you've heard from others, that medical debt often hits hardest for those who are uninsured, and this bill is particularly timely, as you've heard from others, because of the significant health care coverage losses that are expected over the next few years as a result of the One Big Beautiful Bill, or H.R. 1 that was passed by Congress last summer. So, between the cuts to Medicaid and the lack of extension of the marketplace tax credits, it's estimated that over 54,000 Nebraskans are expected to become uninsured, and this will inevitably result in significant amounts of medical debt for families to shoulders, which will, you know, pose extreme harm on families who are just

trying to stay alive. And I would say too, just regardless of current debt practices, these are common-sense protections for Nebraskans. We often hear that debt collection practices are, you know, shrouded in secrecy, and oftentimes people don't know, like, things like what interest rates they will be charged until they're receiving those bills. And so, this really is a protection that people can rely on, and is really important because of all of the negative consequences of medical debt. And unfortunately, even without the expected coverage losses of H.R. 1 accounted for, medical debt is already pervasive in Nebraska. Over 11 percent of adults have debt, medical debt, and to answer Senator Rountree's question, the median medical debt Nebraskans have in collection is \$1,200. We also know, too, that medical debt also disproportionately impacts communities of color in Nebraska. Communities of color have twice as much medical debt in collections than white communities, and medical debt is also more likely to impact people in worse health, those living with disabilities, black people, low- and middle-income adults, new moms, and people living in rural areas. And, as mentioned earlier, those without health insurance. And as a lot of other folks before me have testified, medical debt has lasting impacts. Perversely, medical debt makes people's health worse, as we've heard for a lot of different reasons. People forego care, the stress and mental health impacts are negative as well, and it also results in people having to clean out their savings or frequent pawn shops, and struggle to afford basic necessities. And like someone else testified before me as well, medical debt is just different than other types of debt, and it should be treated that way. Healthcare is a necessity, but people rarely have choice or power when it comes to their spending. We can't predict we're going to need care; people don't choose when they get cancer or when they have to spend their first days in the NICU with a newborn like I did with mine, or take their child to an emergency room for a broken arm. So, due to the nature and urgency of care, it is difficult and-- if not impossible to shop around. So, I see I'm out of time, but happy to answer any questions, and we encourage you to advance this bill.

BOSN: Thank you. Are there questions from the committee? Senator Rountree.

ROUNTREE: Thank you, Chairman Bosn. And, and not so much a question, but thank you for just going more into detail about the types of debt and so forth. And, you know, we had heard from

earlier testimony, we were talking about the Medicare. You know, it was kind of devastating to me when I turned 50 and I got that note from AARP. And I still-- it was devastating, but I'm still 15 years out from being able to go to Medicare--

SARAH MARESH: Yeah.

ROUNTREE: --on that. So, those in that particular arena can experience these same things and still have that debt.

SARAH MARESH: Yeah, absolutely. And I'll also say, too, we often hear, like, Medicare is a great program, but it's not comprehensive.

ROUNTREE: That's right.

SARAH MARESH: And so we know, like, long-term care isn't covered by Medicare; there's a lot of different, like, coverage gaps that people need to fill. And so, I think that was a really great question you had earlier, too, about what costs people with Medicare could expect outside of that coverage. But unfortunately, we know there's lots of gaps. So, we do hear from people, especially seniors who are on fixed income, who struggle particularly with medical debt.

ROUNTREE: Yes. Thank you.

BOSN: Thank you very much for your testimony, and this is very helpful, so thank you.

SARAH MARESH: Yeah. Thank you.

BOSN: Yeah. Next proponent. Good afternoon, and welcome.

TOM VENZOR: Good afternoon, Chairwoman Bosn, and members of the Judiciary Committee. My name is Tom Venzor, that's T-o-m V-e-n-z-o-r. I'm the executive director of the Nebraska Catholic Conference, and we'd like to express our support for LB779. The LB-- the conference's support for LB779 stems from three fundamental principles. The first principle is a recognition that life and physical health are precious gifts entrusted to us by God. Faith and basic human reason teaches that we must take care of our own life and physical health, but also take into account the needs of others and the common good. Concern for the health of citizens requires that society help in the attainment

of living conditions that allow them to grow and reach maturity, which include food and clothing, housing, healthcare, basic education, employment, and social assistance. So, society must structure itself to ensure these fundamental goods are accessible and affordable. The second principle is preferential care for the poor. This principle has a special form of primacy in the exercise of Christian charity; it affects the life of each Christian inasmuch as he or she seeks to imitate the life of Christ, but it also applies equally to our social responsibilities, and hence to our manner of living and to the logical decisions to be made concerning the ownership and use of goods. This love or preference for the poor and the decision which it inspires cannot but embrace the immense multitudes of the hungry, the needy, the homeless, those without healthcare, and above all, those without hope for a better future. And then, the third principle pertains to usury and the ensuring that interest rates charged on such basic goods are not excessive or unjust, and recognize the social responsibility that we owe to those who are needy and to prevent profiting from their hardships. The NCC supports LB779 because it recognizes the fundamental need that all of us have for societal goods like health care. It also recognizes that the ongoing costs for those who cannot immediately afford health care ought to be structured in a way that does not unreasonably burden people, especially those who are lower income. By capping rates at 3 percent and prohibiting liens and foreclosures on a person's primary residence, there remains a balance between those who owe for medical services and those who provide health care services or are in the business of medical debt collection, which requires reasonable levels of interest as part of their financial servicing model. So, we believe this bill strikes the right balance, and we would encourage the Judiciary Committee to advance LB779 to General File. Thank you for your time and consideration.

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

HALLSTROM: Do you happen to have any data on bad debt write-off on medical expenses or medical debts?

TOM VENZOR: I don't off-hand, but I can certainly look for that for you. Mm-hmm.

HALLSTROM: Thank you.

TOM VENZOR: You bet.

BOSN: Any other questions from the committee? Seeing none. Thank you for being here.

TOM VENZOR: Thank you.

BOSN: Yes. Next proponent. Anyone else here to testify in support of LB779? Opponents. Anyone here to testify in opposition. Good afternoon, and welcome.

TESSA STEVENS: Good afternoon, Chair Bosn, and members of the Judiciary Committee. My name is Tessa Stevens, T-e-s-s-a S-t-e-v-e-n-s. I serve as COO and general counsel of a Nebraska-based account recovery agency, and I'm here today testifying on behalf of the Nebraska Collectors Association in opposition to LB779. First, I, I want to start by saying, you know, listening to the testifiers today, we don't disagree that there is problems in this country with high health care costs, high insurance premiums and uninsured families, but I do not think LB779 solves those problems. It will not eliminate or reduce the financial hardships that we heard about today in most situations. Hospitals and collection agencies aren't charging interest on their initial billings to patients for medical services, and likewise aren't foreclosing on primary residences for medical debt. It's not a standard practice in this state. While they do not impose interest at the billing stage, interest could be added by a court of law in a collection litigation situation. There's two, two ways that could happen. For small debts under \$4,000, there's a statute that allows statutory interest up to 6 percent, and this provision is specifically designed to help offset the cost of pursuing small balances that would otherwise be economically impractical to recover, and LB779 would effectively nullify that legislative purpose. The second is all judgments in the state of Nebraska receive a post-judgment statutory rate; it is set by our state according to the U.S. Treasury bill, and it fluctuates each quarter. Medical debts often combine with other obligations in a single judgment, making it unrealistic for our justice system to section out portions of it that would have a different interest rate that applies. I guess beyond these kind of statutory conflicts, I have concerns about the long-term consumer impact. Many hospitals offer a patient loan program, so, they're structured loan programs with banks that allows them to repay over time. And a 3 percent cap, especially at our rural hospital levels,

could eliminate these programs. These programs are to-- put in place so consumers don't end up in collection and have an ability to repay the debt at an amount that they can afford. A lot of them are at 0 percent interest with higher facilities, and some of the smaller rural areas would have a higher percent interest on those. I think it's important to note that LB779 treats all medical debt exactly the same, regardless of the amount of medical debt, the patient's income, the financial hardship that they're facing, or their willingness to pay, and we've-- the supporters of the bill have suggested the goal is to protect those that are facing catastrophic medical expenses, but the language extends to individuals who have the ability to pay and choose not to. And public policy should distinguish between the hardship and the bad-faith nonpayment. To address a few other things, since I have time, things like putting your medical debt on a credit card, that would not-- this bill as written would not eliminate that or reduce the interest, as I read it. I'm out of time, so I'll stop.

BOSN: Yeah. Let's see if there's any questions from the committee. Are there any questions? Senator Storm.

STORM: Thank you. Thank you for being here. I have one question. So, most hospitals, they don't charge interest. Is that correct?

TESSA STEVENS: That is correct [INAUDIBLE].

STORM: Large ones?

TESSA STEVENS: That is correct. Most hospitals across the state aren't charging interest. When I send you a bill and maybe it's been 30 days or 60 days, there's no interest on your statement. They do partner with banks that-- to give you, if you have a high, you know, amount due, to give you the opportunity to take out a loan for that. Some are at 0 percent, and some do charge a higher interest rate.

STORM: How high interest are we talking about, the ones that do? Do you know?

TESSA STEVENS: I've not, I've not seen anything that I can think of above 6 percent.

STORM: Is that more rural hospitals that are doing it?

TESSA STEVENS: Yes.

STORM: Small-town rural hospitals that go to a bank?

TESSA STEVENS: Yes. And it's a voluntary program. I mean, you, you choose to engage with that bank to have a loan rather than either paying it off or making payments to the hospital otherwise.

STORM: OK. Thanks.

BOSN: I just have a clarification question. I was following along, and then I lost you when you said that this type of legislation would put those programs that the hospital is voluntarily doing out of business. Can you--

TESSA STEVENS: I think in rural hospitals where interest-- like, the, the banks that are, are offering these programs at 6 percent interest, they can't afford to offer it at 0 or 3 percent interest. And so, I fear that those programs would go away because the, the banks won't lend at that low of an amount. It works well for large financial-- or, large medical facilities that have a lot of volume and they can offer it at a 0 percent or 1 or 2 percent rate, but in our smaller communities, that's not what we're seeing. Those, those programs aren't available to them.

BOSN: OK. So, if I'm understand-- and this is outside my wheelhouse, so I apologize if this is a ridiculous question.

TESSA STEVENS: No, that's fine.

BOSN: Let's say you're David City, which is a small-- I don't know if you're familiar with David City.

TESSA STEVENS: Yes.

BOSN: A small community, and there's a hospital there. And what you're saying is they may not be able to afford to offer it at the 1-2 percent in conjunction with the local bank, whereas if I'm Bryan Health in Lincoln, because of my volume, I have more income that I can-- is that what you're saying?

TESSA STEVENS: Yes. That is correct.

BOSN: OK. OK. I do understand.

TESSA STEVENS: Yep. That's what we see routinely, that the large hospitals have a lower, you know, interest rate bank program than smaller hospitals.

BOSN: And your concern is that, if this type of legislation were to go into effect, because those smaller hospitals wouldn't be able to partner with the banks because it wouldn't be an attractable rate to the banks, that then the hospitals would be less likely to give that leeway and things would go to collections quicker?

TESSA STEVENS: Yes.

BOSN: OK. Any questions in light of that question? Seeing none. Thank you for being here.

TESSA STEVENS: Thank you.

BOSN: Next opponent.

ABBIE WIDGER: Good afternoon. My name is Abbie Widger, A-b-b-i-e W-i-d-g-e-r. I'm here today as general counsel for the Nebraska Health Care Association, testifying in opposition of LB779 as it's currently written. Nebraska Health Care Association is working with the introducers to clean up the language to address the Nebraska Health Care Association's concerns that we want to talk about today. As you know, Nebraska Health Care Association represents long-term care providers, assisted living facilities, and nursing facilities in the state of Nebraska. We agree medical debt is a concern, it is an issue, and we are sympathetic to that issue, and that's why we're working with the introducers to clarify the bill to assist older Nebraskans who may be harmed by LB779. And the reason we say that is during the course of my career as an attorney for over 30 years, working with long-term care providers, we use the deed of trust frequently. When someone is in a nursing facility and they have spent down, and they're getting ready to apply for Medicaid, there is usually an outstanding bill. And when they apply for Medicaid, the Medicaid caseworkers-- if there is a deed of trust against their home, the Medicaid caseworkers take that into consideration and will shorten the spend-down time that someone may have. Also, when an elderly Nebraskan applies for Medicaid and they have a residence, they have to sign what's called an

IM-1 form, and that IM-1 form requires them to sell their house so that they can become Medicaid eligible. So, if we have-- the long-term care provider has a deed of trust on that house, then the provider is paid at the time it's sold. The way the bill is written, it's so broad that it would impede that. And so, the state of Nebraska, in its Medicaid eligibility regulations, could change the regulations so as to not take into account the medical debt in, in deciding the spend down. That's what Iowa does; doesn't look at medical debt. But if there's a deed of trust on it, then it becomes a secured debt, and it-- and they won't, they won't change that rule. And in Iowa, that is considered. So, we are here today to oppose LB779 as written, because it-- we think it will have an adverse impact on elderly folks in long-term care facilities in Nebraska. We're very willing to work with Senator Conrad and the proponents for resolutions on this issue. And I think you might ask, well, do you ever foreclose on those deeds of trust? I don't remember in the course of my practice ever foreclosing on a deed of trust while I still had a patient in the facility. Thank you. If you have any questions, I'm happy to take those.

BOSN: Questions for this testifier? Senator Hallstrom.

HALLSTROM: The bill provides that you can't charge a patient interest. In, in your case, you, you typically do have a final invoice upon passing?

ABBIE WIDGER: Upon passing, there is a final invoice. Some, some admission agreements have interest, some do not. Interest is not really that big of a deal to most long-term care facilities. That's 3 percent, 2 percent, 6 percent. Most long-term care facilities, and none of the ones I talked to in preparation for this-- the interest rate, they don't care.

HALLSTROM: But-- and my, my other point was that you would probably not be charging the patient interest at that time, you'd be charging the estate.

ABBIE WIDGER: Correct. If there is an estate.

HALLSTROM: Yeah. Thank you.

ABBIE WIDGER: Yes.

BOSN: Senator McKinney.

McKINNEY: Thank you, Chair Bosn. Thank you. So, the patient wouldn't be foreclosed on while in the facility. When they leave the facility, they probably would be?

ABBIE WIDGER: Most patients in long-term care facilities-- I mean, they'll come in, and if they're in a-- in for skilled care, for Medicare, and they're there for rehab, most of those people are discharged home. What we're really focused on is the individuals who come into the building and they are there long-term. I think the average length of stay in a Nebraska long-term care facility is between 18 months and 24 to 26 months before passing, so they're in the building for that period of time and--
-

McKINNEY: But--

ABBIE WIDGER: --most of them don't get discharged home.

McKINNEY: Yeah, but I do know of situations where somebody might be terminal and they are on hospice, and get basically released back home to spend the rest of their days with family. So, could that trigger a foreclosure?

ABBIE WIDGER: It potentially could, but-- I'm trying to think if I've ever foreclosed before someone has passed, and I can't think of a situation. In that case, if they were on hospice and they were discharged back to their home, and they had not been on Medicaid-- because Medicaid regulations would have required them to sell their home by that time-- if they're discharged home and we know that they're-- this is going to sound really bizarre, but because we know they're close to death, nobody's going to foreclose until after they die. But then at that point, the house would go into the estate, the estate would be probated. We would file a claim in the estate, and the deed of trust would be released.

McKINNEY: All right. Thank you.

ABBIE WIDGER: OK. Thank you.

BOSN: Senator Hallstrom.

HALLSTROM: Would an easier way for your concerns just to be-- I'm assuming. I apologize, I missed some of the hearing to go introduce another bill. But the early testimony was talking

about true medical expenses, doctors bills, et cetera. Could we exclude nursing homes as not being the type of medical expenses perhaps that are intended to be covered by this bill?

ABBIE WIDGER: Yes.

HALLSTROM: [INAUDIBLE].

ABBIE WIDGER: And that's one of the ways-- we had proposed language with regard to this bill to exempt nursing facilities, skilled nursing facilities, intermediate care facilities, and long-term care hospitals from this bill, and then redefine "medical debt" to not include those facilities that you just mentioned. There's been a little bit of back-and-forth on that. I think we're going to be adding a third section after speaking with some of the proponents of this.

HALLSTROM: Folks from Syracuse tend to think alike.

ABBIE WIDGER: Yes.

BOSN: All right. Thank you for being here.

ABBIE WIDGER: Thank you so much for the opportunity.

BOSN: Next proponent-- or, opponent. Excuse me.

ROBERT BRYANT: Good afternoon.

BOSN: Good afternoon. Welcome.

ROBERT BRYANT: Thank you, Chair Bosn, members of the committee. My name's Robert Bryant, R-o-b-e-r-t B-r-y-a-n-t. I'm an attorney at a firm in, in Lincoln that handles a lot of medical collections both directly and through collection agencies. And in addition to what the prior testifiers have touched on, there-- there's just one thing that I wanted to expand on, which is this bill removes not only the ability to foreclose-- and I, I have never foreclosed on a property and I don't know of anyone else in my industry that has done that. I don't think it's common practice to foreclose. But in addition to removing the ability to foreclose, it removes the ability to place liens. And so, some sit-- you know, again, we, we don't-- we agree that medical debt for people who can't afford it is not a good thing. Sometimes, what happens, and where a lien becomes useful,

there's a situation where a, a couple who's divorcing, they're probably able to afford that debt, they're not in severe financial distress. But the, the medical debt becomes a, a token, a tool between the two of them in their divorce proceeding. And what we will often do, instead of having long drawn-out fights with both of their divorce attorneys, is place a lien on the house that's going to be sold as part of the divorce proceeding, and it's a way that helps us collect from them. And it-- you know, one way that you know that they're not somebody who's in severe financial straits is that Nebraska's already got a homestead exemption, it's a-- and that was increased, I think, last year-- if not last year, two years ago-- from \$60,000 to \$120,000. That doubles for married couples; they've \$240,000 worth of equity in that house. And so, I, I don't know why there would be a need to remove the ability to use liens, which sometimes are a useful tool, so. With that, that's all I have. I'd be happy to answer any questions.

BOSN: Senator Hallstrom

HALLSTROM: You referenced that this bill doesn't distinguish between those who can't afford to repay their debts and those that can.

ROBERT BRYANT: Correct.

HALLSTROM: So, by limiting the interest rate, this actually favors the wealthy over the disadvantaged.

ROBERT BRYANT: Could be.

HALLSTROM: OK. Thank you.

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

ROBERT BRYANT: Thank you.

BOSN: Next opponent. Anyone else here in opposition? Neutral testifiers. All right. Senator Conrad? Welcome back.

CONRAD: Thank you. Thank you, Chair Bosn. Thank you, members of the Judiciary Committee, for your great questions. I want to thank everybody who took the time out of their busy schedules to come out today, proponents, opponents, and those offering neutral testimony. Of course, I'll continue to work in good

faith with all parties to see if we can't continue our conversations to hand-- hammer out any technical aspects that were raised by the nursing homes, the health care association, or otherwise to, to help move forward. But I want to just lift up a couple of key points in closing, then of course respond to your questions. So, what our research has demonstrated and what we heard today is that foreclosure on a family's primary residence for-- solely for purposes of medical debt is rare in Nebraska. That's good, and we should keep it that way and reaffirm such, and eliminate the rare occurrence when it does happen, which is the entire point of LB779. The other thing that I think is important to note, that some opponents lifted up their concerns about what might happen with hospitals and banks. But I'd draw the committee's attention to the online comments submitted by the hospital association that literally is neutral on this bill. And the banking community did not engage on this, and they have very sophisticated actors that can come and represent their interests very, very well. So, I do just want to point out that is merely conjecture, and it is not the official position of the hospital associations or the banking and financial institutions. I don't think that those types of conjecture have come to fruition in the other states that have taken this thoughtful approach either. So, I do just want to lift that up. With that, I am, again, happy to work with opponents on technical aspects in regards to this legislation, and just want to point out, even though we did work in a bipartisan fashion to update the homestead allowance very recently, thanks to your leadership, support, and collaboration. That was long overdue. It moves it up to \$120,000. It doesn't even cover the median home cost in Nebraska. So, it would not provide a full protection for the family homestead, as we see in many of our conservative sister states, and should be present in Nebraska as well, and would be effectuated with LB779.

BOSN: Thank you.

CONRAD: Thanks.

BOSN: Any questions from the committee? Senator Hallstrom.

HALLSTROM: It sounds like you're open. Do you see a pathway to just completely exempting the nursing homes because they're a different type of medical debt? Or--

CONRAD: I don't think so. I don't think that's the right pathway, but I am absolutely open to continuing the conversation with them. And we-- they flagged the issue early. We have been in ongoing discussions since introduction. I was hopeful that we would be close enough with a meeting of the minds today to move them to neutral, but alas, we didn't quite get there. So, I don't, I don't think a, a straight exclusion's probably going to be the way to go. I think it's probably more of a technical approach, or language in relation to how their business model plays in with Medicaid.

HALLSTROM: And it's your opinion that the bankers have always been represented by sophisticated actors?

BOSN: I knew that was going to [INAUDIBLE].

CONRAD: Absolutely.

BOSN: On the record.

CONRAD: And you know very well, Senator Hallstrom, that they monitor all legislation very carefully, and can very clearly advocate for their own interests.

HALLSTROM: Asked and answered.

CONRAD: Yes.

BOSN: All right.

CONRAD: Thank you.

BOSN: Are there any other questions from the committee? Seeing none. That will conclude our hearing, and we will next take up LB925 with Senator Andersen. While Senator Andersen is making his way up, I will note for the record there were 8 proponent, 86 opponent, and 2 neutral comments submitted online. And can I see a show of hands, how many of you are here to testify in some capacity on LB925? For the record, that's-- and Spike's in here, but there's over two dozen hands up, so. All right. I'll just remind everyone politely that if someone has already said what you were going to say, there's yellow testifier sheets in the back that you can echo their comments without coming up and testifying. Or, just, you know, let us know that. So, Senator Andersen.

ANDERSEN: Good afternoon, Chairwoman Bosn, and members of the Judiciary Committee. I'm Senator Bob Andersen, B-o-b A-n-d-e-r-s-e-n. I represent District 49, which includes northwest Sarpy County in Omaha. I'm introducing LB925, the Safe Parks and Public Spaces Act, to protect all Nebraskans' public spaces by prohibiting unauthorized street camping. This is a matter of public safety. According to the Flatwater Free Press, since 2013, homelessness has grown across the Omaha/Council Bluffs area by more than any other metropolitan area in the country amongst those served by federally-funded homeless aid organizations. New public camps continue to pop up all over our great state. Unfortunately, these public camps have become known for dangerous activity, including hazards like drugs, the potential for arson, and the threat of random acts of violence. All Nebraskans deserve better. Those living on the streets are ten times more likely to experience drug overdoses, and nine times more likely to experience sexual assault than the general public. Unauthorized street camping is unacceptably dangerous for both the homeless and the local residents. The lives of homeless Nebraskans and those of the broader community are at stake. It is reckless for communities to ignore these dangers. LB925 prohibits unauthorized street camping, making it a Class V misdemeanor, except on the first offense; on the first offense, law enforcement shall direct the individual to the nearest shelter. LB925 also prohibits political subdivisions from refusing to enforce the regulations by allowing citizens, business owners, and the attorney general to hold political subdivisions accountable through civil action. If political subdivisions refuse to comply, their state funds are forfeited until the situation is rectified. Since introduction, I have worked with the State Treasurer's office to ensure that we have clarified the process and role they play, and ensure any new duties can be covered under the current staff structure. I have provided a copy of AM1794 with this new language. We have been in discussion with DHHS to address the duties outlined in the fiscal note. Additionally, refining the roles and responsibilities by working with the attorney general as well. This bill will not end homelessness, homelessness. It is about creating a baseline of public safety and order in communities for those with experiencing homelessness. No one should freeze to death on the streets of Omaha, and no one should feel unsafe stepping outside of their home or apartment. LB925 is an important safety measure that addresses an unfortunate reality with compassion for both the homeless and for residents. There are a number of testifiers here that can speak to the importance and details of this legislation. Before ending, I want to read

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 18, 2026
Rough Draft

an excerpt from a letter received from the South Sioux City administrator. South Sioux City appreciates your LB925 to help the safety of our Nebraska citizens. Homelessness-- homeless are a problem for many Nebraska communities, and we constantly police our city buildings and our city parks and open spaces. We certainly support this effort, and thank you for this bill. And that I really wanted to read just to demonstrate this isn't just about Omaha, this isn't us about Lincoln; it is all over the state. Thank you for your attention, and I'm happy to take any questions at this time, Chairwoman.

BOSN: Thank you. Any questions from the committee? Senator McKinney, followed by Senator DeBoer.

McKINNEY: Thank you, Chair Bosn. Thank you, Senator Andersen. I guess my first question is, so what would be your solution to address the homelessness problem if you, under this bill, do not want camps in our communities?

ANDERSEN: There are testifiers behind me that are, are going to speak to programs that have been implemented and the great successes they've had today, not necessarily here in Nebraska, but in other states like Florida and other places. It's really about public safety, right? Safety for the people that are homeless, and safety for the residents. The people that are homeless that, that need help-- who needed help get them the help.

McKINNEY: What about local control? Shouldn't the city--

ANDERSEN: To what extent?

McKINNEY: --shouldn't the cities and the municipalities be able to take care of this themselves?

ANDERSEN: They'll be charged with it.

McKINNEY: Yeah, but what about the local control aspect of this? Because I know the city of Omaha, for example, has implemented a program to address homeless camps and homelessness in Omaha that they're, they're going through right now. Shouldn't they be allowed to do that?

ANDERSEN: I believe the Douglas County Sheriff will be here and he's probably in a better position to address the situations in Omaha.

McKINNEY: OK, next question. Last year, you didn't vote to override the governor's veto to address horrible conditions in, in, in the Omaha Housing Authority, which in some cases lead to people being homeless. So, do you think it's a good policy to then criminalize the homelessness?

ANDERSEN: I'll have to go research the exact bill, but I, I believe you're speaking to your, your bill on the Omaha Housing Authority and the "bug bill," and that was specifically about the-- how it's handled between the Omaha Housing Authority and the Housing and Urban Development, and the, the diversification of authority and the-- how the money flows, who has oversight and who has funding responsibilities. It was, it was--

McKINNEY: No, it, it--

ANDERSEN: Soon as the [INAUDIBLE] brought this, you brought one--
-

McKINNEY: --it had nothing to do with money. It had everything to do with giving the Omaha-- the city of Omaha, the city council, the ability to regulate the Omaha Housing Authority. Had nothing to do with money. But thank you.

ANDERSEN: Well, at the time, and even now, the funding used actually comes from the Housing and Urban Development at the federal level, and is not through the Omaha Housing Authority. So, therefore, the separation of funding and authorities was, was separate, and there wasn't any coherent plan to be able to do that.

McKINNEY: So does, does the state of Nebraska give money for homelessness for the cities?

ANDERSEN: Do they what?

McKINNEY: Does our state, in our budget, give any type of money to cities for homelessness?

ANDERSEN: I would have to check and get back to you on that.

McKINNEY: All right. Thank you.

BOSN: Senator DeBoer.

DeBOER: I'm trying to sort of understand the mechanism here. So, if someone camps in-- we've been using David City all day, so David City--

ANDERSEN: Sure.

STORM: Thanks.

DeBOER: If someone camps in David City, what constitutes-- because they're in trouble if they authorize or otherwise allow-- if somebody camps in David City, City, and nothing happens because their sheriff, their police officer-- I don't know what they have there-- is not right there, how does, how-- what action-- when do they violate? What other-- what does "otherwise allow" mean? I guess, is what I'm asking. So, like, if Senator Storm open and notoriously camps out on the sidewalks in David City three nights in a row.

ANDERSEN: I see the potential here.

DeBOER: [INAUDIBLE] You see what I'm talking about?

ANDERSEN: I do. But it really states that you-- camping without a permit--

DeBOER: He doesn't have a permit. He's just camping. He's just--

ANDERSEN: Well, that's-- and that's illegal. It's on public grounds. They don't have a permit to--

DeBOER: OK. So, now--

ANDERSEN: --to do the camping.

DeBOER: OK, so now, when does David City get in trouble? This is what I'm-- so, he's in trouble the first night. His-- nobody in David City will let him in. He is there, he doesn't have anywhere to go, so he just says, it's a nice night, we'll sleep on the ground.

ANDERSEN: Right.

DeBOER: Now, he is in trouble. When does David city get in trouble? So, he has done it three nights in a row. It's not a big place, so they know he's done this. So, are they now otherwise allowing him such, such that they would be in violation of your bill?

ANDERSEN: That-- that's actually a great question. We hadn't looked at that. It was more of a black-and-white consideration of either you're complying with the law or you're not. Either you are-- you know, if you're permitting the, the public camping without a permit, then you're in violation of the law. And when that happens, and-- but it's a good point of at what point does it become a problem? Is it one night? Is it six hours? Is it six days?

DeBOER: Right.

ANDERSEN: I get your point. I think it's great point.

DeBOER: And so, my concern here with putting this on the political subdivisions is additionally how do I, as a political subdivision, know that I am adequately policing every inch of my right away enough that no one is on there that I'm otherwise allowing them to be on? Do you see what I'm saying? So--

ANDERSEN: I do. You're being very, very literal, and that's-- that-- and that's fine.

DeBOER: So, I would be very concerned about this, so. Anyway, that's, that's one of my concerns, and, and I thank you for answering my question.

ANDERSEN: No, I think it's a point well taken. And, and we started the dialogue based on the fiscal note from DHHS. They suggested that the attorney general is in a better position than they are to actually, you know, do the enforcement notifications and things like that. So, I started the dialogue with the attorney general, and that's another great point that we can figure out how, how to best amend that into this, to provide that kind of clarification.

DeBOER: Because as a political subdivision, I would need to have clarity about what my responsibilities are under this law.

ANDERSEN: Sure.

DeBOER: And I think-- I, I don't think. As a policymaker, I will say to you, I don't think I want, and I'm guessing you don't want to require David City to hire six more police officers so that they can police all their, their right-of-ways to just make sure that that Senator Storm isn't there camping again.

ANDERSEN: Right. No, I, I agree. And, and defining that and articulating that, I think, is a great point, because there's no telling. Because literally in violation would be-- Senator Storm goes out and he spends a late night; next thing you know, he's laying out on a park bench sleeping in an unauthorized spot. Technically, he's in viol-- he could be in violation of the statute. But understanding and articulating where that line starts, that-- that's a great conversation to have.

DeBOER: And while you're at it--

ANDERSEN: Is this by Senator Storm again?

DeBOER: We can make it that way.

STORM: [INAUDIBLE]

ANDERSEN: OK.

STORM: Bob, thank you.

DeBOER: It-- while you're at it, it's not just the political subdivisions, though that-- that's the piece that I brought to your attention. At what point-- when Senator Storm sits down, then he kind of lays down,--

ANDERSEN: Mm-hmm.

DeBOER: --and he falls asleep. Middle of the day. Is he camping now?

ANDERSEN: God knows why.

DeBOER: So, I mean, like, like, what is-- what constitutes camping for those purposes?

ANDERSEN: Great point.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 18, 2026
Rough Draft

BOSN: Senator Rountree told me he had a question, and then he left. OK.

DeBOER: He had to introduce.

BOSN: Oh, OK.

ANDERSEN: Uh-oh.

BOSN: He may be back. He may get you on your close. Senator Storm. David City.

STORM: Thank you. For the record, I have a house in David City, so I'm not sleeping outside.

ANDERSEN: It was, it was hypothetical.

STORM: OK, Clear that up for the record here.

BOSN: Senator McKinney. Sorry.

McKINNEY: Thank you. Is DHHS proposing to eat the cost of this, or are we going to have to appropriate funds to them?

ANDERSEN: At this point, there'd be an appropriation, but I've already started the conversation this morning with their legislative affairs representative to say, what's it take to reduce, or how do we get rid of the, the fiscal note? How do we figure out-- can you actually absorb this within your staff? And that's kind of the ongoing dialogue between myself, DHHS, and the attorney general's office, is to really refine that. The, the challenge is, you know, the hearing, obviously, is this afternoon, today, and we got the fiscal note yesterday. So, they didn't leave a lot of time to do the coordination between the different state agencies.

McKINNEY: All right. So, I did do some research. So, we do have a Nebraska Homeless Assistance Program, but it don't go to the, the municipalities, it goes to nonprofit organizations. So, I'm still trying to figure out-- is this an unfunded mandate or not, on the, on the cities? But thank you.

ANDERSEN: Sure.

BOSN: Senator Hallstrom.

HALLSTROM: For the record, I have a house in Syracuse, and if I keep coming home late from Judiciary Committee meetings, I may be sleeping outside.

ANDERSEN: Park bench, next to Senator Storm.

BOSN: All right. Are you staying to close?

ANDERSEN: Yes, ma'am, I will.

BOSN: Thank you. First proponents. Anyone here to testify in support? Good afternoon, and welcome.

AARON HANSON: Good afternoon, Madam Chair, honorary members of the board. My name is Aaron Hanson. I am the Sheriff of Douglas County, and I'd like to clarify a few things. Number one, I-- although I've never heard from Sheriff Dion in Butler County about Senator Storm falling asleep on the sidewalk, that-- that's not necessarily the challenge that, that we're dealing with, at least in my county; we're talking about significant size tent encampments. And there's one thing I want to make sure we're very clear, that according to current Nebraska Revised Statute 39-312, unauthorized camping in, in a, in a-- is already against public policy in state, county, and NRD properties. There-- currently, it does not contain the mention of city properties. I think that would be a, a very easy fix to this. But I want to-- I want to mention really quickly, the, the, the folks behind me who are going to testify in opposition to the bill, they're my partners, they're not my opponents. You've got some good people here behind me. We all work together collaboratively to try to problem-solve some very challenging situations in Douglas County. They're good people. We're not opponents. We agree on 95% of the topic. Really, what we're struggling with is two, two "crises" here: an affordability crisis-- food, housing, medical care, mental health care cost-- and, and a mental health crisis. We've got really two groups that we're dealing with here. Number one is the folks that are traditionally down on their luck, maybe lose their job, they may be struggling with some debt, they have to couch surf, move in with their family. They are homeless. Those folks are, are very different than group two. Group two is the folks that we traditionally find in the tents. These are folks that are struggling with acute behavioral health and addiction challenges. Not, not 100%, but many. And I don't think we're doing a service to either if we mix those two populations. Local

government alone is not going to be able to solve this problem. The solution is going to have to flow through state and federal government. We can do the best that we can. When it comes to group one, solutions are affordable housing, job training, reducing the overall cost of living. On group two, we do need enhanced the mental health care and addiction treatment. No one gets that in a tent. Again, the majority of homeless in Douglas County are not living in a tent, nor are they dealing with mental health and addiction. But unfortunately, a staggering sad majority of individuals who are living in tents are struggling with mental health and addiction challenges, and I think we need to focus on that. We need to look at finding real solutions. I look forward to continuing to work with my, my good partners here behind me to do that, and I do appreciate this very important public policy issue being brought to the attention of the Nebraska Legislature. I'll answer any questions you might have.

BOSN: Are there questions for the sheriff? Senator McKinney.

McKINNEY: Thank you. Thank you, Sheriff Hanson. How is this a real solution? Because even if this passes, I don't see this solving either of the problems you stated.

AARON HANSON: You know, I think in, in the absence of an, of an omnibus package that would, that would solve multiple facets at once, which would be a clear public policy to harmonize the prohibition against unauthorized camping in city property, along with county, state, NRD, that would also-- the omnibus solution would, would also include a recommitment to enhanced acute behavioral health infrastructure options and enhanced acute addiction care infrastructure options. And also, modifying many of our current state policies when it comes to Board of Mental Health or case management of individuals navigating the Board of Mental Health, or our emergency protective custody laws as well. So, I agree with you that, that this one bill will not solve the problem. It's one piece of, of what is needed in a broader solution, in my opinion.

McKINNEY: Do you not find the process that the city of Omaha is currently going through with the homelessness pilot-- I forget what they describe it as-- is not sufficient? I, I know it's still not wrapped up yet, either.

AARON HANSON: I have seen a, a notable improvement over the last few months with Tamara Dwyer and her team, and Jason Feldhaus' efforts, along with many of the partners that are here today, to try to address the issue of individuals living in tent encampments. Where I think that those efforts will continuously struggle and top out is that when you're dealing with these individuals living in tents, it's less about an issue of affordable housing and more about an issue of, of access to mental health care and addiction services. You know, I-- I've, I've seen individuals who have passed away in our community from the elements in tents. I did the look-back on their cases and found they had been provided with housing multiple times, only to fall right back into the same desperate condition that they were that ultimately led to their demise. That's, that's the piece that needs to be found, and unfortunately, local government and even the nonprofit community does not have the ability to, to find that type of a very complex solution.

McKINNEY: Where are they going to go, though? Because our county jail is overcrowded with people that over-- that deal with mental health issues and substance abuse. So, we eliminate the camps. Where do these people go? Because we have an affordable housing crisis, we have a mental health crisis. The only place that usually houses most of these people is our county jail. Where are they going?

AARON HANSON: Great question. And, and it is my hope-- I think that not all, but the vast majority of success stories, when you're talking about individuals navigating a challenged lifestyle on the streets with behavioral health or addiction or both, most of those success stories begin at the doors of the Stephen Center, or at the doors of Siena Francis House, or at doors of Open Door Mission. There's no shortcut, rarely. Sometimes there, there are, but rarely those-- do those success stories not begin at the front door of those facilities. And so, in my view, if we can incentivize individuals to go to those shelters to get the help they need, then ultimately, that increases their chance-- their likelihood of success. But what that also does is it puts the onus back on local government, state government, federal government to support nonprofit groups, the shelter groups, the street outreach groups like, like them, so that we always are available or ready to serve the capacity of the need. If we don't have the space in the shelters, if we don't have the specialized shelter services, like, for example, for couples or for people with pets, if

that's a challenge, then people will end up back out on the streets in tents, and we'll just be shuffling them around like a hot potato.

McKINNEY: I guess I'm just wondering, where is the money going to come from? We're in a budget crisis here. I'm going to ask my friends on Appropriations if there's a budget cut to the Homeless Assistance Program, because that would highlight the problem even more that, one, we don't have the money, and two, it might not even be willingness to continue to fund homeless programs that we do have. So, that's what my concern is, that we eliminate these camps, where do these people go?

AARON HANSON: Well, I'd like to think we can do multiple things at one time.

McKINNEY: I wish.

AARON HANSON: I wish we could too, I'm with you. But I think that we'll never know how much capacity and specialized infrastructure we need in the shelter and transitional housing communities until we truly incentivize folks to move from the tent environments, which I think-- they're-- you're not going to hear anyone testifying that living in a tent encampment is healthy or good. You're just not-- I doubt you'd hear it. That's one of those 95% things that we agree on. But we're never going to know what we really need in terms of federal support, state support, non-- you know, foundation support, until we push as many folks as we can into these shelter environments to help give them the support and the services that they need.

McKINNEY: All right. Thank you.

DeBOER: Other questions? Before you do though, will you state and spell your name? Because you didn't do that.

AARON HANSON: Oh, I'm so sorry. I thought I did. Douglas County Sheriff Aaron Hanson. A-a-r-o-n H-a-n-s-o-n.

DeBOER: OK. Senator Storm.

STORM: OK. Thank you. Thank you for [INAUDIBLE], Sheriff. So, these homeless encampments-- contrary to popular belief, there isn't homeless encampments in David City, so I'm trying to-- do

most people in those encampments, are they local, or do they come from other states or other areas?

AARON HANSON: I'd say it's a mix. We come across folks that are local. We've come across folks that have ended up and maybe been stranded in Douglas County. We've come across-- in some case, we come across folks that in our refugee community that struggled with assimilation that, that ended up with nowhere else to go. It's, it's a diverse mix of people, in my experience, that, that are living in these homeless encampments.

STORM: So, if you're a community and you have no laws or very lax laws against homeless encampments, does that grow those encampments, in your opinion? Do-- will people come to states where it's easier to be homeless, for lack of better words, or to set up a-- you know what I'm trying to say?

AARON HANSON: In my opinion-- and this is just with my experience and talking to my peer sheriffs across the country, that when, when the environment allows for individuals to avoid the tough moves of actually heading to a shelter where you have to abide by rules,--

STORM: Right.

AARON HANSON: --abide by curfew, to some extent be sober based on the shelter, that unfortunately, because folks struggle with their own demons,--

STORM: Sure.

AARON HANSON: --they'll take the path of least resistance and they'll, they'll live in the tent encampments. Those tent encampments rarely stay their original size. They will grow in terms of numbers of tents, in terms people living in them, and also in terms of the items that are hauled in there. It's, it's, it's staggering sometimes when you think about the man hours that it would take to bring some of the amount of items and refuse into these encampments. And, and in my estimation, the longer they're there, the bigger they grow and the bigger the challenge becomes.

STORM: So, you can make the logical argument, in my opinion, that not taking a stance against this actually perpetuates the

problem. And when people are living in a tent, like you said, it's not good for them.

AARON HANSON: I-- yes. And I think we need a balanced approach.

STORM: Right.

AARON HANSON: Yeah. I get it. We don't need to throw people in jail or, or start, right, with a criminal citation on, on the first offense.

STORM: Sure. Absolutely.

AARON HANSON: But at some point, if you are a, a, a taxpaying citizen living anywhere in the county, you've, you've-- have a job, you have a family, you want to be safe in your house, it's also unfair to expect you as a resident or a business owner to be proximate to these, these sprawling encampments. You have to address it when it's small, and we also have to find a solution not just to push it around the county,--

STORM: Sure.

AARON HANSON: --which unfortunately happens in too many cases.

STORM: Sure. Thank you.

DeBOER: Senator Hallstrom.

HALLSTROM: Just say, well done. Appreciate your thoughtfulness and your insight, and it's always better to have partners than opponents. So, I applaud you for [INAUDIBLE]

AARON HANSON: Well, we got some great ones in, in Douglas County for sure, and I, and I appreciate that.

HALLSTROM: Thank you.

DeBOER: Other questions? Thank you for being here. Next proponent. Welcome.

GREG LONDON: Hi. My name is Greg London, G-r-e-g, London is L-o-n-d-o-n, and I'm the Sarpy County Sheriff. For the record, I traveled out to Grand Island this morning and I did not drive through David City. Sorry, Senator.

STORM: You missed out.

GREG LONDON: I took the interstate instead.

STORM: We have the Bone Creek Museum there.

GREG LONDON: I'm not going to reiterate everything that Senator Andersen and my colleague Sheriff Aaron Hanson said, but I do want to talk about some stats. So, a few years ago, the district attorney of San Diego wrote a, a summary about the problems they have in San Diego. And I know it's different because we're Nebraska, but it was a pretty extensive study, and I read it, and here are some few thoughts that the attorney general-- or, district attorney in San Diego talked about. Let's talk about victims themselves. So, on homelessness, the victims are 19 more times-- the murder rate is 19 times higher than the general population. Attempted murders, 27 times higher; robbery is 15 times higher than the general population; domestic violence, 15 times; aggravated assault, 12 times; elderly abuse, 10 times; and sexual assault, 9 times more than the general population. I know Senator Andersen mentioned that. So, those are pretty astounding stats, talking about the victims in the homeless camps. On the other hand, we're talking about arrest rates, too, in the homeless camps. The-- robbery, 175 times more in the general population; assaults, 130 times more; arson, 514 times more than the general population, and vandalism. So, I, I think the goal here is not about punishing anyone who lives in the homeless camps, it's about the safety of them, and that is one reason why I believe that the goal is to get them into shelters where it's a lot safer and public services are easily available versus a camp. Just a few more thoughts. OK, today it's nice outside, but typically, during the winter, it's freezing, and that's just another reason to try and get the homeless people into shelters or some other environments, because it's just too cold and we don't want people dying outside because of the temperatures. Sharon-- or, I think Sheriff Hanson talked about fires. You know, that's a common problem in homeless shelters-- or, homeless camps, is the fires. We have a hotel in Sarpy County that's abandoned, and we want to hopefully get it torn down because we don't want that thing started on fire. And because we've already had some calls up there, we know people are in that, in that hotel. Accidents such as fires are the second--

DeBOER: Let me, let me--

GREG LONDON: I'm sorry.

DeBOER: Let me-- you've hit your time, so.

GREG LONDON: Oh, I'm sorry.

DeBOER: Senator Holdcroft will get mad at me if I don't watch that carefully.

GREG LONDON: My apology.

DeBOER: So, let's see if there's any question. I'm, I'm confident somebody will ask you a question. Any questions? Well, I will. Senator Holdcroft.

HOLDCROFT: Sheriff, would you like to finish your statement?

GREG LONDON: No, that's all right, Senator. It's been a long day for everyone, I'm sure. Thank you.

DeBOER: Other questions? Thank you for being here.

GREG LONDON: All right. Thank you.

DeBOER: Next proponent. Welcome.

CHRIS SHARP: Thank you. Welcome. Or, thank you. Good afternoon. Thank you, Madam Vice Chair and members of the, of the Judiciary Committee. My name is Dr. Chris Sharp-- that is C-h-r-i-s S-h-a-r-p-- and I'm here on behalf of Cicero Action, a nonprofit public policy organization testifying in support of LB925. As background, I'm a former probation officer that worked with mentally ill offenders; a retired army officer; I've been a professor of criminal justice and public policy for 20 years; and I was homeless for three years as a teenager. To paint a picture of homelessness in Nebraska, in 2013 when Hearth Act funds were, were fully released, there were a total of 3,145 homeless individuals. 410 were severely mentally ill, 516 were chronically addicted, and in the highly-visible unsheltered population, 40 percent of that unsheltered population were either mentally ill or chronically addicted. By 2024, overall homelessness had dropped 14 percent to 2,720. However, the severely mentally ill and the chronically addicted made up-- increased by 372 percent in just those 10 years, and made up now 85 percent of the total unsheltered population, representing a

huge concentration of severely mentally ill and addicted in the unsheltered population. The reality is that the unsheltered homeless represent the most in need and the most abandoned by the continuums, continuums of care. Case in point, Krissy Gallagher-McMillan, who testified on behalf of Society of Saint Vincent de Paul Omaha against LB1357 in 2024, a similar public camping ban bill, froze to death alone in a homeless encampment a year after her testimony. Simultaneously to the unsheltered crisis, Nebraska had 427 psychiatric beds in 2013; that's dropped 55 percent to 194 by 2023. Despite the 250 reported, there's 56 that are still unavailable for patients. That number has not changed, and that is the work of Disability Rights Nebraska, which led to the, the Federal Department of Justice filing suit against Nebraska and effectively closing doors to treatment. LB925 mitigates this by establishing areas where the unsheltered can camp, can camp where their location is known, where they can receive, receive services, and they're protected by law enforcement. Opponents will tell you that this bill will kill veterans. I will tell you that there are nine unsheltered veterans throughout the entire state. Those that have served honorably and been discharged are receiving housing already through HUD-VASH programs. Opponents will also tell you that this will criminalize homelessness. Our focus is on treatment; that is why Section 4 specifically states the first time that they are cited, they will be taken to a facility where they can receive shelter and treatment. That is what we're focusing on. Unfortunately, due to the work of advocates, Nebraska does have limited, limited choices. I've heard many questions come, come today to other advocates for this bill, which I would love to address, but I strongly encourage you to pass LB925, and I stood-- stand ready to answer any of your questions.

DeBOER: All right. Are there questions? I don't see any. Thank you for being here.

CHRIS SHARP: All right. Thank you.

DeBOER: Next proponent. Welcome.

BRINKER HARDING: Thank you, Senator. Thank you, Madam Vice Chair. My name is Brinker Harding, B-r-i-n-k-e-r H-a-r-d-i-n-g. I'm a member of the Omaha City Council, but I'm, I'm here today as an individual. I first wanted to read some excerpts from Cicero Institute report. The public has broadly aligned politically on the issue of street camping. A national poll

found that two-thirds of the voters across party lines agree that homeless individuals should not be allowed to camp on public property. There's also strong bipartisan sentiment that more compassionate-- it's more compassionate to move homeless individuals into shelters rather than to leave them on the streets. States and municipalities have responded to the public's concerns by enacting laws and ordinances against unregulated homeless encampments. Homeless encampments have grown both in number and complexity, complexity. Over the last decade, the proportions of homeless people with serious mental health or addictions are living on the street has increased by 84 percent and 130 percent, respectively. With more people with severe behavioral health challenges on the street, homeless encampments have become much more susceptible to crime. Further, home-- homeless individuals are more likely to be victims of crime, with behavioral issues increasing their vulnerability even more. But they're also hundreds of times more likely to commit serious crimes themselves. Homeless encampments are also associated with elevated levels of contamination from human disease, human waste, garbage. Studies have found encampments with as much as 2,700 cubic meters of trash, including bicycles, shopping carts, et cetera. The pollution associated with the encampments contaminates waterways and creates significant environmental harm, including mass destruction due to wildfires, resulting in unregulated burning in encampments. So, I applaud Senator Andersen for bringing LB925 forward. It is very much maybe like what I did with the city of Omaha when we saw the amount of homeless encampments escalating. And I thought it was a-- some-- an issue that we hadn't addressed, and it needed to be addressed before it became a problem, a growing problem. And I introduced an ordinance, and I said on day one, this ordinance is not in the final form of what it would be at the end of the day, and was willing to work with people, with individuals, with other cities, with other municipalities and states, and, and the non-profits to address the issue so that we could come up with a solution that was a win-win solution. My ordinance in its final form, which included some of the, the similar components that Senator Andersen has in, in LB925, eventually did not get passed. But I would tell you, many of those components are probably-- you can see those in, in the pilot program that's currently occurring in Omaha. And, and I'll, I'll try to do this quickly, or if you have-- well, I, I see my time is running out. But I'd be happy to talk about the ordinance that I introduced and some of the ways we were trying to address the issue in Omaha.

DeBOER: Are there questions? Senator Storm.

STORM: You can go ahead and finish, if you want to.

BRINKER HARDING: Oh, OK. Well, so the ordinance I, I initially introduced, I was accused of being heartless and soulless because I was criminalizing homelessness, and I wasn't criminalizing homelessness. And I, I see Sheriff London-- if he's still here. I saw Sheriff Hanson leave. But in the city of Omaha currently-- and I had our law department look at this-- there were approximately 14 citations or, or ordinance violations that most of the people living in these encampments were already subject to be, to be cited for violations. So, the, the whole narrative of, of this being criminalizing homelessness, I think, is an, is an empty argument because they can already be cited for violations of ordinances. What I was trying to do was find a way to be a win-win solution, to get the people who are in these situations out of these situations, but also to address the people and the businesses that are around these encampments. There are some cities, there are some states that have looked at giving property tax rebates or credits if their businesses or their homes or their property values have-- if they can prove that it has been diminished, they get a property tax rebate. I know Senator McKinney was asking about-- or, maybe an unfunded mandate. That would be-- that's-- that could be a financial hit to a community, if, if, if it was done that way. But my, my point is, is that this is a serious issue that needs to be addressed. And whether LB925 in its current form or an amended form, I think is a, is a great way that we can start to address this issue on a statewide issue. We tried to do it on, on the city issue-- on the city level in, in Omaha. And again, ours was-- my, my ordinance was basically kind of the same. On first contact, the police officer would, would tell the people that, you know, they can't be there, and that they would be given an option to get to a place of shelter. And if not, they would come back in-- excuse me. They would back in 24 hours, and if the people were, were still there, then they would issue a citation. And now, here's where-- the part where some people might say, see, you're criminalizing homelessness. No, the reason for the citation is that it-- it's kind of a carrot and stick, if you will, is that between the time the citation was issued and that possible court date would be is when the nonprofits would be involved, and get them into programs. Or, what we ended putting in our ordinance was we, we put in a problem-solving court, a diversion program, and we have similar,

similar diversion courts for drug, for veterans, and, and they have proven to be very successful. So-- and if they completed that, then there would-- the citation would be dropped. So, there-- what we were trying to do-- again, it's, it's public safety issue, it's a public health issue both for the people in these encampments and the people and the businesses that are around these encampments. I'm happy to answer any other questions.

DeBOER: Other questions? Thank you for being here.

BRINKER HARDING: Thank you.

DeBOER: Let's have our next proponent. Anyone else like to testify in favor of the bill? Now, we'll switch to opponents. Anyone in opposition to the bill. Welcome.

CAROL DENNISON: Good afternoon.

DeBOER: Thank you.

CAROL DENNISON: I'm Carol Dennison, representing the League of Women Voters of Nebraska--

DeBOER: Can you say and--

CAROL DENNISON: That's C-a-r-o-l D-e-n-n-i-s-o-n. Good afternoon, and thank you for letting us testify today. The League of Women Voters of Nebraska holds that social policy must advance self-sufficiency and focus on preventing and reducing poverty. People who cannot work or too little, lack job opportunities, have a right to income and services that meet basic needs: food, housing, and health care. Criminalizing the homeless by removing their encampments and imposing fines does not solve the core issues of their situation. Consistent with our policy and data that rejects this strategy, LWVNE opposes LB925. Excuse me. The lack of deeply affordable housing is the primary cause of homelessness, yet homelessness is a complex-- complex issue with intractable and interrelated causes, including unemployment, untreated mental health conditions, and substance use disorders. In 2026, both federal and state funding for food, housing assistance and health care are being cut, amplifying the difficulties faced by communities in solving the issues of the unhoused. While some may blame one's homelessness as an individual choice, in fact, it stems from structural and

systemic factors. We must address the crisis, not criminalize it. Criminalizing homelessness diverts scarce public resources toward costly jail stays and legal proceedings rather than toward proven housing and service-based solutions. In Nebraska, 20 percent of people in the Douglas County jail are homeless or housing-unstable, according to Director Mark-- Mike Myers. At \$132 per day, the county is spending nearly a million dollars each month jailing people who lack stable housing, and those costs keep rising. Jail is among the most expensive and least effective responses to homelessness. Nebraska cities already have full authority to enforce health, safety, and other regulations to keep public spaces safe. No local ordinance grants anyone a right to camp or sleep on public property, and state law already prohibits camping on highways, roadside areas, and parks, except in designated sites. LB925 does not close a gap in statute; it adds new criminal penalties. LB925 fails to address statewide enforcement issues. It classifies a, a violation of Section 4.2 [SIC] as a Class V misdemeanor except that for first offense, instead of prosecution, the law enforcement officer shall direct the person to the nearest appropriate shelter for homeless individuals. In rural districts-- say, David City-- lacking homeless shelters, what options would be available? Without shelters, would the homeless individual be denied leniency as a first-time offender? Without clear answers, the bill risks placing law enforcement and vulnerable individuals in untenable situations. Alternative approaches exist that have been talked about here today. A similar encampment was proposed-- ban was proposed by the Omaha City Council and voted down. Instead, the council adopted a pilot program led by Threshold to coordinate nonprofit services and move individuals from encampments into housing.

DeBOER: Oh, sorry. OK. Thank you very much.

CAROL DENNISON: Thank you.

DeBOER: Are there questions for this testifier? Thank you for giving us your testimony, then we can read through--

CAROL DENNISON: Thank you very much.

DeBOER: --the rest of it. Thank you so much. Next opponent.

TAMARA DWYER: Hello. Thank you, Chair-- or, chairperson's not here. Thank you, members of the committee. My name is Tamara

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 18, 2026
Rough Draft

Dwyer, T-a-m-a-r-a D-w-y-e-r. I'm here today on behalf of the Omaha Mayor, John W. Ewing, as his homeless service coordinator. I come to respectfully oppose LB925. I have many years of experience working in homelessness services in Omaha, about 14 years. I started within street outreach and have worked in shelter systems, and for, for those years, exclusively in Omaha in homeless services. LB925 would broadly criminalize homeless encampment, eliminating local discretion, enforcing punitive enforcement that undermines effective humane solutions. This approach directly conflicts with the good work currently being done in Omaha. First, Omaha is already pursuing a data-driven local solution aimed at addressing the root of the issue. In late 2025, Mayor Ewing launched the Omaha Encampment Pilot Program. This initiative focuses on coordinated outreach and housing connections rather than fines or arrest. As the mayor has stated, policies should address root causes like the lack of services, including health care services, mental health care services, job assistance, among many other things, instead of merely moving people or destroying encampments. Also, we understand that our shelters in Omaha are full. A lot of the time, we have very limited bed availability, and in the majority of Nebraska, there isn't shelters available. So, what would that mean for offering people shelter beds? And we hear from street outreach workers all the time that support systems are needed to address the underlying issues that lead to homelessness and the things that prolong someone's homelessness. Our pilot data is trying to bear this out, is trying to figure out those solutions within our local efforts. A concentrated effort to reach unsheltered Omahans with help, not handcuffs, is resulting in decreased numbers on our streets, and we are seeing that, as you heard the sheriff had mentioned. Punitive enforcement has already been rejected by our local leaders in Omaha, when the city council had considered an ordinance criminalizing homelessness that involved jail time and \$300 fines. Mayor Ewing pledged to veto it, and the city council overwhelmingly voted it down. Criminalization is not only ineffective, it is expensive; it costs Omaha at least \$170 per day to house someone in jail. With those costs rising each year, resources are far better spent on various services and housing. We also need to note that LB925 resembles some cookie-cutter legislation from out-of-state interest groups. Nebraska has a proud tradition of "crampting"--crafting policies specific to our own communities. Our homelessness policy should be shaped by Nebraska data and Nebraska providers, not imported wholesale.

DeBOER: All right. Thank you. Let's see if there are questions. Senator Storm.

STORM: Thank you. Thank you for being here. So, let me get this right. In Omaha right now, if I want to be homeless, I can go on public property and pitch a tent and do that? Yeah?

TAMARA DWYER: No. So, on public property-- we have our pilot program, and we've had a encampment response policy--

STORM: Mm-hmm.

TAMARA DWYER: --that I developed in the first two years in my job, and the timeframes were a little different. Our pilot program is similar to what we had, except that there's different timeframes. So, across the board, any encampments that are reported to the city on public property have a 10-day timeframe. So, within that 10-- on the first day, we deliver a notice to those residents in that encampment, and then we work with our street outreach team and other service providers to make sure that people are connecting every single day, and that we are not-- we aren't essentially just kind of playing musical walks around the city. And we're trying to get them connected to services, connected to housing, and, and, and off of the streets, because we know that's the safest place for people. We know that people do die on the streets, we know that people suffer. You know, the reason that we see these increased mental health concerns, increased health concerns for people that are unsheltered, is because these folks have been on the streets for a lot of years, right? And those things impact them. You know, trying to navigate broken systems and all of those things.

STORM: But if they want to stay on the state-- street, they can stay on the street then, right? On public property.

TAMARA DWYER: They have 10 days.

STORM: But then, after 10 days--

TAMARA DWYER: After 10 days, the encampment is closed and they cannot return to the location.

STORM: But they can go just to the next place in town they want to go to.

TAMARA DWYER: There's lots of-- yeah, there's lots of--

STORM: OK.

TAMARA DWYER: I mean, there's-- we-- there's public property, there's private property. I mean-- yeah.

STORM: So, is the homeless population in Omaha growing?

TAMARA DWYER: Our homeless population actually-- if you look at our trends, it grows very-- almost similarly mirroring our--

STORM: Seasonally?

TAMARA DWYER: --general population.

STORM: Oh, OK.

TAMARA DWYER: Yeah.

STORM: It's seasonal [INAUDIBLE].

TAMARA DWYER: We don't really-- yeah, trending-- and seasonally, we do see in the summer--

STORM: Right.

TAMARA DWYER: --a little bit higher population on the streets. But the growth overall over the last 10 year-- I think I looked back to 2012. Our growth trends are pretty stagnant, really. I mean, they, they mirror our population growth.

STORM: OK.

TAMARA DWYER: Mm-hmm.

STORM: Thanks.

DeBOER: Other questions? So, you've, I assume, read the bill fairly carefully.

TAMARA DWYER: Yeah.

DeBOER: Do you think that Omaha's current system would, would fly in the face-- would, would, would run afoul of the bill? Do

you that, that you guys are violating the bill, if this were law?

TAMARA DWYER: Currently, with our pilot program-- I mean, since there's a 10-day period, I would-- I think that could be a possibility, instead of, like, the initial warning and that isn't-- they'd have an initial warning, and then they, if they're still in that location, then they have-- they get a citation.

DeBOER: So, it says a temp-- so, under Section 4, which is on page 2 of the bill-- I know you don't have it in front of you, so I will read it to you.

TAMARA DWYER: Yeah, yeah.

DeBOER: It says that-- not desig-- but-- OK, so it's unlawful for any person to knowingly or intentionally camp upon or in any public property or right-of-way that is not designated by the state or the political subdivision controlling the property or the right-of-way as a campsite, a temporary site for unsanctioned--

TAMARA DWYER: Yeah.

DeBOER: --homeless encampments. So, you--

TAMARA DWYER: And, and I did-- I, I remember talking internally about that particular piece, just, like, what does that mean? I'm not sure. I don't know really what that means.

DeBOER: A temporary site for unsanctioned homeless encampments.

TAMARA DWYER: I mean, what could-- would that mean that we could say that we have these authorized sites that we are working with all over the city?

DeBOER: Yeah, I wonder. I didn't know if you had, had a position on that.

TAMARA DWYER: I am not sure. I'm not sure what that means.

DeBOER: OK. All right. Other questions? Thank you for being here.

TAMARA DWYER: Thank you.

DeBOER: Next opponent. Welcome.

CHRIS KNAUF: Thank you. Thank you, Committee. My name is Chris, C-h-r-i-s, last name is Knauf, K-n-a-u-f. I'm the CEO of Stephens Center in Omaha, Nebraska. And while I have never been to David City, I've heard it's charming, so I look forward to--

STORM: Come visit.

CHRIS KNAUF: --the chance to visit, absolutely. I also want to start by thanking and also concurring with the, the statements by Sheriff Hanson concerning, you know, we've got a lot of partners behind us. There's different ways we might be approaching it, and we might have some fundamental disagreements, but I think at the end of the day we are all partners in trying to do what's best for, for our city, for our people in a very compassionate, respectful manner. Certainly, council-- Councilman Harding, I also thank him, because while I, I disagree with his ordinance-- I have stated my disagreements with his ordinance-- he was instrumental in, in, in starting a conversation that in many ways was probably long overdue, and has led to the pilot program that, that we're doing now. So, I agree that we're all partners. However, I'm here in opposition to LB925 because, while I think we agree that there needs to be some solution or some, some different things we can approach, this is not it. Certainly, this does criminalize homelessness, and what it does is this just pushes the problem away while creating some serious financial penalties and problems for, for the different municipalities and cities. But I welcome dialogue. We welcome collaboration. We welcome leaders from every ideology and perspective who are genuinely seeking solutions. Homelessness is and should not be a partisan issue; it's a human one. And if we approach it together, Nebraska has the opportunity to become a blueprint for other states. At Stephens Center, we do not simply provide a bed for the night. Shelter is the entry point, it's not the end goal. It's not the most cost-effective-- it is the most cost-effective path to housing available, and it costs taxpayers a fraction of what even one day in jail costs. Once someone enters a shelter, they are connected to case managers. They receive individualized assessments that identify their barriers, whether addiction, mental health challenges, employment gaps, or family instability, and we align those needs with resources that help

move them forward. In 2025 alone, 475 individuals and families exited our shelter into a positive or permanent housing destination, and that's what happens when stability is paired with intentional support. But here's the reality we're facing. In 2025, Stephens Center had to say "no" over 5,000 times to individuals and families who met our requirements to stay at a sober shelter, but for whom we simply did not have enough space. Families, children, and seniors experiencing homelessness for the first time are among the fastest-growing populations reflected in our annual point-in-time data. When there are enough-- not enough beds, whether it's low-barrier or high-barrier, there's no real choice. A policy that suggests someone can choose shelter over citation only works if shelter actually exists. Without sufficient capacity, measures like LB925 risk creating outcomes that do not serve Nebraskans, continued homelessness, mounting debt, poor health, barriers to employment, and increase strain on local and state resources. The question before should not simply be how to move encampments; the question should be "What sets Nebraskans up for success?" And I'd love to answer that more, but I-- seems like I ran out of time here. But I'd be more than happy, and welcome any questions.

DeBOER: Senator Storm has a question.

STORM: I got a question. Thank you. Thank you for being here. So, in Omaha, on the sidewalk, can you set up a tent on the sidewalk? [INAUDIBLE]

CHRIS KNAUF: It's, it's-- and, and, and I am a lawyer, but certainly probably not qualified to speak to the legalities of this because I think as we've heard, there's been a number of different interpretations on what Omaha says and, and does not say. I will say, as an example, my experience in this, in this particular sector started when I was an executive with the Siena Francis House, which is the, the state's largest emergency shelter. And the first summer I was there, there were encampments all around the perimeter of the shelter. And one of the issues that was had at that time is, can we close up and clean up these shelters that are sort of in the street-sidewalk median--

STORM: Sure.

CHRIS KNAUF: --that abut next to the property. And it took months before we were able to get some sort of decision or suggested path forward in terms of our ability as a non-profit to take care of the median that we had to take care of, but was also public property. So, I would, I would say-- I'm not sure if we have the clearest answer as to what that is or not, and whether or not that becomes an enforcement issue. However, I will say enforcement of something like that is incredibly costly, it is incredibly, in the ways that we've done in the past, not productive, not conducive to helping that person along. And the reality is this: we can talk about shelters as an alternative, and I will that shelters are the best option for someone who is experiencing homelessness or family experiencing homelessness who needs those resources to get to that, that new chapter. There are not enough shelter beds in Omaha. There are not enough shelter beds in the state where this is a choice. If the choice is between a shelter and a citation, the chances are the citation will be issued, because there are simply not enough available beds right now.

STORM: So-- but my-- what I'm getting at is if-- say I'm a business owner--

CHRIS KNAUF: Mm-hmm.

STORM: --in Omaha, and some guy-- there's homeless encampment in front of my business.

CHRIS KNAUF: Right.

STORM: What about the business owners?

CHRIS KNAUF: Yeah, I love that question.

STORM: I mean, we can talk about homeless, and I, I feel for that. But what about businesses that say, I'm not going to do business in Omaha because there's a "hamless"-- homeless encampment in front of my business?

CHRIS KNAUF: Yeah. And, and--

STORM: I mean, that has to be thought about, too, in this case
[INAUDIBLE]

CHRIS KNAUF: Absolutely, and I'm certainly not naive to the fact that this does-- it, it-- there's an impact to business owners--

STORM: Sure.

CHRIS KNAUF: --and, and, and, and private property owners, residential or commercial.

STORM: Sure.

CHRIS KNAUF: In fact, I think very few of us would argue against that. What I'm saying is that investment in resources that help that business owner is a far better use of taxpayer dollars than jail. And let me give a, give an instance. We talked-- heard about street outreach. Stephen Center is one agency that participates in street outreach.

STORM: Sure.

CHRIS KNAUF: We have three full-time street outreach case managers. And what that allows us to do is we have a team that has already built the trust and familiarity with many of those families and people experiencing homelessness, and when a situation like that arises-- and that-- this is a communication issue, I think, on, on, on behalf of, of the providers and certainly the, the city as well-- we can actually call a street outreach member, a street outreach team member--

STORM: Right.

CHRIS KNAUF: --and say, hey, can you come here and help with this situation? I've actually got a real, real example. I live in Elkhorn. All right? It's probably not a situation where many people would think that the issue of homelessness is, is really impacted. I had actually-- had, had dropped off my son at basketball practice, and I was having dinner at a, a local restaurant in downtown, downtown Elkhorn, and there was an individual who came in suff-- from-- with some behavioral health issues, but also who was, was experiencing homelessness. And there was a lot of compassion and respect shown by those, those workers of that restaurant to help move that individual onto--

STORM: Sure.

CHRIS KNAUF: --somewhere else that didn't impact their business. What I was able to be-- do, just simply because I was there, was talk to the individual, get a sense of what the situation was, provide the business card of our street outreach team member who had already had a relationship with this person, but also provide that same information to the businessperson itself. And in fact, there were three other business owners in, in Elkhorn that were there that said "Can I get that card? Can I get that card? Can I get that card?" So, there's a real compassionate, cost-sensitive approach to this--

STORM: Mm-hmm.

CHRIS KNAUF: --that really-- that, that really starts with people who already have a relationship and a level of trust--

STORM: Sure.

CHRIS KNAUF: --with those individuals that are experiencing homelessness, being able to help the businesses and help the city by-- move them to a safer location.

STORM: OK, one last thing, since we're on the theme of David City.

CHRIS KNAUF: Yeah.

STORM: So, my kids attend David City Aquinas Catholic High School, and last year, they all went to Omaha-- and I don't know what group it was-- to work with the homeless. So, it was a great experience for my children to do that, so.

CHRIS KNAUF: You know, thank-- and, and, and it's-- I do believe that the issue of homelessness is one that we as a society, we as a city, just really have to--

STORM: Sure.

CHRIS KNAUF: --change the stereotype [INAUDIBLE].

STORM: And I like to see the fact there's a partnership between the sheriff and all of you. I think that's good.

CHRIS KNAUF: Absolutely.

STORM: Because we all want the same thing [INAUDIBLE].

CHRIS KNAUF: You know, we mentioned some of the data surrounding criminality, arson, so forth.

STORM: Sure.

CHRIS KNAUF: And you know, it kind of jumps around between San Diego or South Sioux City or Omaha, and I personally am one that kind of believes that, that data can be whatever you need it to be in any given time, so I could try to speak on what I actually see. And again, 5,282 times in 2025, we had to tell an individual, a family-- in fact, it was 554 families that we didn't have a place for. And they hopped in cars,--

STORM: Sure.

CHRIS KNAUF: --they went to wherever else they could go. And because we are one of the few shelters that-- we're not the only, but one of the few shelter that actually opens its doors to families, that-- the options just are not there right now. And that's where funding in the shelter systems, through the outreach system, and additional behavioral health and addiction recovery, that's where we find the true movement, the, the true ROI.

STORM: OK. Thank you.

DeBOER: Thank you, Senator Storm. Other questions? Let me ask you a couple.

CHRIS KNAUF: Please.

DeBOER: So, I, I had first written down-- I missed the number you had to turn away, but you just stated that, so that's good. Where are folks-- so right now, if I go to you and I would like to get into your shelter and I-- let's say it's Senator Storm. He wants to get into your shelter. He's left David City.

STORM: Let's keep the theme.

DeBOER: He'd like to get into your shelter, but you're full. Where does he go? Typically, where do people go when you turn them away?

CHRIS KNAUF: That-- and, and, and, and that's, that's sort of the crux of the issue, right? Because behind us, representing various agencies, we have such strong partnerships. I mean, I look around the room and I just am so proud and joyed that I have such different agencies and such partners that I-- we can pick up the phone and say, "Do you have a bed? Do you have space? Do you have this resource?" So, within our CoC, we are all working together all the time to try to find a place for someone, for a family that's in need. But this goes back to my point. We do not have enough spaces. We do not have enough funding for those spaces, we do not have enough funding to create those spaces. And if we're really talking about solving this issue of homelessness, then we need to be talking about the services and the resources that happen at that shelter street outreach level that connect those people with the resources that move on to a positive or permanent housing destination.

DeBOER: Would you say that it is-- so, I don't know what your capacity is, and I don't know how often you get them in somewhere else. So, as a percentage of the whole population of people you contact, how many would you say there's just no option for?

CHRIS KNAUF: I mean, it's, it's, it's tough for me to speak directly on that, because typically it's not me that's picking up the phone and making that call but working with my, my staff, particularly my frontline team. You know, on occasion, a place like Siena Francis House or Open Door might be, might be the best option simply because of the size and the capacity. A lot of times, though, that capacity is borne out of the fact that they've got some available upper bunks of the bunk beds. And we might have a, an individual that's got a health issue, an elderly issue-- a citizen, and so forth, that just cannot get to that upper bunk. And so, then it goes back to what we were talking about. Where can we house this individual, provide some shelter and resources when all the shel-- when, when, when most of the beds are full, the ones that are available aren't necessarily best for that individual's health situation. And again, I go back to the fact that, you know, when we talk about the difference between high-barrier and low-barrier, there's just simply not enough high-barrier beds that are available in, in the city, much less low-barrier.

DeBOER: So, would you say it's somewhere in the range of 5 percent, 10 percent that just we don't have the resources for?

CHRIS KNAUF: Oh, I, I, I-- I'd be, I'd be hesitant to put percentages on that simply because, again, you will hear we, we, we have seen the point-in-time count actually reflect a, a, a lower amount of, of individuals and, and families experiencing homelessness. But we as an agency-- and this is a, a data point that, that, that we just as an agency have been collecting internally because we didn't have a form or we didn't have a mechanism otherwise-- we're seeing something a little bit different. And for me to place a percentage on our ability to put-- to, to, to help a warm handoff to another agency is, is just difficult for me.

DeBOER: So, I guess what I'm trying to understand is-- I know we have a capacity problem.

CHRIS KNAUF: Mm-hmm.

DeBOER: So, I want to know what the order of magnitude of that capacity problem is, right? Like, is this a capacity problem where we're not even halfway there, we're not even a tenth of the way there, or we're mostly there, but we have a good section of, of missing capacity?

CHRIS KNAUF: Yeah. Certainly, I, I think maybe, maybe that answer might differ amongst those that work for various agencies on what they say, they see based on the population they serve, the size of their campus, the space, the available beds. I'll answer your question as, as running the agency that I do.

DeBOER: Mm-hmm.

CHRIS KNAUF: Yeah, I'm not sure-- I'm not sure we're necessarily asking all the right questions right now. What I do know is that LB925 does not do anything to, to address the rise that I'm seeing at my agency.

DeBOER: OK, so we lack capacity in some way. I don't know-- I can't-- we can't pin that down yet. You suggested in your initial testimony that this is not the right answer, but you had ideas of what could be right answers.

CHRIS KNAUF: Yeah, yeah.

DeBOER: You did say that.

CHRIS KNAUF: Absolutely.

DeBOER: So I'm, I'm asking you,--

CHRIS KNAUF: Please, ask away.

DeBOER: What, what do you see are the right-- if not this, what then?

CHRIS KNAUF: Well, I mean, how much time do we have, right? I mean, first and foremost, as I-- I did also say that we have to change the narrative on what, what-- and the stereotype of what homelessness is and is not. Certainly, we can point to the instances where there's maybe some criminal activity, behavioral health and so forth. What I'm seeing is a lot of families and seniors experiencing homelessness for the first time. So, so changing the narrative and changing the understanding of who is actually in these encampments and the population that makes up these encampments is one thing. Then, you know, I, I, I hate to make it all about money, but money. It's funding. We do not have the amount of funding necessary to address the, the, the, the demand for shelter services that we are seeing. I also think a big problem is we tend to look at matters as an either/or situation. Well, we can't do shelter because we have to do behavioral health, or we can't do this because we have to this. This really involves an all-hands, as Sheriff Hanson mentioned. This involves an all-hands-on-deck situation. Behavioral health, absolutely. Big issue. Addiction, addiction and the need for addiction recovery. We're, we're fortunate where one of our core programs at Stephen Center is a 64-bed residential addiction recovery center that offers short-term residential help then intensive outpatient and outpatient. But not all agencies-- a lot, some, but not all agencies have that ability, and that still takes a, a, a, a large amount of funding. And that still is, is, is, is a program that we see wait lists for.

DeBOER: So, one of the proponents said something along the lines of-- and I'm going to get it wrong-- that we need to do LB925 because then we can get a sense of how big the problem is, that we'll have enough people-- it-- I can't remember exactly how they, they worded it, but something along the lines of there'll be enough interaction with, I guess--

CHRIS KNAUF: Yeah, with all due respect, I guess I don't follow that particular line of thinking. In, in my mind, what LB925 actually does is make it harder for us to understand exactly--

DeBOER: Can you speak to that?

CHRIS KNAUF: Yeah, because when you are an individual or a family experiencing homelessness, you're thinking about survival. And if you're getting pressure from a municipality, but where am I-- where else am I going to go? If for whatever reason this works to the degree that it just pushes them out of the next municipality, well then let me find somewhere else I can be. Let me go somewhere else that I can. All it is doing is moving the population of people that are experiencing homelessness around. It's not doing anything to end homelessness.

DeBOER: Yeah. OK. Other questions? Thank you for being here.

CHRIS KNAUF: Thank you very much. Appreciate your time.

DeBOER: Next proponent-- opponent. Sorry. Opponent. Welcome.

JASON FELDHAUS: Thank you. Appreciate it. Thanks for the opportunity. Vice Chair, thank you. Committee members, thank you. My name is Jason Feldhaus. I am the executive director of Threshold CoC. That is the federally-designated board for the homeless system for the Omaha and Council Bluffs metro area. We oversee Douglas, Sarpy, and Pottawattamie Counties. And I had written out kind of a testimony, but I think a lot of the questions have led to a conversation about what we're facing from a population and what we are looking at, and I think I'll just go into some of our data points and talk through that rather than read to you an, an eloquent and probably marvelous testimony. One thing I think that's really interesting in a data point we pulled, for 2023 and 2024, we saw that 74 percent of the individuals in the homeless system self-reported that they had some kind of disability. Mental health, behavioral health, or physical disability. The federal government is starting to look at the homeless system in general and starting to identify able-body as an important segment of long-term housing and support. One thing we're seeing at our local level is if we have 74 percent that have some kind of disability, some of those economic outcomes and continuous income, it's difficult to apply to those-- that group. In addition, the fastest-growing

population that we have in our homeless system in Omaha is seniors and fixed income; individuals that are aging out, did their savings, either got taxed out or can't afford their homes as they sit now, and are moving back into homelessness. We're seeing with our pilot program-- let's go around some of the street homelessness that would apply to this LB925, LB925. We see about 300 people on the streets almost every night. A little higher in the summer, a little lower in the winter. But one thing I can say that we've done a really good job about is increasing our ability to identify that population, understand who that population is, and start to direct needs and services at the street level to them. Our street outreach teams are about 42 to 45 individuals and 18-ish organizations or so, multi-skill level, bringing street medicine all the way to housing outcomes. We, we housed over 590 people off the streets last year, and we still have about 400 on our caseload. We continue to work with individuals. Street homelessness is not a destination; we are working people out of it. Our PIT count, which is a national count required by the HUD, and I think that was quoted by Senator Andersen in the article, showed a 200 percent increase in homelessness. Between 2019 and 2023, we went from 47 individuals counted on the street to 224. That's your 200 percent increase. But in 2024, we dropped back down to 193 individuals that were counted on street, which is a 14 percent decrease in unsheltered and 6 percent decrease in sheltered homelessness on our PIT count night. What that's telling me is we are putting strategies in place. And now, in partnership with the city of Omaha, we're addressing that business owner. I think Senator Strom-- oh, excuse me [INAUDIBLE].

DeBOER: Thank you. Are there questions? Let me ask you to finish your-- what you were saying about the business owner, that you were talking to Senator Storm.

JASON FELDHAUS: Sure. Well, I think Senator Strom [SIC] brought up the business owner, and I will agree that we, in partnership with the city, had to start listening to all voices and figuring out a process in, in which we were addressing homelessness in a timely fashion for both the general citizenry but also in a compassionate way that didn't lead to more incarceration or further punishment or, or citations.

DeBOER: And how does that work with business owners now? Do you have folks who, you know, sort of intervene for them if you get a call? Or do you get a call? Does someone have the ability to

give you a call to, to try and work out something, if someone has a problem in front of their business?

JASON FELDHAUS: Yeah. The, the, the pathway for Omaha in general-- let me state, we have multiple counties, so we have multiple approaches that we have to kind of adhere to. But the Omaha pilot program, those complaints go through the mayor's hotline and are identified, and the city goes out and does a first assessment of those encampments. If they're on city property, NRD, DOT property, any kind of public property, they're addressed by the city with a closure, and our street outreach teams go every day for the next nine days to make sure resources are in place, support is available, and then those individuals are asked to move at the end of those 10 days.

DeBOER: How does that work if there isn't enough capacity in the shelter system? So, you go there, you, you provide resources, whatever; some of them maybe make their way into a shelter, but you don't have the correct shelter for all of the people. So, there are some that on day 10 are still sitting there. What, what happens then?

JASON FELDHAUS: Well, to close out two parts of that-- I think there's two questions there. One is, at day 10, we have not found anybody there. Actually, people have moved along. What we're finding is that we have seen an increase in shelter and some of those individuals showing up to shelter. Others have reported or reported prior to leaving that they are going to have a self-resolution, whatever that is; sister's couch, aunt's house, I-- you know, they're able to network that process back out and find other options. And then, there are still an ongoing in the pilot trying to figure out what's the flow of population in our community, and we're still under-- you know, we have another three months in that pilot to see if we can just answer that question a little more effectively for you.

DeBOER: OK. Are there other questions? Thank you.

JASON FELDHAUS: Yeah, absolutely.

DeBOER: Next opponent. Welcome.

JILL LYNCH-SOSA: Hello. Thank you. My name is Jill Lynch-Sosa, and I'm the executive director for the Society of St. Vincent de Paul. It's J-i-l-l L-y-n-c-h-S-o-s-a, and I am here to testify

against LB925. The Society of Saint Vincent de Paul, we believe in the dignity of each and every person. Our main goal is try to-- to try to prevent people from falling into homelessness, amongst many other things. And I'm also part of the mayor's task force on homelessness, and we work with the other organizations in on-street outreach and trying to get people housed. So, just to kind of put things into context a little bit, when we're trying to prevent homelessness, we are getting over 100 calls to our district office every single day of people that are on the verge of homelessness in Omaha. Every single day. That's just our district office. Our conferences, which are 30 of them all around the city, they also get calls. So, in total, we probably have 200 calls minimum just to our organization asking for help with rent and utilities to keep themselves housed. So, this is a problem that is going to continue to get worse. And the problem is the cost of living these days. Their rent has gone up, and it's hard to find jobs. It's very, very difficult to find affordable housing, and there's just not enough of it available. Homelessness is very complex. I heard Krissy's name, Krissy Gallagher-McMillan, mentioned by the proponents, and that hits us hard, those of us that know Krissy, that knew Krissy. Her death was-- the anniversary was Monday, last Monday. It's been a year. She can be used as a statistic on the other side or on our side, it doesn't matter. But she's not a statistic, she is a person, she was a friend, a good, loving person who happened to have a lot of challenges. She had addiction issues. But she was working on learning her value which was opening the door for her to see a path forward and, and living in housing and a more dignified life. But it takes time. You can't just give them an apartment and walk away. So, I just want to say we need to address the real issue of the problem, and that's not the housing camps. We can't just push them away. They're going to go further into places and hiding, which gets them further away from services that are going to help them succeed in life. It's very dangerous when they get far out and we can't find them easily, or they're-- you know, they just don't have the access to the assistance that they need. It is a long-term process, it's not going to be fixed in a day. But we need to stay the course. Thank you. Any questions?

DeBOER: Right at the red light. Good job. Are there questions from the committee? Thank you for being here. Next, next opponent. Welcome.

JEREMY FOLLEN: Good afternoon. My name is Jeremy Follen, J-e-r-e-m-y F-o-l-l-e-n. I'm here today to oppose LB925. The bill would unfairly cause judgment and criminalize the homeless population. It also states how the pop-- the homeless population as a whole cause public safety concerns, whether it be drug addiction, prone to unprovoked violence, and even to cause the spread of disease. The Krissy that was mentioned earlier was my aunt. She's probably one of the strongest women I knew. They say that the homeless population is prone to violence. That woman didn't have a, a violent bone in her body. But every day she faced harassment and humiliation not just from the public, but from law enforcement, people that don't understand. Some of us don't have drug addictions. Some of us don't any problem listed in this bill. A lot of it's, you know, we, we make one mistake. One mistake that leads to something else that doesn't matter where we come from, doesn't what we've done. Even people that aren't homeless make mistakes. Why are we any different? Why are we at risk of having to go, you know, behind bars in a striped suit to-- just to get us off the street and away from people? But no one knows what people on the streets are going through, nor do they know their stories, their pasts, their presents, whatever. And if the time was taken to listen, and I mean truly listen to the needs in their hearts, then maybe others wouldn't criminalize them for just being human. Maybe all they need, what anyone really needs, is just a single heart to care for them enough to protect them. That's all I have to say today. Thank you.

DeBOER: Appreciate it. Let's see if there are any questions. Questions from the committee? Appreciate so much you coming in and giving your testimony. Next opponent. Welcome.

CARMELL SUDDUTH: Thank you. Hi, my name is Carmell Sudduth, C-a-r-m-e-l-l S-u-d-d-u-t-h. I want to address, like, the whole-- the comparing anything to San Diego. If you ever lived there, you know it's extremely expensive, so, you know, there's going to be more crime when it comes to that in the streets, period, regardless if you're homeless or not. Some people choose to be out there rather than pay thousands of dollars for rent. I do know that as well. And to criminalize it, you're going to-- it's going to make it worse, because you already got an uphill battle. And then, when you put more things on the record, and now we have to explain that to an employer-- you know, the extra-- you know, I-- that's just-- that's kicking somebody while they're down, as far as-- that's not going to, you know,

solve anything at all. And just-- one person said a million a month, you know, for, for the jails or something. Miss Carol, I think, had said it. I'm, I'm asking that maybe there's authorized campsites, that that's maybe looked into, to where they're held accountable, accountable for some things like the trash. I know uns-- it's disgusting, some of these campsites. I-- you know what I mean? I'm, I'm out there, and I look at it like "eww," you know? People have to drive past that, you know, it's unsightly, you, you know, and, and unsafe indeed. You know, I try to get mad about some of the things that the, you know, that paper had said, but, you know, sometimes the truth hurts. You know, and you got to-- you just got to deal with that. But, you know, if maybe west-- waste management can be on the, the authorized campsites, just a piece of land. I mean the money's-- a million a month being spent to the jail? That can, that can't be allocated to, like, something like that, to where-- and then maybe once a month you could see, you know, see somebody who could set you up for, like, housing [INAUDIBLE] outreach. You know, it's all about self-esteem; it's all how, how a person feels, you know, about themselves. You know, with the hygiene and, and, and the rest of that, I just believe that, you know, what's the power of the mind at first, you know? You know, a lot of people have lost hope in, in themselves and in the world, and just, you know, kind of shut down when it comes to that. And as far as drugs, drugs are concerned, I've learned in 50 years dealing with things myself and family members that people don't stop until they're ready. You know, you don't force anyone to-- you know, they're in a program they're doing to get the kids back. You know, they're forced to do it, then they're right back out there. It has to be-- trust me, first-hand knowledge that it had to be a decision that I made, that any-- you know, anybody makes for themselves. You know, I really wish nobody would use Krissy anymore, because I do believe that was an underlying medical issue that had her passed out in that tent for the elements to get to her. And this is for you, Krissy, too, by the way. To honor you, honey. I know there's no, there's no easy solution. I know that. You know, everybody's got, you know, some great ideas, you know, when it comes to it, but just-- I-- you know, I, I don't have all the answers. I just know that I'm, I'm smack dead in the, in the middle of it. And I'm, I'm, I'm in a house now, you know, thanks to things being expedited because of Krissy's death. And, you know, taking two years, mine's been 45 days. I believe in the divine intervention. I'm, I'm here to make a change. Hire me. I'll, I'll run the campsite. You know, I'll be one of the people who runs the campsite. The-- accountability, you know, you-- pick up your trash. You can't,

you know, just can't, just can't do anything you want to do. Take them to jail if you catch them with drugs, but not because we're out there. And then when you put incentives and you take-- you tell a person you won't get-- you won't get funds, you know, at the end, if you don't do this, I've seen the police harass people, you know? And harass them and, like, be completely unprofessional. You can't do that. That's going to light a fire under their butt. Like, we're [INAUDIBLE] go get that money, get them off the street and get them.

DeBOER: OK. Thank you so much.

CARMELL SUDDUTH: Sorry, sorry.

DeBOER: I-- your red lights on. Let's see if there's any questions.

CARMELL SUDDUTH: [INAUDIBLE].

DeBOER: Any questions? Senator Rountree has a question.

ROUNTREE: Thank you so much, Chairwoman, and thank you so much for your testimony.

CARMELL SUDDUTH: Thank you.

ROUNTREE: You said that one is not going to move or do anything until they're ready, and it took you 45 days maybe from a readiness point to get into your house when it normally would be two years or something of that nature. So, what happened that you got ready? What was the-- what was the turning point?

CARMELL SUDDUTH: I don't even think I was ready. Tamara, she came to see me in the tent, you know?

ROUNTREE: OK.

CARMELL SUDDUTH: And, you know, said some things that absolutely were true and made sense, and I just kind of knew it was time--

ROUNTREE: OK.

CARMELL SUDDUTH: --to not be out there anymore.

ROUNTREE: But that was it?

CARMELL SUDDUTH: Yeah.

ROUNTREE: All right. Thank you.

DeBOER: Other questions? Thank you so much for being here.

CARMELL SUDDUTH: Thanks for having me.

DeBOER: Next opponent. Wait, wait till you sit down so we can get it on the microphone.

CESAR ANTONIO CHAVARRIA: My name is Cesar Antonio Chavarria--

DeBOER: Can you spell your name?

CESAR ANTONIO CHAVARRIA: C-e-s-a-r A-n-t-o-n-i-o C-h-a-v-a-r-r-i-a. I know we're-- we're here, and we're, we're in and out, you know, about Krissy, and she was a, like, good friend of mine too. And if it wasn't for her, really, I wouldn't have been housed. I just felt, felt like-- well, like, when I lost everything, it just happened suddenly. And it was mental health that did it to me, you know, and it wasn't me in particular, but my partner, you know, my, my wife wanted to die, you know, when her mother passed away, and I couldn't do anything. So, I kind of just got forced into that situation where she went into survival mode because she stopped taking her medication. And that's, like, the main thing out on the streets, is there's a lot of mental health going on. And I mean, I was ready to die, you know, because I lost my family, lost my children, my, my, my son. And I just-- I didn't know what to do. I, I was really to die myself, you know? I felt like my life was ripped off of me, and well, when I woke up hearing cries, you know, of help and I found out what had happened, it was, it was sad because, I mean, she needed, like, medical attention probably constantly. She was a good person, you know? And she, she did-- she worked hard at the church. [INAUDIBLE] and a lot of people had a lot of love for that lady, and it's sad that, you know, tragedy has to happen for anybody to do anything, because I personally felt like I was going to be stuck, you know, on the street for a while until, I don't know, magically I just decided to leave Nebraska, you know, because I'm not from here. And that's the reason why I was on the street. I had nobody to really turn to or talk to. And I mean, I, I worked here in Lincoln for years, I worked in Omaha for years, and I didn't know anybody because I was about my family. So, when I lost them, you know, I was--

it's like, what, what can I do? I was stuck. And normally, you know, I'm smart. I can take care of myself and do whatever I have to do to keep my face from hitting the ground, but sometimes it's just, it's just too hard. And I just feel like, you know, like I just got pushed into, you know, help. Because otherwise, nobody would have really paid attention to us, and that really sucks because a lot of these people, you know, they really do need the help. And for me, you know, I'm grateful for everything that's happened to me. And it's been two years, I mean, and I get to see my son again. And feel like, you know, I'm back to life. And, you know, when you criminalize somebody for, for that, it's like what, what happened to them was criminal, you know? Not, not them themselves, but if you keep pushing them, you know, and telling them, hey, they're criminals, you become what you, you know, what you're told you are. Yeah. You know, nobody chooses to go and just take a tent and put it out in front of someone's business, you know what I mean? It's, it's hard, and it's embarrassing. It's-- I mean, you just, you just want to keep living every day, but at the same time, do you? I mean, if that's what life shows you, you know, that nobody gives a shit. Apologize for my language, but that's just what it felt like to me. And yeah, my time's up. But you know, I'm really grateful for, you know, the programs that they do have, and you know, criminalizing us only makes us criminals, really. And a lot of people just need help, a hand up. Not a handout, a hand up, really. There are a lot smart people on the streets, and it wasn't for them, you know, I wouldn't have survived the winter last year.

DeBOER: Let's, let's see if there are any questions, OK?

CESAR ANTONIO CHAVARRIA: Yep.

DeBOER: Are there questions for this testifier? Senator Rountree?

ROUNTREE: Thank you so much, Madam Chair. And I apologize for being out. I was-- had to go to another hearing, and so I've missed a lot. I will go back and listen to all that's been said so I can be fully aware of what's happening here. But the hearing I went to, I presented a bill [INAUDIBLE] were talking about the abundance or lack of disability housing. So, if a disabled individual could not find any housing and they found themselves out in maybe the homeless camp as well, should that person be arrested?

CESAR ANTONIO CHAVARRIA: There's a lot of those people, and it's, it's, it's sad to say that if they pass that bill, that's what's going to happen, you know? Because I mean, they don't need, they don't need to be made criminals. They, they need help. And most of them just need the attention, you know, medical attention, mostly. And I never believed it to be more, more real than-- you know, the last couple of years, the mental health is, like, really bad out here.

ROUNTREE: And so, I heard you talk about services as well, and I see that you're back on your feet. What services were provided, and how did you transition back?

CESAR ANTONIO CHAVARRIA: Well, here in Omaha, they have an outreach, and, you know--

ROUNTREE: OK.

CESAR ANTONIO CHAVARRIA: --they were there every day, you know, pushing, making sure, you know, that I was OK, that I ate, that was fine. And I mean, I'd been in a few fires myself, and I'll tell you what, accidents happen. I mean, there's nothing you can do about it. I mean, a few times, you know, it was just-- I mean, they were never really my fault, but I was just involved somehow. I was there at the right time, wrong time, you know. And, I mean, I could have lost my life more than once. And you know, what's sad is that, you know, a friend of mine my lost his feet right before Krissy passed away, and that's, and that's the frostbite, you know? And that was scary.

ROUNTREE: Yeah.

CESAR ANTONIO CHAVARRIA: So, I mean, a hand up is always good. And a lot of these people, they just need someone to care. You know, if you don't-- if you don't care and you just telling them that they're wrong for, for being that way, it's-- well, you know, they go into survival mode, and they're just going to do what they have to regardless to survive, you know? And if it turns out to be criminal, I mean, a lot of them turn to that really fast, and a lot of times addiction follows and all that, and usually, it's part of it. But I mean, what else do you want to do when you're homeless, you know? Like, you just want to die anyways. I mean, like, I feel-- I felt that way, and I mean, I'd rather be alive. And, you know, if, if it wasn't for these people that helped, you know, I, I, I wouldn't have seen my son,

and I, I probably would be dead. And, you know, he needs me as much as I need him, so.

ROUNTREE: All right. Thank you so much. I appreciate that.

CESAR ANTONIO CHAVARRIA: You're welcome.

DeBOER: Thank you. Are there other questions? Thank you for being here. Next opponent. Welcome.

AMANDA GERSHON: Welcome. Welcome back. Good afternoon. My name is Amanda Gershon, A-m-a-n-d-a G-e-r-s-h-o-n. I'm going to try to keep this brief. Senator Hallstrom may need a place to stay at night. But I, I am homeless for the third time because of my health. I'm disabled, I live on Social Security, and my new landlords increased my rent six-fifty a month, extra, on top of what I was already paying without a notice, so I have nowhere to go. I'm staying with a friend who's terminal, and at the end of his life I have 30 days to go somewhere, and I have been looking for a place that I can afford since October of '24. There is nothing I can afford. I've looked in small towns, I have looked everywhere. I cannot afford a place to live. When I was \$60,000 in medical debt, I had a home. And as long as I was working, I could always work a second job and keep a place to live. But disabled-- I am stuck on exactly what I get. I get no more. Every time I get a raise, I lose an equal amount of food stamps, so I never see a raise even though life gets more expensive. So, I have no options, and I will be in a tent. My family's taken me in the last two times, but they don't have the ability to. My parents are seniors, and my sisters have young children. So, I am here because I have no options. Even today, I applied to look at a place that I could afford which was about 60 to 70 percent of my income, but because I don't make three times that amount, they won't even show me the apartment. It's equal to what I paid for 6 years, but they won't even show it to me. So, I have no options. I have no criminal record, I have behaved myself, I have had no addiction issues, no gambling issues, none of that. I've always paid my rent. I've never been evicted. How am I in this position? How am I in this position? I've never, never been in such a bad spot in my entire life, and I have lived a wild life. So, this would make me a criminal, and then that would make it harder for me to find housing, so.

DeBOER: Thank you. Let's see if there are any questions.

AMANDA GERSHON: No? OK.

DeBOER: I really appreciate you being here.

AMANDA GERSHON: Thank you. Have a wonderful afternoon.

DeBOER: Thank you. Next opponent.

KAREN LAMB: Good afternoon. Thank you, Madam Vice Chairman and committee, for giving us this opportunity. I am Karen Lamb, K-a-r-e-n L-a-m-b. And I, for the past seven years, have run a small nonprofit here in Lincoln that provides food and support to the homeless and near-homeless. So, I'd like to speak from that perspective about here in Lincoln. We've heard a lot about Omaha. And I have heard many stories over the past seven years, and I am against LB925 for a couple reasons. The first one, as we've heard, it does nothing to address the root causes that are causing people to be homeless. You know, we ticket someone because they're sleeping on the street, and law enforcement comes back the next day or the day after, and they're still there, so then the choice is to go to a shelter. Well, here in Lincoln, we have one shelter, basically. And Pastor Tom does a great job, however, I cannot tell you how many times I have heard from people that they won't go there for a couple of reasons. Either they don't feel safe, or for families, the families are separated, and they won't do that because, again, they don't feel safe. Or, on the other side, it's because they've been kicked out. They've had behaviors, there's other residents there that they just can't get along with, and so they cannot go back. Well, it's their only choice. So, if we're going to say to someone you have to go to the shelter, which you won't go to or can't go to, or we're going to put you in jail. The jails are already overcrowded. We know the cost of jailing someone. It's way out of line. Again, it does nothing to help the people, and these are people. We have heard from several individuals about the human element of this problem, because these are people. They're not an inconvenience to a business owner, they're not trash to be swept aside like other things on the sidewalk that we don't want to see. These are people. And the, the second thing is, we're going to ticket someone and we're going to fine them, but they don't have any money. If they had money, wouldn't they have housing? I mean, it's just-- it's amazing to me that these are the choices. Again, these are people. Wouldn't it be better to use the resources that this bill would take to provide more shelter beds, more beds

connected to services that would get people into housing and help keep them there? I mean, to me, it makes sense. I don't know. Maybe I'm looking at it from a different angle. I'm not a lawyer, I'm not a senator, I'm just a person that's trying to help people. And that's what I want you to see, that these are people.

DeBOER: Thank you. Let's see if there are questions. I don't see any, but thank you for doing the work that you do.

KAREN LAMB: Thank you.

DeBOER: Next opponent. How many more people do we still have testifying? OK. Welcome.

MICHAEL FLETCHER: Good afternoon. My name is Michael Fletcher. M-i-c-h-a-e-l F-l-e-t-c-h-e-r. I know you've heard a lot of stories today. I'd like to tell you mine. Before anything else, I want you to understand who I am today. I am a street outreach specialist, a lived experience trainer; I'm a father, a husband, and a productive, committed member of this society. But that is not where my story began. I was born into homelessness. The first 19 years of my life were shaped by abuse and trauma. At 19, I was released into a world I was not prepared for, a world that I did not understand, and without support and guidance, without resources, I entered homelessness again. By 25, I had fell into addiction, and with that came a deeper darkness. I felt invisible. I felt unworthy of recognition, of love, and at time-- times, unworthy of life itself. That burden I carried was heavy, but I am grateful that it didn't have the added weight of fear. Fear that simply existing made me a criminal, fear of being hunted, arrested, and trapped in an endless cycle of incarceration for the crime of having nowhere to go. Early in my journey, I tried the shelter system, but for me, it was a painful reminder of a system I had barely survived as a child. It was not a safe place for my healing, and as an adult, I had the ability to choose something different, so I chose to live outside in a tent. That decision may not make sense to everyone in this room, but at the time, it was the healthiest choice I could make. What followed was a journey of deep solitude. There were hardships, but there were also moments of clarity and profound healing. Step by step, I climbed out of that pit, and I can say with certainty that if policies like this had existed then, my survival had been criminalized, I do not know that I would be standing here today. This is not a solution. Punishing

people for being without a home will not end homelessness; it will only deepen trauma, increase instability, and push people further away from the very supports that they need. Let's create solutions rooted in dignity, compassion, and evidence, not fear. Let's move people towards hope, not deeper into suffering. Thank you for your time.

DeBOER: Thank you. Let's see if there are any questions. I don't see any. Thank you for being here.

MICHAEL FLETCHER: Thank you.

DeBOER: Next opponent. Welcome.

MELISSA NEUENFELDT: Good afternoon. My name is Melissa Neuenfeldt. It's M-e-l-i-s-s-a, last name N-e-u-e-n-f-e-l-d-t. I'm a registered nurse, and I operate a street medicine program in Omaha, Nebraska. I am here today in opposition to LB925. Section 9 of this bill declares an emergency to justify its implementation. As a medical professional, I ask, what emergency? Despite rising housing costs and a lack of affordable supply, the number of people experiencing homelessness in our community has remained relatively stable for the last several years in our community. This is not a sudden surge; it is a systemic failure of housing, not a criminal emergency. When we start talking about an emergency, as a former emergency department nurse, I'm immediately reminded about the way that we handle mass-casualty situations in the emergency department. It's very different than the way we handle everyday operations in the emergency department, where we may have to put a black tag on a living person because we don't have enough resources and we're trying to save as many people as possible. Homelessness is not an emergency, and we do not need to be black-tagging living people. We need to not be treating homelessness as a disaster. It-- we need recognize that people with severe disabilities, mental illness are worthy of our resources and are patients, and we have those resources. And I believe in all of the people that I take care of, that they can find a path to health and housing instability with that human connection. We talked a little bit about the encampment response pilot that's currently occurring in Omaha, and that we have a 10-day period to help people find another place to go. One of the-- many of the people that I serve have been in sites that were a part of that project. Most recently, or very recently, one of my patients who is wheelchair-bound was in a camp who was

cleared on February 10. Prior to that, I'd been able to contact with her every week, I've been able to find her to manage her diabetes and hypertension and depression. But her camp was swept on February 10, and I haven't seen her since. I don't know where she is. So, her diabetes and hypertension is out of control. I also want to point out that the bill suggests that we should direct people to emergency shelters because that's a safer alternative. However, we see people every day in the emergency department who've been the victims of assault in shelter, they don't feel safe in shelter. Warehousing people in congregate settings is not a public health-- a, a good, good public health practice. When we're talking-- we should know from COVID-19 that a communicable setting where we put 370 people into one space is not, is not good for people's health. Also, I should say that 60 to 70 percent of the people who are experiencing homelessness are not using substances, and waste accumulation is, is the result of infrastructure inadequacy. I have my trash picked up at my house every week. If I didn't, my house would look a mess, too. So, also, if-- oh. I'll end. I see that my time is up.

DeBOER: Thank you. Let's see if there are any questions. Senator Rountree has one.

ROUNTREE: Thank you so much, ma'am. I appreciate it, Chair. Could you just finish your thoughts? [INAUDIBLE]

MELISSA NEUENFELDT: Yes. I just wanted to talk about that if people are on the streets for longer than two weeks, the data really shows that they cannot resolve their homelessness on their own, and they need that human connection. So, when we're pushing people all around the city, it disrupts those connections and extends the length of time that they're going to experience homelessness.

ROUNTREE: Thank you.

MELISSA NEUENFELDT: Thank you.

DeBOER: All right. Thank you, Senator Rountree. Other questions for this testifier? Thank you for being here.

MELISSA NEUENFELDT: Thank you.

DeBOER: Oh, oh.

ROUNTREE: Can I get a follow-up?

DeBOER: She-- he's got a follow-up. Senator Rountree.

ROUNTREE: Yes, ma'am. OK, I apologize. I was going to ask that earlier. But for the young lady that you were tracking with the medical issues and so forth, but now they've kind of gotten out of your scope, where do you think they may be, and how do you think you may connect with them again?

MELISSA NEUENFELDT: So, because we work as part of a team, I know that other people on the street outreach team have seen her at different places,--

ROUNTREE: Oh, OK.

MELISSA NEUENFELDT: --but I don't know where she's staying right now,--

ROUNTREE: OK.

MELISSA NEUENFELDT: --whereas for a year prior, I could find her every single week, and now I can't find her.

ROUNTREE: OK. All right. Thank you.

DeBOER: I'm going to hand it back over to the chair.

BOSN: Thank you. Any other questions for this testifier? Seeing none, thank you for being here. Next opponent? Opponent. Good afternoon, and welcome.

A.T. MILLER: Good afternoon. Thank you, Senator Bosn and members of the Judiciary Committee. My name is A.T. Miller, A. T. M-i-l-l-e-r. I'm the interim executive director of OutNebraska, a statewide nonpartisan nonprofit working to celebrate and empower LGBTQIA+ Nebraskans. We solve homelessness when we provide access to housing people can afford, and the services they need to be healthy and stable. Punishing people who do not have a safe place to sleep, as LB925 works to do, does not reduce encampments or improve public safety; it only pushes people further into crisis. This issue is particularly urgent for gay and transgender Nebraskans. National data from Advocates for Trans Equality shows that up to 40 percent of homeless youth in the United States identify as LGBTQ+. Family rejection,

discrimination, and violence have contributed to a disproportionate number of LGBTQ+ young people experiencing homelessness. For transgender individuals, the crisis is even more acute. One in five transgender people in the United States have experienced homelessness at some point in their lives. When youth are forced out of their homes for who they are, criminalizing their survival does not make them safer. Gay and transgender elders are also at heightened risk. Many older LGBTQ+ adults face social isolation, lower rates of family support, and discrimination in housing and long-term care facilities. As housing costs rise, these compounded vulnerabilities increase the likelihood of housing instability. Policies that rely on enforcement and punishment, rather than housing and support, put these elders at further risk. Shelter, security, and stability form the base of Maslow's hierarchy of needs. Without a safe place to sleep, it is nearly impossible to address mental or physical health, substance use, employment or other complex challenges. Criminal penalties and fines only create additional barriers to stability, making it harder for people to secure housing, employment, and services. Proven evidence-based solutions are readily available through the inspiring work of professionals we've heard here, and the many studies that demonstrate that housing-first is the solution to which Nebraska should invest. As a state built on homesteading, on providing homes from the state government, we should continue to invest in our proven success and not punish those who find themselves homeless. We strongly urge you not to advance LB925, and instead invest in evidence-based solutions, including targeted resources for disproportionately-impacted communities, including LGBTQ+ youth, transgender individuals, and queer elders. Thank you.

BOSN: Thank you. Let's see if there's any questions. All right, thank you for being here.

A. T. MILLER: Thank you.

BOSN: Next opponent. Good afternoon, and welcome.

OLIVIA LARSON: Thank you. My grandma Alice [PHONETIC] was born and raised and laid to rest in David City, so she would really appreciate all the love shown to her hometown today. Chair Bosn and members of the committee, my name is Olivia Larson, O-l-i-v-i-a L-a-r-s-o-n. I am the policy and advocacy associate at RISE. RISE is the largest nonprofit in the state focused solely on

habilitative programming in prisons and reentry support. At RISE, transformation begins pre-release and continues post-release. Our inside-out model bridges incarceration to the community, and considers every step in that journey. We train people through intensive character development, employment readiness, programming, and case management. We transform communities by building empathy, leading to support and opportunity. These connections heal families, create employment pathways, and lower recidivism. The mission of RISE is to break generational cycles of incarceration. In January 2023, which is the most recently available data, the Council of State Governments found Nebraska had the third-highest rate of homelessness in the Midwest region. Further, people incarcerated more than once are 13 times more likely to experience homelessness than the general public, and unsheltered folks have 10 times the number of law enforcement contacts than those with a shelter. LB925 carries a Class V misdemeanor violation, which is up to a \$100 fine. This does not include court costs and fees. As part of our justice study, RISE case managers work with individuals who are on pre-trial. Our focus is meeting people where they are, identifying the barriers to success, and working to remove them. When we go through our needs assessment, the top five concerns are low or no income, food insecurity, unfit housing, no employment, and inadequate transportation. The majority of unhoused people navigating the legal system we work with have no means to pay for the fines, court costs, and fees, often unable to get to the courthouse to appear on their court dates, which results in issues such as creating warrants for failure to appear. Criminalization of homelessness is, by definition, punishing unhoused individuals for meeting needs like sleeping or sheltering against the elements, which all of us need to do. LB925 would do just that: criminalize people in the state of Nebraska. This bill would create more harm for those least able to meet basic needs, and for that, we ask you not to pass LB925, to invest in affordable, supportive housing and holistic services, and to reduce housing discrimination for people with past convictions. Thank you.

BOSN: Thank you. Any questions for this testifier? Seeing none, thank you for being here. Next opponent. Good almost-evening, and welcome.

LEVI ROBERTS: Hello, dear senators. My name is Levi Roberts, L-e-v-i R-o-b-e-r-t-s. This bill, LB925, I am completely opposed to it, because don't let this look, you know, confuse you. I am

homeless myself. But I, I strongly admit this bill will-- and I hope will not pass. This-- well, from the testimonies earlier, throughout a few other personnel. There's families out there, there's struggling folks. Though they might have the strong will to make a better life for themselves, they simply cannot, just like myself. I really do not know what else to say, but-- there's the mentally ill, the physically ill, and the-- well, the willpower to continue. Within my standpoint, there's, well, simply, just a lot of struggling people. I've been on the streets for nearly five years now, and everything is always different. And at the same time, everything is always the same. This bill, just, just don't let it happen. That's all I have to say.

BOSN: Thank you very much for being here, and for having the courage to share your story. Let's see if there's any questions. Senator Rountree.

ROUNTREE: Thank you so much, Chairwoman Bosn. And thank you, sir, for sharing your story today. So mine is, is, is a basic question. What-- you said you've been on the streets now for five years. Does that five years as includes being on the streets, being home, back on the streets and being home?

LEVI ROBERTS: Completely on the streets.

ROUNTREE: Completely on the streets. I've listened to other testifiers talk about turning points and coming off the streets. What would a turning point be for you? Would you seek home-- seek housing, or what would a turning point be for you to come off the streets?

LEVI ROBERTS: Well, housing, and-- well, the process I know. You know, maybe even going to treatment.

ROUNTREE: OK.

LEVI ROBERTS: Yes.

ROUNTREE: All right.

LEVI ROBERTS: Yeah. That's because there's a lot of people out here that are struggling with addiction.

ROUNTREE: OK.

LEVI ROBERTS: And-- or just no willpower.

ROUNTREE: OK.

LEVI ROBERTS: That's what I'm advocating for today.

ROUNTREE: OK.

LEVI ROBERTS: I simply ask that, well, the senators agree with what I have to say, and then broker some kind of deal.

ROUNTREE: All right. Thank you so much. I appreciate your testimony. Thank you.

BOSN: Thank you, Mr. Roberts. Any other opponents? Good afternoon, and welcome.

ZEKE ROUSE: Hi. Chairperson Bosn, members of the Judiciary Committee, my name is Zeke Rouse, that's Z-e-k-e R-o-u-s-e. I'm a policy analyst and lobbyist for SPARK, a non-profit organization based in Omaha, focused on revitalizing disinvested communities. I'm here today in opposition to LB925. I think by now, we've all heard the reasons why people are opposed to it, so I'm going to skip over all of those arguments for sake of time. Senator Andersen did state in his opening that all Nebraskans deserve better. And you know what? We agree. So, if not this, what then, as Senator DeBoer asked. This Legislature has before it a much better example in Senator McKinney's LB740, the Housing First Supportive Services Act, which has its hearing on HHS Committee on Friday. That bill recognizes that housing is the foundation of stability and public safety. It would allow the state to use Medicaid funds to cover supportive housing services, things like housing navigation, tenancy stabilization, and behavioral health coordination, ensuring that people have both a roof over their head and the support to stay there. Financially, research from the National Library of Medicine show that costs up to \$83,000 per person per year, while providing supportive housing costs a fraction of that, typically between \$12,000 and \$18,000. The Community Preventative Services Task Force, an independent body appointed by the U.S. Senator [SIC] for Disease Control and Prevention reviewed 26 studies and found that housing-first programs decrease homelessness, improve health outcomes, and generate \$1.44 in savings for every \$1 invested. The At Home/Chez Soi study in Canada, one of the largest randomized controlled housing-first trials involving

over 2,000 participants, found that participants in housing first were housed twice as consistently as those in traditional programs, and that every \$10 invested produced \$21.72 in savings for high-needs individuals. These outcomes are not theoretical; they've been replicated across dozens of communities in the U.S. and abroad. The U.S. Department of Veterans Affairs and HUD's "House America" initiative permanently housed more than 140,000 people in recent years using the housing first model, including over 40,000 veterans, contributing to an 11 percent drop in veteran homelessness since 2020, the largest decline we've seen in over 5 years. For these reasons, I urge the committee to oppose LB925, and instead support evidence-based solutions like LB740, which create real, lasting pathways out of homelessness. Thank you for your time.

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

DeBOER: Just what is LB740? We don't know numbers.

ZEKE ROUSE: I wish Senator McKinney was here to tell you more. His is-- it will hear its-- it will have its hearing on Friday in the HHS Committee. But it's the Housing for Supportive Services Act, which basically allows Medicaid funds to cover supportive housing services.

DeBOER: OK. Thank you.

BOSN: All right. Thank you for being here.

ZEKE ROUSE: Thank you.

BOSN: Next opponent. Good afternoon, and welcome.

PETE MILLER: Hi, good afternoon, Chair Bosn and members of the committee. Thank you for letting me be here today. My name is Pete Miller, it's P-e-t-e M-i-l-l-e-r. I am the street outreach manager for Threshold CoC's multi-agency outreach team. I've been working doing street outreach in Omaha for about 15 years. Two years ago, I spoke in opposition to a, a similar piece of legislation; thought about just reading that same statement here again today, because the fundamentals are the same. Still makes no sense to charge people a fine for living outside because they have no money, and it still makes no sense to make it harder for people to get housing by giving them criminal charges. And this

afternoon, just like in 2024, an irrational person could really believe that traumatizing our most vulnerable neighbors by threatening them with arrest does a single thing to reduce homelessness. So, what does work? Every day, my team of experts from over a dozen different agencies goes out and meets people wherever they are in Douglas, Sarpy, or Pottawattamie Counties, and they do everything this legislation would not do. And they build trust with people who are at the lowest point in their lives. They know what these people are going through because a lot of outreach team members have been there themselves. They know that once you show people that they can trust you, then you can help remove barriers to getting them into housing. Unlike this legislation, our team members do things that we know work. They help get people get, get identification, to get them into treatment, to reconnect with family. They bring people medication, they drive people to their social secure-- get their social security cards, and to apply for apartments. They helped get 590 people out of homelessness last year. And the only reason my amazing team can do any of that is trust. People on the street trust my team because my team sees them as people who need help, not as criminals who need to go to jail. With our pilot program in Omaha, people are already not allowed to camp on city property. They receive a 10-day notice, and then our outreach workers go there every day to help them figure out their next steps. It's not perfect, but it connects people with expert case workers, people who can actually help them get to a safe place. If this legislation passes, we wouldn't be allowed to do that anymore. Couldn't follow our local plan, our local decision, a plan that strikes a balance between human dignity and community concerns. And this top-down, one-size-fits-all legislation is costly, cruel, bad for our vulnerable neighbors, and bad for Nebraska. I urge you to oppose it. Thank you.

BOSN: Thank you. Any questions? Seeing none. Thank you for being here.

PETE MILLER: Thank you.

BOSN: Next opponent.

ROSA KREKELBERG: My-- hi, my name is Rose Krekelberg. I was born to parents that trafficked my older brother and me. At three years old, I was thrown out of a second-story window, and CPS placed my, my four siblings and I into foster care where the abuse continued. I was adopted at six years old, and isolated so

that I wouldn't tell anyone what was happening. Even when I told my mom that her son had sexually abused me, she just laughed. Every caretaker said the same thing: that I needed to be grateful for scraps and never forget where I came from. And by, by the time I was 14 years old, I just lost hope and I tried to end my life. But by, but by 19, homelessness, the sexual assault, and the physically-abusive relationship guided me into the bottom of a bottle of alcohol, and I stayed there for the next 20 years. When I was 35 years old, my biological brother introduced, introduced me to the person that would traffic me for the next five years, and I lived in degradation and fear. And as a result, my brain split, and I went into psychosis. I spent a lot of time on the streets, either running from him or made to sleep outside as punishment. I was that person you see on the streets talking to themselves, and I tried to remain invisible so I didn't have to see the way that people were looking at me. Sometimes, I stayed in encampments, but nowhere felt safe. Inside was, was where the bad stuff happened. And what I wanted more than anything was to walk into the sunset and disappear, and to be forgotten like I had always felt. When I couldn't take the streets anymore, I would go back to my trafficker to live the life I believed I deserved. Our stories can begin deeply tragic, and with help, can inspire hope for others. Mother Teresa committed her life to giving people the dignity they deserved. That was my mission when I began doing street outreach on my own. Eventually, I met HEAL Omaha's street medicine team and Threshold CoC street outreach teams, and I began serving with them. There are no words to describe the feeling I get when our teams introduce themselves and the agencies they represent to an unhoused person. What they get to see is evidence that they matter to a lot of people. What I get to experience, witnessing my team serve our most vulnerable communities, is evidence of humanity, compassion, dignity, and hope. I recently celebrated eight years of sobriety and away from trafficking. A lifetime of abuse doesn't heal overnight; it takes incredibly hard work and resilience, and it is absolutely impossible to do it alone. We are all designed differently, and that's what makes the world go around. There are so many people that want to help support the unhoused community because we know that housing first has been proven to work. Financially, it makes total sense, and it is significantly less expensive than putting someone in jail. What we truly need is infrastructure. Mahatma Gandhi said a society is judged by how it treats its most vulnerable members. Thank you.

BOSN: Thank you. Before we see if there's any questions, can I have you spell your first and last name for the record?

ROSA KREKELBERG: Oh, yes. R-o-s-a, and last name is K-r-e-k-e-l-b-e-r-g.

BOSN: Thank you. OK, now let's see if there's any questions. Senator Storer.

STORER: Thank you, Chair Bosn. And just, thank you for coming and sharing your story. Very inspiring, and very proud of you.

ROSA KREKELBERG: I am not the only one.

BOSN: Senator DeBoer.

DeBOER: Thank you so much for being here and sharing your story. We talk a lot about human trafficking here. We're, you know, trying to figure out how to work on it. It seems like it's another problem that is in this constellation of problems that homelessness is, is in the chain of, as well. And you've been here, I think, most of this hearing, haven't you? Heard what everyone said? One of the things that Senator Rountree has asked a couple of times is, what's that moment? How do you change it? How do, how do we intervene? And is the solution more money and more capacity? Because that's what I've heard a lot of today--

ROSA KREKELBERG: Mm-hmm.

DeBOER: --in your opinion. OK, I'm asking too many questions. Let's start with, is, is part of the solution more money and more capacity for the various groups?

ROSA KREKELBERG: We need infrastructure.

DeBOER: OK.

ROSA KREKELBERG: We need infrastructure to open up the programs that are necessary. You know, like, I mean, not everybody is dealing with substance abuse. Some people have mental health, and sometime-- some people are, you know, like, the one person that came in saying that she couldn't afford her rent anymore. You know, we need buildings to be able to put people in. Like I said, when I was, was-- all the abuse took place inside. The last place I wanted to be was inside. But you get to a point

where you've been out there long enough that you, you just want to see if it will work. Yeah. And we get teams. We have people that want to do the work, that want to get, get knee-deep in this and be able to help people find their way out.

DeBOER: And one of the testifiers said that there are folks-- I think they were from Lincoln-- that don't want to be in a communal congregated setting because it's, it's not safe for them. Sounds like you're kind of relating to that, that concept?

ROSA KREKELBERG: I'm saying that the abuse, from the time that I was born, took place inside. With my trafficker, the abuse took place inside. I'm from San Diego, born and raised, and I've only been here for a few years. It is completely different, and just to let you know, nobody's moving to Omaha to become homeless. Like, that's not-- it-- that's not going to happen. Over there, like, every time that I did call for a shelter, knowing what the risk was, I willing to take it, but there weren't any openings. Yeah. Mm-hmm.

DeBOER: OK, thank you very much.

BOSN: Senator Storer.

STORER: Just a follow-up question. I think you sort of alluded to this, but what, what was that bridge for you? What, what got you out of homelessness and where you are today? What was the, the primary--

ROSA KREKELBERG: I have a daughter. I have daughter-- and every day of my life, even after she was born, and she's the most precious thing to me. She's now 26-- is that I wanted to die every day. I never felt like I deserved a life. And I felt like when I went back to him, it-- I was proving to myself what I deserved, and I never deserved to be her mom. And so, I was living out the message that I had been told my whole life. There was somebody that pulled me into the rooms of, of AA, and going back into those rooms and seeing what other people's lives were. When I had finally given up everything else, I was ready to go and try it and see if it worked. And, and it, it, it-- again, it didn't happen overnight. It took a hundred gazillion attempts. So, this is why we cannot give up on a human being, because we never know when the day is going to come. I work for CenterPointe, and when somebody is admitted, it's all hands on

deck because we don't know how, how narrow that window is going to be, yeah.

STORER: Thank you.

ROSA KREKELBERG: Thanks.

BOSN: Thank you for being here. Next opponent.

SCOTT JACKSON: Good evening. Scott Jackson, S-c-o-t-t J-a-c-k-s-o-n, representing Heartland Family Service in Omaha. I will be brief. There has been lots of testimony that has explained why this would not be a good idea, so let's invest in homeless prevention and affordable housing. And with that, I'll take any questions.

BOSN: Thank you. Any questions for this testifier? One, I appreciate that you were willing to just echo the comments of people you believe. But I also want to thank you for the work you do.

SCOTT JACKSON: Appreciate it. Thanks.

BOSN: All right. Next opponent.

LEE HEFLEBOWER: Hello, Senator Bosn and the committee. Thank you for having-- or, letting us speak today. I'm Lee Heflebower, L-e-e H-e-f-l-e-b-o-w-e-r. I represent the Nebraska Coalition to End Sexual and Domestic Violence. The coalition's network of 20 programs collectively serves all 93 counties in Nebraska, and are the primary service providers for survivors of domestic violence and sexual assault. I'm here to testify in opposition to LB925. Domestic violence is the leading cause of homelessness for women, and creating additional punishments for individuals who are trying to escape abuse does not solve the problems that contribute to these issues. Survivors must often make a distinct choice between remaining in an abusive relationship or becoming homeless due to a lack of affordable housing options. Domestic violent shelters across Nebraska are already at capacity, and many have waiting lists. Thousands of requests that our network programs receive for shelter and housing assistance go unmet because of a lack of-- a lack of resources. Public shelters often do not feel safe to survivors, as, as speakers prior to myself have, have already mentioned We hear this all the time across our network. Survivors often become homeless when they

are unable to access these critical resources, and some do resort to living in their cars, in parks or other public areas, or face returning to their abusive partner because they have no other options. LB9025 [SIC] would mandate enforcement [INAUDIBLE] communities across the state. For a domestic violence survivor, if they happen to be staying in their car in a public space, a law enforcement officer-- and we, and we partner with law enforcement, and they're verily important in, in, in addressing these issues-- we would hope that they would have the latitude to provide support and assistance to that survivor rather than be required to cite them for trying to survive and be safe. It's, it's so important that all of our communities have that flexibility to determine what is the best way to support people who are in need. When we punish survivors who are simply trying to find a place to sleep when they're escaping abuse, we feel it's really unnecessary, and puts them at a greater risk. They're already facing significant barriers, and the criminal justice system would create additional hardships. I want to also give you a very clear picture for, for the language in the bill about the-- for a first offense, a law enforcement officer would direct the person to the nearest shelter. If I'm in Chadron and I cannot afford to find a place to stay, it's over 200 miles to North Platte to the nearest shelter; it's over 300 miles to the, to the shelter in, in Norfolk. All of those counties-- you can visualize the map-- north of the interstate and west of Norfolk, no public homeless shelters. So, this is really problematic language of this bill. I also want to speak to Senator McKinney's question earlier about the commitment of the, of the state financially, to the issue of homelessness. I realize he had to step out. Nebraska Homeless Assistance Trust Funds, which are funded through the doc stamp, they are the primary provider of inf-- of funding for the Nebraska Homeless Assistance Program through DHHS. And-- oh, I'm sorry.

BOSN: You can finish your thought [INAUDIBLE] Thank you.

LEE HEFLEBOWER: And currently, in the Appropriations Committee, LB1072, Section 49 is transferring \$5 million from the trust fund to the General Fund for, for home-- from homeless-- from-- directly from homelessness to the General Fund, which seems counterintuitive to the increase in services of this-- that many people have spoken on with this bill.

BOSN: Thank you. Are there any questions from the committee? Seeing none. Thank you for being here. Next opponent.

SPIKE EICKHOLT: Good evening, 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, appearing on behalf of the ACLU of Nebraska in opposition to the bill. I'm not going to restate what's been said before. I'll just make a couple of general points because you've got my written statement. I talked to Senator Andersen last week about this bill, and I understand his motivation for this is not to necessarily criminalize homelessness, but the bill actually does do that. If you look in Section 2 of the bill is the findings, the legislative intent; it is essentially identifies camping as a danger and a risk to the public. And then, of course, Section 4, line 2-- or page 2, line 25 explicitly says "it shall be unlawful for anyone to" do that. So, that is a crime. Now, it's a Class V misdemeanor, so that's only a \$100 fine. But the last testifier brought up some sort of a problem with this, how this would work. If you look on the top of page 3, the bill provides that for a first offense in lieu of prosecution, which is different than a citation, but in any event, in lieu of prosecution, the officer is to direct the person to the nearest appropriate shelter. First, I don't know how the police keep a database to know that the interactions that they're having with that person who's homeless is their first interaction with law enforcement for being in a public place, in a campsite or something like that. But more importantly, I don't know what happens when the homeless person tells the officer "I've already been turned away from the Stephen Center," which happens regularly. I don't think the chair was here when we heard that, but something like over 5,000 people last year were turned away from the Stephen Center. So then, the other alternative then is the officer just leaves and comes back and cites. The other part that a lot of people really haven't talked about is sort of what I call a civil remedy, and that's Section 6 of the bill, and that's a little bit more problematic. Page 3, line 13 provides that any person who is aggrieved-- and that's a-g-g-r-i-e-v-e-d-- and that's not [INAUDIBLE] the same as an injury or actually have interest, necessarily; it's, it's a statutory provision that says if you're aggrieved by violation of someone camping or a political subdivision not doing something enough about camping, you can bring a lawsuit. And the persons who have standing for bringing that suit is anyone who lives in the county. That means that someone-- and I'm not trying to be dismissive, but anyone simply with an opinion about what the city or county is not doing enough to address homelessness can

bring a lawsuit, and the remedy is denial of state funding for some of the outreach services that you've heard today. So, I think that's also counterproductive. I'll answer any questions if anyone has any.

BOSN: Thank you. Questions for this testifier? Seeing-- oh, Senator Rountree. I apologize.

ROUNTREE: Thank you so much, Chair Bosn. And this is part of not even a question that really impacts this, but it's a question when you just mentioned that part that anyone that was-- could be aggrieved could bring a lawsuit. I think we heard a bill earlier talking about frivolous lawsuits, and I was going to raise my hand and ask the question about an example of a frivolous lawsuit and see if this would be something that would fall into a category like this. Was just a question.

SPIKE EICKHOLT: I don't think it would be a frivolous lawsuit, because if the bill was passed as-is, it would give someone a reason to bring a meritorious-- maybe a misguided, but a meritorious suit.

ROUNTREE: OK.

SPIKE EICKHOLT: If someone didn't have this, and they said "I don't like it, I don't have an interest in this, but I want to sue the city for not doing something," that would be considered frivolous.

ROUNTREE: OK. Got it. Thank you for clarification.

BOSN: Senator DeBoer.

DeBOER: So, kind of a quick question about all of this, because it's getting late. But this is where I was talking with Senator Andersen in his opening-- I don't know if you were here. But I also don't what a political-- like, if someone brought a lawsuit under this bill, I don't know, as a, as a political subdivision, I don't know when I have violated or not violated the, the law, because I don't know what "otherwise allow" means. So let's say, you know, we've done something there. I don't know what that is. And then, the civil action-- what do they have to show? That they, they show that we haven't-- we've otherwise allowed a person to regularly camp? Is that how you read it?

SPIKE EICKHOLT: Yeah, I do. And that's a really good point, because if you look at page 3, lines 7 and 8, if a political subdivision discourages a law enforcement officer to enforce this-- well, you can see if they have, you know, a-- you have a riot somewhere in the city and officers are directed "stop whatever you're doing and go there," I'm discouraging you as your supervisor to enforce these types of ordinances or laws. And then, if you-- I suppose if your prosecuting attorney offers a plea deal or just simply dismisses a case, that might also be considered. But the, the problem, like you said, is, is it's any person who has that opinion that the political subdivision-- as long as they live in the county.

DeBOER: And, and, and so the, the sort of result is the denial of state funding. One worries that this could, in the wrong hands, lead to denials of state-funding in targeted ways.

SPIKE EICKHOLT: Right.

DeBOER: Do you see the possibility for that, based on the sort of openness of that section?

SPIKE EICKHOLT: I think so. And I don't know-- I mean, we heard some testimony earlier about the outreach program in Omaha. I, I assume that's got some state money that's funding it. Maybe not. But if it does, that would be something that could impact that.

DeBOER: Well, what's the state money that's denied? It could be any state funds, right?

SPIKE EICKHOLT: It says-- there's a definition somewhere.

DeBOER: OK, well--

SPIKE EICKHOLT: That it's-- that it was for state funds. On page 2, lines 23 to 24: state funds means funds designated to address housing or homelessness, and include state aid and federal funds. So, I think it could impact those.

DeBOER: Your HUD and your Section 8--

SPIKE EICKHOLT: Or your Stephen Center, or--

DeBOER: OK.

SPIKE EICKHOLT: [INAUDIBLE]

DeBOER: All right, so that, that seems pretty broad. All right. Thank you.

BOSN: Senator McKinney.

McKINNEY: Thank you. Thank you, Spike. Do you think this is an unfunded mandate?

SPIKE EICKHOLT: Oh, that part kind of is, I suppose. It's like an aggressively-unfunded-- it's like a trigger unfunding. If you don't do it, you're going to lose the money.

McKINNEY: Did you know, or are you aware that in our preliminary budget, that there is a \$5 million transfer out into the General Fund from the Homeless Assistance Fund?

SPIKE EICKHOLT: Yes. I knew that, and someone actually testified to that a little bit ago.

McKINNEY: So, I mean, if we care about homelessness, why-- it's just a thought. But alright. Thank you.

BOSN: Thank you for being here. Next opponent. Neutral testifiers. Oh, OK. Sorry. Are there any other opponents? OK. You're OK.

CONNOR HERBERT: Good evening, Chair Bosn, and members of the Judiciary Committee. My name is Connor Herbert, C-o-n-n-o-r H-e-r-b-e-r-t, and I'm with the Nebraska Commission on African American Affairs where I serve as a staffer. Like I said, I'll keep it short, mostly because of the reasons that have been brought to you previously, but, you know, as a summary statement, clearly, solving homelessness is complicated, especially when it comes to policy solutions that might not consider the social and institutional circumstances around enforcements, reasons why people are homeless. Not to say that that was not the case here, but, you know, as an agency that is focused on housing affordability, among other things, and, you know, community restoration, we do welcome solutions to this issue, but we find it difficult to support things that criminalize homelessness and also potentially exacerbate existing institutional gaps in coordinated services, or in issues with coordinated services. Finally, in our, in our

perspective, it might be helpful if the senator could elaborate on Section 4. As one of the previous testifiers mentioned that the state and political subdivisions may still designate zones for camping, but if someone sues or, you know, calls for enforcement on that place, who gets ultimate priority? Answering that question might help to elucidate future state solutions. But for all the reasons brought before us, we must, you know, urge you not to advance LB925 as it's currently written. So.

BOSN: Thank you. Questions for this testifier? Seeing none. Thank you for being here.

CONNOR HERBERT: Thank you.

BOSN: Next opponent? Neutral testifiers. Good evening, and welcome.

SCOTT THOMAS: Thank you, Chair Bosn, Judiciary Committee. My name is Scott Thomas, S-c-o-t-t T-h-o-m-a-s, and I'm going to testify in a neutral capacity on LB925 because I was just-- got to thinking while I was in here sitting in here, I came actually for the next bill. And I walked out of-- I wanted to support Senator Rountree's bill for homestead protections, and I got over here because I thought, any minute now, this bill would be getting wrapped up. And I, like, sat here for a couple hours, so I had some thinking to do while I sat. And I was-- i'm not sure if I was quite understanding the problem correctly. It seems like the problem largely revolves around what's done on public land and the enforcement measures for that. And it, it seems to me-- I, I heard a lot of people coming up and testifying in their personal capacity, but I did hear some lobbyists, and it seems like if all those lobbyists pooled enough money, they could just buy a set of private land, and then anybody who wanted to go be homeless could go be homeless there, and it wouldn't be on public land. It's just a thought, and I don't know if that's anything that anybody's ever considered. But I'm just testifying because I saw a shirt in the gallery invoking my field, so I'm going testify and say the Universal Declaration of Human Rights does not have an article that gives you a human right to housing. It's not in there. The, the fundamental basis for human rights work is that there are rights given to you or afforded to you by government, and then there are right that are afforded to you your creator, by being made in God's image. And so, the Bible tells us render under Caesar what is Caesar's, and render under God what is God's. And since God is not a landlord,

you know, the rent goes to the landlord. And just one more thing that I, that I think about while I'm sitting here is, I remember we got stopped in New York one time in the '90s. We were walking. And it was what they call Terry frisk, or a stop-and-frisk. And I remember the guy was with told the officer, what if I don't want to give you my ID? You know, "What if don't have one?" is how he phrased it, because he didn't want come off with it. And the cop was like, take you to jail for vagrancy. And I remembered thinking, as a teenager, like, wow, you can't be homeless in America. It's illegal in some places. But I always had respect for the idea that law enforcement makes sure that you're not just out here idly walking around doing nothing with nowhere to go or nothing to do, and I think that people really appreciate that, whether they're inclined to say it out loud or not. So, I appreciate Senator Andersen's bill, and I think it was brought in good faith. And I just want to just testify in the neutral to give everything a fair hearing. Any questions?

BOSN: Thank you. Questions for this testifier? Seeing none. Thank you for being here.

SCOTT THOMAS: I appreciate you.

BOSN: Any other neutral testifiers? Last call. All right, Senator Andersen to close. Welcome back.

ANDERSEN: It's a lot.

BOSN: Welcome to your Judiciary Committee.

ANDERSEN: The famous Judiciary.

BOSN: We do this Monday through Friday.

DeBOER: No we don't.

ANDERSEN: God bless [INAUDIBLE]

BOSN: Oh, Wednesday through Friday. I'm sorry. Yes. Wednesday through Friday. Did I say Monday? Oh, man. Hoo.

ANDERSEN: OK, I've been over there busy scribbling while everybody was talking, so I'd like to, before I do my official close, just go through and address a, a, a few things. One, it's always interesting, because you can tell a lot about somebody by

the company they keep, right? And you can also tell a lot about a bill by the people who attend. And I was kind of keeping score here, just scratching. In opposition of the-- well, I'll say that the proponents, two of them were law enforcement, and one is a subject-matter expert. And then, of all the opponents, of which there-- I don't even know the number. Probably 20-something or 30, something like that. I kept score of nonprofits, because I thought it-- I think it's interesting, if you look at who attends and how they actually feel or how they express, we had repeatedly nonprofits over and over again saying, this is not going to fix the problem, more money is going to fix the problem. We need to spend more money. We need to get-- we need to pay for affordable housing, one of the gentlemen said. A very brief statement, by the way, which I appreciated. So, I just wanted to make note of that, when you look at the-- who actually is in opposition, it's a lot of nonprofits. It kind of makes me wonder why. Why is there 10 nonprofits taking time-- I think we started at 2:00, something like that? Taking three-and-a-half hours, that's a lot of time. That's a lot of money with people and salaries, and all that kind of stuff. Just makes me wonder why. I did notice some of the common themes, and one of those was criminalizing homelessness. As one of the-- earlier, the subject-matter expert mentioned, he talked about people will claim that it is criminalizing homelessness, and sure enough, lock, stock, and barrel, everybody did, from-- well, not everybody. Many did, to include the League of Women Voters, the, the mayor of Omaha, the list goes on and on. So, true to form, they came up and, as was predicted, they came and said you're criminalizing homeless, and that's absolutely not true. That's not the fact. I thought it was interesting that the League of Women Voters is opposed to this bill that looks to provide safety and security for everybody, including some of the most vulnerable, which have to be women and children. So, you'd think if you're really out to protect women voters, you would do everything you could to provide them the safest and most secure environment with which to live and run their life. But they, but they come in opposed. So, I looked and said, OK, so, well, maybe it's not a women problem. But then you look at the National Institute of Health, and it says that 90 percent of homeless women have been sexually assaulted. So, those are not the ones that you want to protect, right? You look at 21 to 41 percent of homeless youth have been sexually assaulted, so apparently they're in opposition to that as well. And then you looked at 13, 19 percent of homeless women have raped within the past 12 months, and I go back and say, but yeah, you're the League of Women Voters, and you're opposing

this bill that would try to rectify some of that problem. Then there's also the Nebraska Coalition Against Domestic Violence. Just in the pure name of itself, one of the-- another one of the non-profits-- Nebraska Coalition Against Domestic Violence. You'd think they'd be in favor of this because it would deter domestic violence in these encampments, right? But no, they came in-- they came in opposed. And then, I missed part of the testimony from the representative from Mayor Ewing's office, but I, I read her statement and I thought it was kind of interesting. One, she, true to form, talked about criminalizing homelessness and that LB925 would violate the pilot program, which is not true. It would not violate the pilot program because it has the ability to-- it is, it is authorized camping, right? It is authorized spaces. To Senator Storm's question that was kind of, kind of, kind of fluffed off, "Can I put a tent on the sidewalk in Omaha?" Legally, the answer is no, because in the cities, the way the statute is now, the statute is that on county and state land, it's illegal to camp without a permit. You can't do it. But in cities, you-- there is no prohibition. And as Mr. Harding commented on, his ordinance was to try and expand-- simply expand the statute from being state land, county land, and city land, and he was met with very significant resistance, including a veto threat by Mayor Ewing. So no, you can't do it, and you would be committing a crime. Some of the other things that I saw, I read in the statement from the good mayor-- he says that the mayor's policies should address the root causes, and he, and he, he even stated in there, lack of service healthcare, mental healthcare, job assistance, among others. So then, I started thinking about it. It's like, OK, so Mayor Ewing has identified in this testimony or statement what the root cause is that we're, that we're trying to fix, right? So, if you know what the root cause is, I--why don't you go fix it? But here we are. The root causes are not fixed. And the, the problem is, is exacerbated, and the problem is growing. So, he's identified the root causes, causes, but he hasn't done anything to fix it. Now, I don't walk a mile in the shoes, so I'm not trying to chuck stones up at Mayor Ewing. I'm just simply reviewing the statement that, that she brought. And also in the statement, it says-- speaks to LB925, quote, it risks breaking the trust of-- can't read my handwriting. Outreach workers-- sorry. Outreach workers, law enforcement, and homeless Nebraska citizens. And that's what LB925 would-- would break the trust that's been established between the outreach workers, law enforcement, and the homeless Nebraska citizens. But what I would submit is with the current configuration, with it being unsafe and there being violence and drugs and everything else

integrated into the communities, haven't they already brought-- broken the trust between the governmental leadership and the people, the residents, the people of Omaha? Of, you know-- haven't they already done that? So, you're concerned about breaking trust with the, the homeless people, but you're not worried about breaking trust with the residents that are paying tax dollars, paying your salary, paying for infrastructure we heard so much about today, how we need more infrastructure. But you're not concerned about breaking trust with them. Another thing: in, in slamming the bill-- and of course, Mayor Ewing, his staff never reached out to my office, never had a conversation with me-- so they did-- they made some assumptions, supposition, right? When they, when they said in their testimony that it was originated by quote, out-of-state interests. That's what they're assuming, and that's what they want to accuse us, they want you to believe is true. And it couldn't be farther from the truth. Are there people from out of state that have assisted the subject-matter experts? Absolutely. Happy to have them. The more information, the more data, the more we have, the better off we are. But you want to know what the real impetus, the catalyst behind me bringing this bill was? A family member that lives in Omaha, she has continual homeless encampments outside of her apartment complex, and she doesn't feel safe walking outside, walking around, taking a stroll in the summertime around her neighborhood. And the "campments" go away, but they come right back. That's where it came from. It came from a family member that says "This is concerning. I don't feel safe." I said, OK, maybe we should work on that. Right? Mayor Ewing's identified the problems, root causes. I'm bringing a solution that says, here's how we can fix this, here's how a young 20-something-year-old woman can feel safe, walk out of her apartment in a nice part of town and just walk around. I mean, when we get to the most fundamental rights that we have, isn't that one of them? That you should be able to feel safe and just be able walk outside. But that's not the situation. Anyways. So, happy to talk to Mayor Ewing's office, but that was the-- that was the impetus of the-- of me bringing the bill. And, and, truth be told, if, if Omaha had, had cleaned it up and fixed this problem, then we probably wouldn't be sitting here today for the last three-and-a-half hours. I'm sorry about that. And they did also say in their, in their statement about the policy being shaped by Nebraska data, that it was not, it was out-of-state interests. And the way we develop policy here in Nebraska is by using Nebraska, Nebraska data. Well, tell what-- guess what? My family member conveyed Nebraska data which was the catalyst behind bringing the bill. So, you can act-- you can act

like it's something else, but that's the reality. When they talk about the overcrowding, I would submit that maybe they should move the mentally into residential treatment facilities. And they tried adopting the practice they use in prisons, when they use halfway houses. I think the woman from RISE came and testified, and they have great programs of working with prisoners inside prison that are getting released. And once they come out, they help them. They help transition them, right? And they use halfway house kind of programs to ease people back into being the best person they can, back into society, back into their families, back into the workforce, and all those things. So, why wouldn't we adopt something like that? The aggrieved-- it was mentioned by, by the ACLU about the aggrieved. And really, the aggrieved is somebody that is directly impacted by the unsafe homeless encampments, and it can be due to biohazard and value loss for property, and any number of different things. So, there is a reason. If, if there's a homeless encampment and you're walking through the fecal matter and the, the, the needles, right? Who's going to buy your house next door? Nobody. So, you're aggrieved because your valuation went from \$100,000 down to \$40,000 because nobody will live there? I'd say you are aggrieved, and I think you should have the right to get some kind of compensation for it. Especially when the city-- Mayor Ewing knows what the problem is, knows how-- knows the, the core issues. But again, we're still here. Chairman Bosn, I was going to say I'd make this short-- the-- my closing short, but it's too late for that, so I apologize, and to the members of the Judiciary. I'd like to thank the Cicero Institute, Sheriff Hanson, Sheriff London. Those guys come down here, they're really busy guys, got an important job. Councilman Harding, I brief him-- I appreciate his coming down and spending time as well. He has some key insight that many don't have. And all the other testifiers, whether you, you are for or against, I appreciate your time. It's a lot to come down here and sit here and wait for three, four hours, so I appreciate that. LB925 is about public safety: safety for those experiencing homelessness and safety for residents and businesses. No one should have to sleep on the street, especially not Senator Storm, and no one should to have their businesses and lives negatively impacted because municipalities refuse to deal with the problem. LB925 is a compassionate solution for all. So, I thank you all for your time. I didn't expect it to be this long, but thank you for your time. I look forward to working with the committee to move this out to the floor for full consideration.

BOSN: Thank you. Any questions from the committee? Seeing none. Thank you for being here. That will conclude our hearing on LB925. Next up, we have Senator Murman for LB1242.

ANDERSEN: Thank you.

BOSN: Thank you. While he's making his way up, I will note that LB1242 had 16 proponent comments submitted online, 15 opponents' comments submitted online, and 1 neutral comment submitted online. Can I see a show of hands how many individuals are here to testify on LB1242? 1, 2, 3, 4. All right. Thank you. Oh, 5. OK. All right. Good evening, and welcome.

MURMAN: Yep. Good evening, Chair Bosn, members of the Judiciary Committee. My name is Dave Murman, D-a-v-e M-u-r-m-a-n. I represent Nebraska's 38th District, and today I have the opportunity to introduce LB1242. Simply put, LB1242 expands child support payments to begin at the time of pregnancy rather than birth. The point is fairly simple: if child support is intended to provide financial support to the cost of raising a child, that support should begin when the costs do. Some of these basic and essential items include a bassinet, which can cost \$100-plus; a stroller, which can cost \$200-plus; a large box of diapers, somewhere around \$40; a basic baby monitor is around \$50; breast pumps, without insurance, can be around \$200; and add in a few extra hundred dollars for clothes. Another hidden cost may include the paychecks an, an expecting mother may miss during her pregnancy due to the repeated medical appointments she has to take, which quickly can become a dramatic cost for someone working paycheck-to-paycheck. But most notably, hospitals won't even let a new mother leave with her child until the baby has a car seat properly installed in the vehicle, and a basic car seat tends to cost somewhere around \$150 to \$200. In other words, the hospitals practically expect a mother to have already done the shopping by her due date. When you add all these costs, everyone can agree that having a baby is a very costly endeavor. Just to get the basic-- basics, it is reasonable for an expecting mother to spend well over \$1,000 just to get the essentials for a safe, healthy baby. But this is really where this is a hole in the current child care system. It doesn't make sense to wait until after birth to make all these purchases. If LB1242 were in place, an expecting mother has a level of financial support to prepare for her baby. So, how does it work? A pregnant mother could ask a court for child support to include the prenatal period, although she doesn't have to. If

the mother consents and a medical provider determines it would not pose a risk to the baby, there would be a paternity test. After that is established, the process would play out in court just like any other traditional child support process. If a medical provider did determine the paternity test could pose a risk to the baby, this could be determined after birth, and then a court could determine-- could require retroactive payments. I will also note that this is not an entirely new concept. In Alabama, they have a system of retroactive child support for the nine months preceding birth, and South Carolina law states that child support obligations start at conception and include a duty of fathers to pay 50 percent of pregnancy expenses. To conclude, I want to address some of the criticism this bill has received that this bill is somehow about restricting abortion. I know it's on the online comments that I suspect we will hear a good bit today on that point. And while it's true I am a pro-life senator, this bill doesn't involve abortion at all. The goal is very simple. Preparing for a baby is expensive, and I want to make sure expecting mothers have the resources available to prepare ahead of time. Thank you.

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

DeBOER: And maybe you don't know the answer to this, and there's someone behind you, a doctor or something. How does one test paternity in, in a fetus?

MURMAN: I don't know exactly. That-- I-- but like I said, it, it isn't required. If the mother consents, it can be done, but-- I think it's taking amniotic fluid, but I'm not 100% sure on that.

DeBOER: So, if, if, if I have a child, or if I have a, a, a fetus, at what point can you take-- like, when can you start to determine paternity? Do you know that answer?

MURMAN: I-- no, I'd have to-- you'd have to ask a medical doctor that one.

DeBOER: Do you have one coming today, that you know of?

MURMAN: Not that I know of.

DeBOER: OK. So, I would want to know, and maybe you could ask somebody to send us the info-- this information, at what point can you do a paternity test? Like, because I assume you can't at

the very early stages. At what point can you determ-- and then, what, what, what does that entail and, and how is that done? Because if-- so, that's information I would like, because I would like to know, like, if I, if I am the potential father and you say, OK, you have to pay me money, and I'm, like, well, you have to prove I'm the father before I'm going to pay you money. The mother doesn't want to do it. OK, now-- but the mother really needs the money, so now she kind of feels like she has to, because she really needs money. Because you're right, it's very expensive to be pregnant. Right? So then, she's, like-- do you see how she's kind of caught in a problem there?

MURMAN: No, not really, because it can be retroactive, and right now, the mother doesn't receive anything from the father, so--

DeBOER: No, I get that. And that-- so, but, like, she probably needs the money not eight months from now.

MURMAN: It's totally up to the mother. You know, she can have the test whenever she wants to have it, or she can wait and have it retroactive. But right now, she doesn't receive anything. So either way, she's ahead.

DeBOER: So, so if she waits--

MURMAN: Mm-hmm.

DeBOER: --then the baby's born, they have the-- the test, does that-- is a blood draw? I don't even really know. Is that blood--

MURMAN: I'm not sure, but paternity can definitely be determined then.

DeBOER: OK, so they do maybe a--

MURMAN: But whenever it's not a risk to the baby, I assume right away. But, you know, I'm not a medical doctor.

DeBOER: Right, right, right. So, like, some kind of blood draw or something does it at that point. Then at that point, she gets the retroactive nine months? Is that right?

MURMAN: Yes.

DeBOER: OK. Thank you.

BOSN: Senator Rountree.

ROUNTREE: Thank you so much, Chairwoman Bosn, and thank you so much, Senator Murman, for the bill. Was this a bill that DHHS asked to bring, or how did this bill come about?

MURMAN: No, this is model legislation that-- I'm not 100% sure where it came from, to be honest with you. But it is model legislation, and it has passed in other states.

ROUNTREE: OK. That--

MURMAN: But I can't tell you the others, right-- the others right now.

ROUNTREE: And, and who asked you to bring it?

MURMAN: Nobody asked me bring it. I, I--

ROUNTREE: Oh, you just sought legislation and sent us this [INAUDIBLE]?

MURMAN: Yeah, I do research all the time,.

ROUNTREE: OK. All right.

MURMAN: Even in the interim.

ROUNTREE: Yeah. Likewise. I think most of us do.

MURMAN: I mean, maybe it doesn't show, but I actually do.

ROUNTREE: Thank you so much.

BOSN: Senator Holdcroft.

HOLDCROFT: Chairwoman Bosn, thank you. Just a quick "ChatGBT" inquiry says that you can determine the paternity as early as seven to ten weeks. It requires a blood sample from the mother, a cheek swab from the alleged father, the lab analysis cell-free fetal DNA circulating in the mother's blood. There you go.

BOSN: I think there was a question there.

HOLDCROFT: No, I-- was a statement.

MURMAN: Thanks, Dr., Dr. Holdcroft.

BOSN: Thank you, Testifier Holdcroft. Senator Hallstrom.

HALLSTROM: Just a technical question. It's been a long time since I've done any custody and child support cases. But the bill provides that the payment amount will be determined taking into account the best interests of the mother and child. My recollection is that that's generally the standard that applies to child custody, and it's an income-based determination for child support, in determining the amount. So, we might need to look into that.

MURMAN: I assume that'd be true. Yup.

HALLSTROM: Thank you.

BOSN: All right. Are you staying to close?

MURMAN: Yes.

BOSN: All right, perfect. First proponent.

ELIZABETH NUNNALLY: Good evening, Chairwoman Bosn, and members of the 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 support of LB1242 on behalf of Nebraska Family Alliance and the thousands of families and individuals we represent who want women and children to be protected in Nebraska. LB1242 is both pro-life and pro-family. It allows for the enforcement of child support obligations of the biological father of an unborn child upon the request of the mother, beginning with the first month in which the child was conceived. Life begins at conception, and fathers should have the responsibility and accountability to support and care for their children and the mother of their children. We believe that women should not be abandoned during pregnancy, and this bill enforces that principle. It benefits children to have both the support of a mother and a father, and that support should begin when their life begins. At Nebraska Family Alliance, we care about the well-being of families, women, and babies, and affirm the dignity of life in the womb. Nebraska is a state that values life, family, and responsibility. LB1242 not only affirms life and human dignity, it ensures our laws uphold

the rights of children and the responsibility of parents. We are grateful to Senator Murman for introducing this legislation, and encourage the committee to advance LB1242. Thank you for your time and consideration.

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

ELIZABETH NUNNALLY: Thank you.

BOSN: Next proponent. Welcome.

MARION MINER: Thank you. Good afternoon, Chairwoman Bosn, and members of the Judiciary Committee. My name is Marion Miner, M-a-r-i-o-n M-i-n-e-r, and I'm here on behalf of the Nebraska Catholic Conference, which advocates for the public policy interests of the Catholic Church through engaging, educating, and empowering public officials, Catholic laity, and the general public. And I'm here to testify in support of LB1242 really because of, of what it embodies, sort of the, the worldview behind it regarding the duties-- the moral and legal duties of the-- of fathers of children. With regard to its particular structure, that's not something that I have a whole lot of knowledge about, nor can I vouch for, but I'm here in support of the concept, which we think is, is very good and something that, that we want to testify in favor of. So, Nebraska has had a requirement in state law for decades-- this is Section 43-1407-- that an unborn child's biological father is financially responsible for the reasonable expenses of the child that are associated with the birth of the child, and the mother of such child during the period of her pregnancy, confinement and recovery, and that such liability shall be determined and enforced in the same manner as the liability of the father for the support of the child. The conference expresses its support for LB1242 for the same reason it supports existing law. Section 43-1407 requires a father to bear some financial responsibility for the medical support of a child's mother and his unborn child, beginning in pregnancy. LB1242 would expand the scope of this legal duty of support beyond simple medical and pregnancy-related expenses. In 1891, Pope Leo XIII taught in his encyclical Rerum Novarum that it is a most sacred law of nature that a father should provide food and all necessaries-- and all necessaries for those whom he has begotten. And similarly, "it is natural that he should wish that his children [...] should be by him provided with all that is needful to enable them to keep

themselves decently from want and misery amid the uncertainties of this mortal life." And quoting a document like this about, about the duties and responsibilities of fatherhood, you know, maybe sounds a little bit trite. That's something that anybody can say, and I think most of us would agree to. But I do think it actually bears repeating in the, in the world that we live in, in which so many fathers, in fact, do not fulfill that duty and do not take that responsibility seriously. This paternal moral duty, this most sacred law of nature, as Pope Leo XIII describes it, does not begin at the child's birth, but at the moment the child begins to exist. We commend Senator Murman for his witness to the dignity of the unborn child, and to the serious and ennobling responsibilities of fatherhood.

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

MARION MINER: Thank you.

BOSN: Next proponent. Opponents. Anyone here to testify in opposition?

SPIKE EICKHOLT: Good evening, 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 in opposition to LB1242. As Senator Murman explained, this is a model bill, and part of our objection, or really the heart of our objection to this bill, is that it's sort of-- it's this model bill to in-- put in state statute this notion or this concept of fetal personhood. And it tends to have other consequences. Although Senator Murman explained that this is not about abortion, this is about restricting women's rights to health care in that regard, these laws passed tend to do that. The second concept or second issue we have with this bill is that this has the potential to sort of involve government in with pregnancy, with women's pregnancy prior to birth. And I say that because many times, under a Title IV-D type child support, if a woman applies for state assistance, Medicaid, something like that, if this bill was on the books, if this law was passed, generally speaking, that person is required to cooperate with the state in identifying the father and cooperating with the state in pursuing a paternity action. And this would involve the state during pregnancy, if it's not done retroactively. And an example of whether that could be a situation is, does the woman that's working sort of with the government, if you will, to pursue this

paternity while she's pregnant have to report complications for pregnancy that might cost more for medical treatment? Does that person have to report if they terminated the pregnancy, for whatever reason? But there are a couple of other technical things that I wanted to kind of mention to the committee as well. First-- and Senator Hallstrom alluded to this as well-- and I do some family law, not as much as I used to. But child support-- the rate of child support is done by a child support guideline that the Supreme Court has established, and that is determined by who has custody of the child. That's not really addressed in the bill. Presumably, it would be the pregnant mother, right? But I don't know if that's the same thing as a court finding that person should be awarded custody, or if there should be a post-birth shared type custody arrangement. Secondly, Senator Murman alluded to this earlier, we-- Nebraska law already allows for retroactive child support to be ordered after birth, as well as birthing expenses. I gave you an example of a paternity case that I worked on some time ago myself. I, I just had the relevant portion, but you can see that courts have the ability now to order birthing expenses after the fact; that would capture some of the things that Senator Murman is trying to do with this bill, as well retroactive child support. And I deleted the identity of the child. I'll answer any questions if you have any, but I just wanted to mention those things on the record.

BOSN: Thank you. Senator DeBoer.

DeBOER: We were just talking about something you said.

SPIKE EICKHOLT: OK.

DeBOER: You said that-- something about it's not the same as having a custody--

SPIKE EICKHOLT: Right.

DeBOER: Well, clearly, the mother has custody until the baby's born.

SPIKE EICKHOLT: Well, that might be right, but there are different concepts of child custody. There's joint custody, there's joint physical custody, there's joint legal custody, there's shared custody agreements. And the child support guidelines don't really capture payment during pregnancy; they

capture time between the parents and how much one parent is going to have to sort of support the other parent in raising their shared child or children.

DeBOER: So, you're saying that they could share legal custody, even as she has complete physical custody--

SPIKE EICKHOLT: Right.

DeBOER: OK, I don't know what that would mean. But-- OK. But upon birth, then they can determine custody. Correct?

SPIKE EICKHOLT: Yeah, and they do that now. I didn't have a custody part in this example, but that's done in paternity cases or in child custody cases regularly after birth. That's right.

DeBOER: So, would your objection to this bill go away if it was made entirely retroactive? So, once a baby's born and paternity is established, then the father, the established father, has to pay for going back to-- through the pregnancy?

SPIKE EICKHOLT: Some sort of calculation for the nine months or eight months, if you will. I mean, arguably, that's-- that could be something that could be captured in birthing expenses, and maybe broadening that definition wouldn't be so bad.

DeBOER: Say-- I didn't, I didn't--

SPIKE EICKHOLT: Maybe some of that could be cat-- that could be captured in the definition of birthing expenses, which can be collected now in Nebraska law. And maybe that is somehow a way that could be amended to accommodate the cost of prenatal care or whatever additional things that the mother had to buy for the child.

DeBOER: So, there-- you currently can collect some sort of birthing expenses from the father?

SPIKE EICKHOLT: Oh, absolutely. Yeah. The example again, again shows it right here.

DeBOER: OK. Then, if there were just additional things added into the statute that allows you to collect those birthing expenses that Senator Murman has identified, does that materially change the law?

SPIKE EICKHOLT: I don't know. I mean that-- [INAUDIBLE]

DeBOER: The bassinet, the-- whatever he said.

SPIKE EICKHOLT: Well, I think you could probably make a pretty good argument that that would be included in birthing expenses. But I suppose explicitly defining that would, would be-- would capture those costs. I understand that. I think that would. The problem that we would still have is just the sort of notion that you've got someone who's pregnant to sort of work with the government, and--

DeBOER: But I mean, it would be once the child was born, and then there would--

SPIKE EICKHOLT: Right. [INAUDIBLE].

DeBOER: --arguably be a paternity test. And upon the test, there would arguably be a custody issue anyway.

SPIKE EICKHOLT: Yeah. You're right. And I guess I hadn't really researched if there's an exhaustive definition of birthing expenses. Usually, it's medical. That's usually what it comes down to.

DeBOER: OK, thank you.

BOSN: Senator Hallstrom.

HALLSTROM: Is there a possibility that the collection of birthing expenses was just a matter of excellent lawyering?

SPIKE EICKHOLT: In this case, yes.

HALLSTROM: The actual question I have is, did, did I hear you say that you were concerned about the involvement of the state in the paternity action?

SPIKE EICKHOLT: Right.

HALLSTROM: Where do you form that opinion? It, it requires consent of the mother.

SPIKE EICKHOLT: Right. But if-- I think this is the statute. Well, maybe it doesn't. If a, if a mother applies for Medicaid

or some sort of state assistance and she's pregnant, or even post-birth, the-- to get those state benefits, that mother is required to cooperate with the state and pursuing a paternity action, naming the father, giving us a cheek swab.

HALLSTROM: She can be required in those circumstances?

SPIKE EICKHOLT: She-- well, she can just not get benefits.

HALLSTROM: If she, if she doesn't.

SPIKE EICKHOLT: Right.

HALLSTROM: OK. Thank you.

BOSN: All right. Thank you for being here. Next opponent.

CHAUNCEY BROWN: Good evening, Chairperson Bosn, and members of the Judiciary Committee. My name is Chauncey Brown, C-h-a-u-n-c-e-y B-r-o-w-n, and I am a senior advocacy strategist with Planned Parenthood North Central States in Nebraska. Planned Parenthood North Central States' mission is to affirm the human right to reproductive and sexual health and freedom for all by providing excellent care, trusted education, and fierce advocacy. We do this through our health centers, public education, and community engagement. I am here today to express our strong opposition to LB1242. LB1242 is an underhanded attempt to advance an anti-abortion agenda and lay the groundwork for fetal personhood in state law by allowing people to seek child support for a fetus. This bill is part of a far-reaching long-term strategy to undermine the rights and well-being of pregnant people, and it is part of a growing trend of state legislation using child support and tax laws to further an anti-abortion agenda. These bills are being introduced by anti-abortion legislators across the country with little regard for how they would be implemented or what long-term impact they could have. In addition to the fact that this bill threatens the rights of pregnant people, it is also an inappropriate means of assessing child support obligations. A positive pregnancy test does not in itself indicate the birth of a child, and the bill does not set out any structure for child support payments for a pregnancy that could end in miscarriage, stillbirth, or abortion. Further, this bill raises significant concerns about the potential for surveillance of pregnant people and those that may experience a pregnancy loss. Do not be deceived by the

suggestions that this bill will support pregnant people and families; it is nothing more than an effort to elevate the rights of a fetus to be equivalent or superior to those of the pregnant person. In reality, we know that so-called personhood measures like this one create confusion and chaos in our legal system, and often result in the surveillance of and criminalization of pregnant people, including those that experience negative pregnancy outcomes like miscarriage and stillbirth. Our legislators should be focused on advancing policies that would assist low-income pregnant people in accessing necessary health care and building the families as they see fit. Legislative bills like LB304, LB734, or LB878 are just a few examples from advocates that were introduced this year. Instead, the proponents of this bill seek to outsource responsibility to the child support system. In conclusion, this is a disingenuous bill hiding behind a frame of helping pregnant people, while in reality harming pregnant people by infusing notions of fetal personhood into the state code, increasing surveillance of pregnant people, and focusing on this bill instead of the many priorities that policy advocates are actually asking for. Thank you for your time today, and we respectfully ask the committee not to advance this bill to General File.

BOSN: Thank you. Questions for this testifier? Seeing none. Thank you for being here.

CHAUNCEY BROWN: Thank you.

BOSN: Next opponent. Neutral testifiers.

SCOTT THOMAS: Good evening, Chair Bosn, and the Judiciary Committee. My name is Scott Thomas, S-c-o-t-t T-h-o-m-a-s. I'm with Village in Progress and the U.S. Institute of Diplomacy and Human Rights. Now, this bill is criminalization of pregnant people? I'm assuming pregnant people means women. I don't have-- I don't know what that means, but the last bill was, like, the criminalization of the homeless. It's, like, a whole bunch of rhetoric. So, we were invoked again, so I'm going to go ahead and, and specify there's no human right to reproductive something-something. I wasn't sure what it-- what she said. I missed part of it, but it was abortion. That's not in the 1948 Universal Declaration of Human Rights. There's 30 articles, that's not one of them. We would support the language that recognizes the humanity of unborn children in accordance with

Article 3, which is the right to life. I would oppose language that essentially cedes caretaking and parenting unilaterally to one party based on sex, in violation of Article 4, which is the prohibition on slavery, Article 2, the right to equality under the law, and Article 25, Section 2, which entitles children born out of wedlock to protections on par with those born out of a traditional marriage. Rights come with responsibilities and vice versa, and this bill would work to further separate those two. So, I'll just tell you real quick. I had a kid and went through a separation, and we had a child support assignment. And I had primary custody; my daughter lived with me and had visitation with her mother. So, she lived at my house. I paid all her bills up to and including tuition, which was \$3,500 a year. And they still assigned me child support. And I didn't understand why. If she lives with me, I would pay child support to the mother. Very strange. And I know that she has a higher income than I do. So, I went down to the child support window and kind of demanded to see-- by state law, they have to do a worksheet, a child support calculations worksheet. There's one that's mandatory. And I went down there to see my child support calculations, because I didn't know how that could be proper. And what I found out was that they just left them blank. They just didn't do them so that they could impose whatever they wanted to impose. So, it's, it's, it's sketchy, the fact that men are often on the hook financially, but not considered when it comes to the best interests of their children. And, and I'm not really sure, like I said, what I was expected to pay that woman for if my daughter lived with me and I paid all her bills. Don't know-- it wasn't a marriage, so it wasn't an alimony payment. I'm not sure where that comes from. So, I'm, I'm kind of concerned with elements of this bill that could lead to stuff like that. Any questions for the senators?

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

SCOTT THOMAS: Thank you.

BOSN: Yes. Next neutral testifier. All right. Senator Murman, if you'd like to come up and close.

MURMAN: Yes, thanks for listening, and thanks to all the testifiers for testifying. The bill is all about child support, so when does that start? And of course, it is totally up to the mother of when, when or if she wants to determine the-- who the

father is. But to answer the question, there is a non-invasive prenatal paternity test that is most accurate-- the most accurate non-invasive way to establish paternity before the baby is born. The process is to-- is state-of-the-art, combining the latest technology and proprietary methods of preserving and analyzing the baby's DNA found naturally in the mother's bloodstream. So, this test requires only a simple blood collection from the mother and the alleged father, and can be performed any time after the eighth week of pregnancy, so very early in pregnancy, if the mother consents. So, I-- you know, the expenses that are incurred before birth can be included in child support, and that's simply what this bill does. I'm open for questions.

BOSN: Thank you. Any questions for Senator Murman? Senator DeBoer.

DeBOER: Senator Murman, would you be OK with-- because I'm having a little trouble with the-- I know it's just a blood test and all of that, but would you OK with just when the baby's born-- you know, changing this to when the baby's born, then we assess the-- we figure out who's the father, and then at that point we figure out, OK, you need to pay this much retroactively. Because you have the retroactive provisions already in the bill.

MURMAN: Yes.

DeBOER: Would you be OK with doing it that way?

MURMAN: No, I, I really wouldn't, because I think it was you that mentioned the expenses start, you know, way before birth.

DeBOER: Sure.

MURMAN: So-- as soon as the mother determined she's pregnant, actually. So, if the mother, you know, needs the support at that time, financial support, it should start then, if she wants it.

DeBOER: OK.

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

MURMAN: Thank you.

BOSN: That will conclude our hearing on LB1242. Next up, we have LB908 with our very own Senator Storm. Can I see a show of hands how many individuals are here to testify on LB908? 1, 2, 3, 4. All right. I got you. I saw you get up. You're good. Good evening, and welcome.

STORM: All right, thank you. All right. Chairwoman Bosn, members of the "Judiciary" Committee, for the record, I'm Jared Storm. That's J-a-r-e-d S-t-o-r-m. I represent Legislative District 23. I'm here today to introduce LB908. LB908 adds a new requirement for judges when developing a parenting plan during the divorce process. Specifically, when considering the best interests of a minor, minor child, the judge shall consider credible research showing increased intellectual and social growth for children who have equal access to both parents. This is in addition to the five current requirements a judge must take into consideration, which include the relationship the child has with both parents, the desires and wishes of the child, the health, the welfare, and social behavior of the child, and credible evidence of abuse on any family or household member. Study after study shows that children who do not have access to both parents or are raised in a fatherless home are more likely to drop out of school, more likely to have mental health issues, run away from home, more likely to have teenage pregnancies, more likely to grow up in poverty, more likely to become involved in drugs and criminal justice-- in the criminal justice system. Several states around the country-- Arizona, Kentucky, Arkansas, West Virginia, Florida, and Missouri-- have been moving towards a presumption of 50-50 equal parenting time in divorce proceedings. I do, I do want to preface that this is not what this bill does. But I want to highlight-- wanted to highlight the effects of this policy. Those involved in the divorce cases in those states have indicated that it has-- that it has resulted in less contentious court proceedings, a drop in family court filings, and an overall drop in divorce rates. Furthermore, a study done by an Arizona State University psychologist and presented to the Committee of Justice on Human Rights in the House of Commons in Canada examined the effects of equal parenting time in Arizona. The study showed that children had increased emotional security when having equal or near-equal access to both parents, and that children of divorced with the best long-term relationships with both parents are those who had equal parenting time. Furthermore, a study also referenced, a study of Arizona "conciliation" court, staff, family court judges, private mental health providers, and private attorneys on how to-- how the equal parenting law was working. On average,

the respondents rated the law as having a positive impact on the courtroom and the best interests of children. Similarly, studies looking at the intellectual and educational effects on children of divorced parents show that those children tend, tend to have lower GPAs of their, of their peers, and are more likely to repeat a grade levels. On the other hand, the National Library of medical-- Medicine reports that children whose parents share custody typically have higher grade point averages than peers living in single-parent homes. When children have access to both parents, they learn better approaches to problem-solving, and ultimately enhances their critical-thinking skills. You know, father-- you know, fatherhood-- a fatherless society, which I, I look at our, our society as kind of going towards less fathers in the household, is very "dentrimet"-- detrimental to our society. Ultimately, I believe it is in the best interests of children to have near-equal access to both parents as much as possible. I ask for the committee's support of LB908 and advancement to General File. I will answer any questions you may have. Thank you.

BOSN: Thank you. Questions for Senator Storm? All right.

STORM: All right.

BOSN: Thank you. We'll start with proponents, anyone here to testify in support. Good evening, and welcome.

ADAM ROBERTS: Good evening. Chairwoman Bosn and members of the committee, thank you so much for the opportunity to speak with you today. My name is Adam Roberts, A-d-a-m R-o-b-e-r-t-s. I'm the founder of Dads for Equal Parenting Rights. We helped actually put this together today. And let me just start off by saying that we're not here for dads, we're not here for moms; we are here for the kids. And if you look at the numbers, as Senator Storm mentioned, the statistics are staggering regarding this issue. Over 90 percent of runaway children come from fatherless homes where there's an absent father. 85 percent of youth in prison come from fatherless homes. 70 percent of high school dropouts come from fatherless homes, and the list goes on and on, from drug abuse, substance abuse, teen pregnancy, depression, anxiety, and kids are five times more likely to commit suicide if they come from fatherless homes. So, we believe that this bill can make a major positive impact in kids' lives, and that's why we're here. The studies have shown that the closer a custody gets to 50-50, the better that child

performs in life. In front of you now, being handed out, is, is the study done at ASU by this psychology team, measured over the course of almost 20 years. The study scientifically proved, quite convincingly, the closer the custody of a child was to 50-50, the better they performed in life. So, we believe this bill should be a no-brainer for helping kids. Now, you might say, oh, the current law is fine. I'm personally here sitting before you today to tell you that that's not the case. I fought for seven years in the courts right down the street for more time with my kids. I was only given four days a month while I paid thousand-- thousands of dollars a month in child support. So, that's 26 days a month that I didn't get to see my kids in their formative years. And I'm sorry, but I'm not a father for just four days a month. 32 percent of fathers in the state of Nebraska are awarded 50-50 right now; that's 68 percent of all custody cases being awarded to mothers. Kids need a dad in their lives just like they need a mother in their lives. They need both parents, and that's why we're here. The truth is, I thought my story was bad until my best friend Tim, who was here today-- he didn't get to see his kids for an entire year right here in Lincoln, Nebraska all because his ex-wife-- who was divorced three times, she knew how to play the system. She accused him of abuse 17 times over the years. All accusation-- all-- every single accusation came back as unfounded, but stole that time away from his kids, each time waiting for the next hearing. The judge determined there was no substantial evidence for any of those 17. Yet finally, they granted my friend Tim the 50-50 custody that he so desired and asked for in the beginning. All those needless court battles, an entire year where Tim didn't get to see his kids, all that could have been avoided by a bill like this. This bill helps to eliminate putting the children in the middle of a battle. In Kentucky, who passed a 50-50 custody bill along with Florida, Arkansas, Missouri, Kentucky found that divorce cases and divorce rates actually dropped by 25 percent after their bill passed. So, we implore you to pass this bill. It's only adding one line of the current law. It's not a major overhaul. It costs no money. In fact, it could actually save money by eliminating needless court battles. And it can make a big difference towards pushing the judicial system towards giving children equal access to their parents, which is ultimately in the child's best interest. Open for questions. Thank you.

BOSN: Thank you. Any questions for this testifier? Seeing none. Thank you very much for being here.

ADAM ROBERTS: Thank you so much.

BOSN: Yes. Next proponent.

NOLAN GURNSEY: Good after-- evening. I should say good evening. I was going to say afternoon. We're past that. Senators, my name is Nolan Gurnsey, N-o-l-a-n G-u-r-n-s-e-y. I'm a father to three wonderfully sarcastic children whom I love dearly. I'm here in support of LB908. While this bill will more than likely not change anything for my children now, it is my hope that it'll make a positive change for other children in Nebraska moving forward. Nebraska judges customarily award primary custody and time to mothers. Custody should not fall automatically to the mother or to the father; it should be shared. The philosophy of automatically give-- giving one parent more time or custody just because it's the way we've always done it is flawed. When my wife filed for divorce, she was automatically given 100 percent custody of the children and 80/20 time. There was no abuse in our home. In fact, I took the kids to events, school, doctor appointments, cooked meals, made their lunches, took them to church, did the housework as their mother, mother suffered from migraine headaches and was in bed much of the time. Then, to have my children ripped away from me was heartbreaking to say the least. I fought this custody arrangement in court for almost three years. During this time, my son suffered from severe depression. My youngest son had severe separation anxiety. Divorce is extremely difficult on children, so to ease their emotional pain, time with parents should be as equal as possible, barring there is no abuse. Both parents are needed in our children's lives. Despite my custody arrangement, I did as much as I could to be involved with their lives as possible. I wrote them letters, I called them when I could, I went to every school function, I helped them practice their sports and with their class projects. Since I only live 20 miles away, I offered to take them to and from school as their mother would let me. In August of last year, my ex-wife uprooted the kids and moved four hours away. She has 100% custody, I have no say. She gave me less than a month's notice, and with five months-- and within five months of the move, my daughter admitted to me that she started drinking, vaping, she smoked marijuana, she's struggling at school, and she's acting out towards her mother and others. A father's influence is important to the well-being of our children. I also work as a nurse in the prison systems here in Nebraska. As part of my role, when new inmates are processed into prison, I ask questions that involve the health history of

their parents. Most individuals, both male and female, don't know their father or haven't seen him since they were very young. Fathers are important, mothers are important. To become successful members of society, both parents are crucial to the emotional and social development of our children. I ask for your support of this bill, that the children of Nebraska may be given the parental support they need to become successful members of society. I welcome any questions that you may have, and I thank you for your time.

BOSN: Thank you. Senator Rountree.

ROUNTREE: Thank you so much, Chairwoman Bosn, and thank you so much for your testimony today. I just wanted to go back to when your family moved about five hours away from you--

NOLAN GURNSEY: Four hours.

ROUNTREE: Four hours away and your daughter started drinking and vaping and those. How old was she at that time?

NOLAN GURNSEY: This was six months ago. She is 15 years old.

ROUNTREE: 15. OK.

BOSN: Any other questions for this testifier? Thank you for sharing your story. Thank you. Next proponent. Anyone else here to testify in support? Good evening, and welcome.

ALLISSA GURNSEY: Public speaking is a little hard for me, so I do apologize. My name's Allissa Gurnsey, A-l-l-i-s-s-a G-u-r-n-s-e-y. I'm just here to tell a story. I grew up in a divorced home. Very emotional. But my parents got divorced in '93, and my mom was married four times, divorced four times. I have multiple siblings that are step siblings, or I actually have siblings, not step siblings. My one full brother and I were sat in front of a judge, unaware of what was going on, and asked where we wanted to live. He was probably about-- I was, like, 13, he's four years younger, so-- math, not me. Neither of us knew what to say, neither us-- of us know what to do. So, it was ordered every other weekend, and it was very hostile every time. Very, very hostile when he came to get us. On one event, my mom lined us up, my brother and I, and made us choose which one was going to go because he had \$100 and was behind on child support. So, we had to choose which one. No child should be put in front of

their other parent to make that choice, ever. Now, starting about statistics. I have a 30-year-old daughter. I'm 47 years old. I had her when I was 17 years old. I was a statistic of teenage pregnancy, barely passing high school, wishing I was dead most of the time. Done a lot of reckless stuff. Never done drugs or alcohol. My other sister was incarcerated for that, for her life because she never got to see her fam-- her dad, either. Again, very stressful. So, with that, my mom forced me to get married. My option was abortion or marriage. So at 16 years old, I got married. At 18 years old, I got divorced. When most high schoolers should be having fun for graduation, I was getting divorced. I lived in a woman's shelter for a few months, still no contact with my dad at all because my brother needed to be with him. He's a boy, he should be with his dad. So when I needed help, I called my mom. My mom informed me she was getting remarried and that I would have to figure it out myself. So, I called my dad that I haven't talked to in two years, and he came to help me. When I needed the help, my dad showed up. He met my daughter when she was a baby because he died in May of '96 when he was 40 years old and when I was 17 years old. I didn't get that relationship with my dad at all, and no kid should have to go through that. And the divorce-- the system is broken. It is broken so bad. Nolan's daughter is going down the same path. I've seen it because she actually moved close to where we-- in the same town. I've see what it's doing to her. The statistics are proven. This isn't new. This isn't nothing. I'm 47, and it's not new. This is going to continue until we can change having both parents. Sorry.

BOSN: You're all right. Thank you for sharing your story. Let's see if there's any questions from the committee. Any questions for this testifier? I, I guess, let me just ask you. So, at the time that you-- you said that it was 1993, around then. And I don't know when the initial changes to this bill were, and I think there's probably better guardrails in place now. And I would hope to God we're not placing children in a position to make those kinds of very uncomfortable decisions. But with your own daughter, and-- did you have any custody experience with her and her biological father?

ALLISSA GURNSEY: We did, and then he tried to kill her, so we had his rights taken away because--

BOSN: OK, so that would be an example of one we would not do 50-50.

ALLISSA GURNSEY: He was abusive. We, we had to take her to the doctor because she quit breathing after one of the visits, and they thought maybe it was shaken baby, but they couldn't verify what happened. So, it became supervised visitations, and then after she was not-- after a year of no visits, the-- you can file to have rights taken away. And so, we did. I had gotten married at that time, and that my husband at that time adopted her and was a very good father for her. They still interact, they still talk. I try to encourage positive communications. I'm still-- make it so even when there's family things with my daughter, we go to my ex-husband's house, even. Because I refuse to raise my daughter, or-- well, now she's 30, so. But I refused to be bitter and I refused to play that game because I don't want-- I don't want other children growing up the way I did. And this was just a little piece of it. My sisters and I have a brother that we don't even know because the family was split. He got cust-- my oldest sister and brother, the dad got custody of the son, and my sister stayed with my mom, and my youngest brother didn't even know he existed. They're 20 years apart. But when he came back from Iraq from the war and stuff, that's when we got to meet him, because we-- and we went to the same school. We went to the same-- we lived in the same town, and we didn't know our brother. And that's not right. It's not right at all. The whole system needs fixed. Not just little bits, all of it. I see it with my husband and his ex-wife and the kids, with Nolan and his-- it's just not here and there, little things. It's all over. It-- dads are important. They are very important.

BOSN: All right, thank you very much. I appreciate that. Any other questions in light of that? Thank you very much for being here and sharing your story. Are there any other proponents? Welcome back.

SCOTT THOMAS: Thank you again, Chair Bosn, and the Judiciary Committee. So, we, we would--

BOSN: Do you want to state and spell your name?

SCOTT THOMAS: My name's Scott Thomas, S-c-o-t-t T-h-o-m-a-s. I'm with Village in Progress and the U.S. Institute of Diplomacy and Human Rights. We would support the senator's bill and echo the senator's opening statements and the opening testifiers' statements on empirical data and outcomes for children. All that stuff is correct. I-- I'm not sure logistically how it would work because, for the lawyers in the room, you guys are familiar

with, like, in a civil proceeding, they have an admission against a party opponent, which means that if I'm in a lawsuit against this person, they can say that I said something to them, and it's not a hearsay exception because it's an admission against the party opponent's interest. It's a direct admission, so. So, people can give all kinds of testimony during civil proceedings, like custody proceedings, where a judge can weigh the evidence. And testimony is considered evidence in legal purposes, so it's like the judge can give a certain amount of weight or not to those things. I don't know how you're going to get around a judge, because I just don't believe that the problem here is that judges are handcuffed and they just don't know that there's a disparity in the family court system that inclines towards the mother. I, I don't think that the, the issue is, like, judges are just handcuffed and they just can't find a way to just equalize the law, but-- but I will say that there is a problem there, and that the, the main victims of it are the children. You know? So, you know, just like the first testifier said, it's not being for women, it's being for men; it's being for the interests of children. And, you know, I'm a Republican, but the only person that had anything worth listening to in the GOP primaries for the presidency was Larry Elder, who really didn't get an opportunity to talk about his message. But his message was primarily that, that we need to focus on where these, where these problems come into our society, from criminality to teenage pregnancy to poverty, and what the early indicators are, that we can tell that those problems will be forthcoming. And, and they're all related to this issue particularly. All directly tied to it. So, I, I don't know. Any questions for the senators? I don't have really anything I didn't say, I guess. I said what I had to say.

BOSN: Any questions for this testifier? Seeing none. Thanks for being here.

SCOTT THOMAS: Thank you.

BOSN: Next proponent. Moving on to opponents. Anyone here to testify in opposition? Good evening, and welcome.

MELANIE KIRK: Good evening, Chairperson Bosn, and the members of the Judiciary Committee. My name is Melanie Kirk, M-e-l-a-n-i-e K-i-r-k. I'm the legal director of the Nebraska Coalition to End Sexual and Domestic Violence. I'm here today on behalf of the coalition and our network programs across Nebraska in opposition

to LB908. The Nebraska Coalition and our member programs work with thousands of Nebraska families every year who are navigating custody and parenting arrangements, either during or after separation, and we don't oppose shared parenting when it's safe and appropriate. However, we oppose LB908 because it moves Nebraska away from individualized best-interest determinations and towards a generalized presumption that may not serve the needs and the safety of every child. Nebraska's Parenting Act is carefully structured to require courts to examine the best interests of a specific child that's in front of them, in that family, in that moment, and under those particular circumstances. Section 43-2923 already directs courts to consider the safety, emotional growth, stability, health, and credible evidence of abuse, along with each child's individual needs and relationships. Those factors appropriately center on the lived reality of that child rather than broad assumptions. LB908 would add a requirement that the courts consider credible research showing increased intellectual and social growth in children who have equal access to both parents. And while research can inform policy discussions, it is not a substitute for a careful, individualized judicial determination. Children and families are not theoretical averages. What benefits one child may not benefit another, particularly in families experiencing high conflict, coercive control, or domestic abuse. Introducing generalized research into the best interest factors creates a de facto presumption of equal parenting time, even in cases where such an arrangement may not be safe or developmentally appropriate. It also shifts the focus away from the child's actual circumstances and onto broad social science debates that do not account for the unique dynamics present in many Nebraska families. Courts already have the full authority under the current law to or-- order equal or near-equal parenting time, and courts do this often when it serves the best interests of any particular child, and nothing in the Nebraska statutes as they are currently prevents a judge from crafting shared parenting arrangements when both parents demonstrate the ability to safely and appropriately meet the child's needs. Because that authority already exists, this additional statutory factor is unnecessary, and risks unintended consequences. Best interest determinations must remain grounded in the individual child's safety, stability, and wellbeing, and not in generalized research applied across families. Judicial discretion to evaluate each family on its own facts is essential, and for those reasons, the Nebraska Coalition is asking you to oppose LB908. Thank you for your time and consideration, and I'm happy to answer any questions.

BOSN: Thank you. Questions from the committee? I guess, let me push back a little bit, because I, I guess-- and I certainly share your concern when there's abuse of domestic violence, sexual abuse, child abuse, any of those things. But this doesn't take any of those considerations out.

MELANIE KIRK: No, I don't think it does. What I think that this does in the language and the way that it's written is that it suggests that the courts need to consider broad evidence based on research that applies to-- across a broad selection instead of considering the individual circumstances of that family.

BOSN: It doesn't say that, though. It just says they have to consider that in addition to the individual circumstances.

MELANIE KIRK: Right. But that area of research doesn't necessarily apply to every family.

BOSN: And I don't think this says it has to. I think what it says is it shall include but is not limited to consideration of the foregoing factors, and then you listed them all. And so, I, I think-- and, and maybe it's just we agree to respectfully disagree, but I think more information is always better for these children. And I understand-- or, for these judges who are making determinations for the custody of these kids. But having judges-- and arguably judges may already take this into consideration, but having it as one of the factors certainly doesn't take away the best interest component that I, I share that the best interests of the child should be paramount, and everything has to come underneath of that, right? But credible research is credible, right? I mean, we should trust the research showing that there is intellectual and social growth. And if you have credible research showing the opposite, they would have to take that into consideration, right?

MELANIE KIRK: Right. And the difference is, I suppose-- and from, from our point of view-- is that the, the way that the Parenting Act, that criteria is, is written as it is now, is specific to each individual family. And what this is asking is more to introduce basically expert witness testimony type things, or ex-- expert research that is, is more broad, and it's not specific to this family. Like, and you're right, maybe we have to agree to disagree. But I think that it doesn't fit under the criteria. Judges already do order joint custody, and judges already do want-- I mean, we've, we've got recent case law that,

that shows that if it's safe and available, judges are going to order joint custody as long as the parties can get along and make that safe for the children. I just don't think that this broad level of research that says that children who are raised in a two-parent family have better outcomes is necessarily applicable in families where there's not going to be a two-parent family.

BOSN: I don't think this says it has to be a two-parent family. It says equal access to both parents. And, and I understand what you're saying. But so, let me think about it this way. If I'm in a divorce proceeding and you're the judge, and I'm representing one parent and Senator DeBoer represents the other, I could call a witness to come in and testify to this very fact, and then the judge has to take it into consideration, right?

MELANIE KIRK: Yeah.

BOSN: And it doesn't have to be specific to the children in that particular case; it could be very broad, generalized, and the court would have to take it into consideration.

MELANIE KIRK: OK. And I, I think that that's fair, but also when we're putting it into statute that this particular set of, of research applies to every, every case. So, you could also have an expert come in and testify that children should be vaccinated, OK? Right?

BOSN: Sure.

MELANIE KIRK: And parents could disagree on that, OK? But we don't want-- we don't need that in the Parenting Act for a judge to consider it. Every type of scientific research that could be brought in as an expert testimony or as, as research doesn't necessarily belong in the Parenting Act.

BOSN: But we're not determining the validity of the vaccine, we're determining the validity of which-- whether or not the child's best interests are served by the equal access. So, it is directly correlated, unlike vaccination status that isn't correlated to parenting time and, and visiting with both parents.

MELANIE KIRK: You'd be surprised the number of times that that came up in custody cases.

BOSN: I'm sure it comes up all the time, and it's-- that's a different argument. But I agree with you, that probably does come up. OK, I don't want to belabor the point. I, I appreciate your perspective. Any other questions in light of that? Seeing none. Thank you for being here.

MELANIE KIRK: Thank you.

BOSN: Any other opponents? You're sitting back there. Are you waiting for neutral? OK. Any neutral testifiers? All right. Senator Storm, to close.

STORM: OK. In closing, I just want to say, first of all, in no way am I advocating for judges to put children in abusive situations. I would never want that, either with the test-- the people that testified here and anybody else. All this bill does-- I'm going to-- I'm going to actually read this-- is it adds two lines to the statute, and those two lines are-- remember, there's five criteria that a judge already looks at for children, you know, if they're in an abusive situation, but this adds one more criteria, and it says credible research showing increased intellectual and social growth in children who have equal access to both parents. And, I, I mean, I think that's pretty common sense with a lot of people, is children need both a mother and a father, if they can have that. And it doesn't have to mean that they're always together in a, in a, in a nuclear family, because oftentimes you have divorce situations. And I'm going to tell-- me personally, I went through divorce 25 years ago. So, this is personal to me, and when, when these gentlemen came into my office and talked about this, I could relate to what they went through. So, in early 2000, I went through a divorce, had a one-year-old daughter, and I did not get any custodial rights; I got visitation rights, so I got one day a week and every other weekend. And I don't know if it's changed since then, but I still made every effort I could to be involved in my daughter's life, because I knew how important this would be for her. And she's turned out great, wonderful. But I just think it's-- in, in our society where fatherhood is-- seems to be missing in a lot of places, it's so important that children have a father, if they can, and a, and a good mother. And adding two lines to the statute that can maybe help out a little bit, I think is-- I'm not asking too much. And I, and I disagree with the opposition up here as well. There's still five criteria that a judge can use to make sure that children aren't being abused. What this does, this just adds another level of--

for a judge to say, I'm open to looking at a father needs to be in a child's life as well, and that's important. I think it's important for society, so. That's all I have. Any other questions for anybody?

BOSN: Any questions for Senator Storm?

STORM: OK.

BOSN: Seeing none. Thank you very much for being here.

STORM: Thank you.

BOSN: I can't remember if I said, so I may repeat. Proponent comments were 8, opponent comments were 2, and 0 neutral comments submitted on LB908, and that will conclude our hearing for LB908. Last but definitely not least, and very patient, is LB1139 with Senator Hallstrom. Can I see a show of hands? How many are here to testify on this bill? 1, 2, 3, 4, 5, 6. All right.

HALLSTROM: Chairwoman Bosn, members of the committee, my name is Bob Hallstrom, B-o-b H-a-l-l-s-t-r-o-m. I represent Legislative District 1, and am here today to present to you LB1139 for your consideration. The legislation addresses the method of releasing a lien on real or personal property created by a support order judgment when that judgment is verifiably current and no arrearages are owed. Under current law, Section 42-371, a support order judgment creates a lien on real and personal property of the judgment debtor. This means an automatic lien attaches to real property located in the county where the judgment is entered. Currently, the lien may only be released if the judgment creditor delivers an notarized release that is then filed in the court case where the judgment arose. The requirement applies even when the judgment debtor is fully current on support payments. In the absence of that voluntary release, there is a process, but it involves having to file an application, spending time, spending money, delaying closings, and the like. In many cases, this process works smoothly, however, there are situations where it creates significant logistical challenges and hampers the transfer of real property, again delaying the ultimate transaction that we're trying to accomplish. Under these circumstances, a buyer may be unable to purchase the property, and in many cases, the buyer cannot close on their next home until they have sold their current one. As a

result, families who are not involved in the underlying support dispute can face serious hardship simply because a lien is-- a lien release is withheld. Under LB1139, we would clarify that a lien under a support order judgment attaches only when an amount becomes due and remains unpaid. Once the amount due is paid, the lien is automatically released. In other words, if a judgment debtor is current on their support obligation, no lien attaches to their property. Additionally, current law is widely interpreted to mean that any arrearage relates back to the date of the original judgment for purposes of determining attachment. In addition, Nebraska is, to my knowledge, the only state that imposes a lien for future, yet-to-accrue child support payments, further complicating the lien release process and inhibiting transfers of real estate. AM1854, which I've distributed to the committee, was brought to me from the Clerk of the District Court of Douglas County, clarifying that spousal-support-only judgments that do not include child support are maintained by the clerk of the district court in the county where the judgment was entered. AM1854 is designed to ensure that the bill functions are intended by including the district court for purposes of releasing spousal-support-only judgments. I want to emphasize that if any arrearages are owed at the time of transfer, a formal release would still be required. LB1139 is intended to only apply to cases where the judgment debtor has met their obligations under the support order judgment, and is current on their obligation. This ensures that judgment creditors remain fully protected against delinquent support payments, and the release only to the specific property or parcel of a real property being transferred. So, if you boil it down, what we're basically doing is overriding the unique-to-Nebraska lien process, which says even if I'm current on my child support, the fact that I still have future child support payments that are going to accrue allows that lien to continue and relate back to the time of the judgment. So, it's not enough to be current; you have to jump through all of the hoops that are currently set up in the process. And what we're basically suggesting with the amendment is that there are two mechanisms by which you can determine and, and make a prima facie evidence that your support is current. One is by going to the Title IV-D child or spousal support order payment history, and the other one for spousal support orders is to get from the district court in the county in which the judgment was entered. We have put a protective measure in here that current on your child support doesn't just mean you're current today and you've been wayward for some time before; you have to have been current for a period of 12 months or since the judgment was ordered if it's less than

12 months, whichever of those time periods is-- are shorter. So, I think we're trying to build in an element that says I've been a good payor, I've been consistent, I've been reliable, I've been current for an extended period of time, so I'm not gaming the system. And if those factors are evident, and it's disclosed that they are evident from checking the child-- Title IV-D child support order payment history or the district court for spousal support orders, then you can get the release through the streamlined process. Be happy to address any questions.

BOSN: Thank you. Questions for Senator Hallstrom? Seeing none. Thank you.

HALLSTROM: Thank you.

BOSN: First proponent. Good evening, and welcome.

KORBY GILBERTSON: Good evening. Chairwoman Bosn, members of the committee, for the record, my name is Korby Gilbertson, it's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n, and I'm appearing today as a registered lobbyist on behalf of the Nebraska Realtors Association. I want to first thank Senator Hallstrom for working with us on this legislation. For some of you who've been around for a while, this-- a very similar piece of legislation was brought in 2023 by Senator Dover on behalf of the Nebraska Land Title Association, and that's what this was based on. But we went back and looked at the legislative history and who was in support of the bill, who opposed the bill. The original bill, the Land Title Association brought it, the Bar Association came in opposition. It's my-- or, not in opposition, in a neutral capacity. It's my understanding they're opposed to this bill. We took great steps to try to find what the concerns were with the last bill so that we could address them. When I reached out to the Bar Association representative, they told me there are other things going on. The example given to me was that perhaps the ex-spouse agreed to help pay for a prom dress, and that hadn't been done, so that should not be allowed to extinguish a lien. So, we wanted to make sure that there was actually some legitimate reasons why you should be able to do this and have it be very limited in scope. So, the release would be only if a person is current for 12 months or the length of the order; that was in order to make sure that someone couldn't not pay for a year, and then go current and be current for one month, and then be able to avail themselves of this. Secondly, the re-- release would only apply to one piece, one parcel of real estate, and it

wouldn't then extinguish the lease going-- or, the lien going forward; it would reapply, obviously, as soon as they bought another piece of legis-- of property. When we looked at what happens in other states, Nebraska is unique in that we have the forward-looking lien. In other states, they have a dollar amount that you have to be in arrears or a number of months you have to be before you're in arrears before a lien is actually placed. So, Nebraska is kind of setting people back automatically with the way our system works. Furthermore, right now, the court can look at these same records as evidence that the person is up-to-date, but the difference is you have to go to court if the ex-spouse will not sign an affidavit. And I don't know if any of you have been divorced-- I have. My ex-spouse would never have signed anything that I would-- that would help me. So I think-- unfortunately, I think that happens a little bit, and that's what we're looking at. So, it's to allow them to use the same exact evidence that courts look at without having to go to court. If there's any questions, I'd be happy to answer them.

BOSN: Thank you. Any questions? All right. Seeing none. Thank you.

KORBY GILBERTSON: Thank you.

BOSN: Next proponent. Good evening, and welcome.

MERANDA WENTE: Good evening. My name is Meranda Wente. Well, first, thank you, Chairwoman Bosn and the Judiciary Committee. My Name is Meranda Wente, that's M-e-r-a-n-d-a W-e-n-t-e. I am here today on behalf of the Nebraska Realtors Association, representing more than 5,100 Realtors across the Nebraska in support of LB1139. LB1139 seeks to address the reoccurring problem several Realtors in Nebraska have encountered, myself included. Under current law, a child or spousal support order creates a lien on real property, even when the obligated party is completely current on payments. The lien can delay or disrupt real estate transactions, preventing the Nebraskan from fully exercising their private property rights. Today, when this situation arises, the most common solution is to request the beneficiary to sign a notarized letter confirming the homeowner is current on all payments. Unfortunately, this solution is not always workable. In one transaction I handled, I represented the seller whose property was subject to such a lien. Though records maintained by DHHS, we were able to verify that the seller was paid in full and current, with no missed or late payments.

Despite this, the ex-spouse refused to sign the necessary documentation. I had multiple conversations explaining the very real consequences this refusal was causing, not only to their former spouse, but to the other families involved in the transaction. Nothing changed their position. As a result, the closing was delayed, and the parties incurred additional court involvement and attorney fees. These situations are very-- are never ideal. As anyone who has bought or sold a home understands, timing is crucial. Even minor delays can create significant financial and emotional strain. The Nebraska Realtors Association associate-- the Association believes LB1139 is a meaningful step to streamlining the process and providing greater certainty for Nebraska families while still preventing the integrity of child and spousal support enforcement. Thank you for your time, and I'm happy to answer any questions.

BOSN: Thank you. Questions for this testifier? Thank you very much for being here.

MERANDA WENTE: Thanks.

BOSN: Good to see you.

MERANDA WENTE: Good to see you.

BOSN: Next proponent. Good evening, and welcome.

ERIC EBELER: Good evening, Chairman Bosn, and members of the Judiciary Committee. My name is Eric Ebeler, E-r-i-c E-b-e-l-e-r, and I am here today in support of LB1139. I have been a Realtor in Nebraska for seven years. Prior to becoming a Realtor and now a managing broker, I was a licensed title agent and worked in the title insurance industry as an escrow closing officer for 22 years. During my time as an escrow closing officer, I personally witnessed how automatic support liens impacted many Nebraska families. I was involved in numerous closings that were delayed or completely disrupted because of these automatically-created support liens, even when the obligated individual was fully current on their child support or spousal support payments. What made these situations especially frustrating was that they-- we were often able to independently verify through official records that the individual had not missed a payment in years, or ever. Despite that, we were unable to rely on those records to clear the title and move the transaction forward. Instead, the property owner was required to

hire an attorney to obtain a notarized release or subordination agreement from the ex-spouse or beneficiary. Or, in the event they refused to sign these required documents, the only option was to return to court to secure a formal order releasing the issue. That process adds unnecessary time, expense, and stress to transactions that are otherwise ready to close. In some cases, the stress and time were so significant that these individuals lost the opportunity to sell their home or refinance at a favorable interest, favorable interest rate. These are not theoretical consequences; they are real financial setbacks for hardworking Nebraska families who are meeting their obligations. Beyond time and cost, privacy for these Nebraska families is at stake. Requiring these notarized releases and subordination agreements, it opens up a window for those with these automatic liens to have to tell others about their personal lives, often having to tell ex-spouses personal things about why they are selling and moving, why they are refinancing, or even disclose details about their interest rate or financial situation simply to obtain that signature. Based on my professional experience as an escrow closing officer, I believe LB1139 represents a necessary and workable change that will provide clarity and efficiency while still protecting the integrity of support obligations. It will help Nebraska property owners avoid avoidable delays when selling or refinancing their property. Thank you for your time and consideration, and I'd be happy to answer any questions.

BOSN: Thank you. Are there questions for this testifier? Seeing none. Thank you for being here.

ERIC EBELER: Thank you for your time.

BOSN: Yes. Next proponent.

SUSAN BUETTNER: Good evening.

BOSN: Good evening, and welcome.

SUSAN BUETTNER: Welcome. Thank you, Chairperson Bosn, and the members of the committee. My name is Susan Buettner, S-u-s-a-n B-u-e-t-t-n-e-r. I am here as a Realtor and an inactive attorney with-- as a member of the Bar Association. I'm here in support of LB1139, but I do have some concerns. I speak independently of the Realtors Association but in connection with them as a member. I am a licensed real estate broker with 13 years of

experience. Before entering real estate, I served six years as a Lancaster County Deputy Attorney, prosecuting child support enforcement cases and contempt cases. I later worked with the department-- Nebraska Department of Health and Human Services in matters connected to the Title IV-D division. I have worked inside child support enforcement structure, and now I work in the real estate structure as well, that is affected by it. Under Nebraska law, certified Title IV-D payment records are prima facie evidence as payment history. In contempt proceedings under 42-358, those records establish a rebuttable presumption of non-payment. If contempt is found, the court may impose a purge plan which is a-- which is a court-ordered "opportunity"-- opportunity, sorry, to cure backed by incarceration. A purge plan is not a modification of the support order; it's a temporary course of measure, and payments may be set below the monthly obligation, meaning arrears can continue to accrue even while the obligor remains compliant. Sentences may run from 30 days to 6 months, with multiple orders resulting in consecutive sentences. Support judgments automatically also become liens on real estate property under 42-371 to secure arrears and future obligations. The Nebraska Supreme Court has recognized that a lien for security-- that it is a lien as security for payment. These mechanisms function because they align. During my time prosecuting contempt cases, litigation over allocation of purge orders disrupted enforcement until the court confirmed that purge orders controlled. That experience demonstrated how quickly enforcement weakens when statutory and administrative structures not harmonized. I support the goal behind LB1139. Real estate transfers are often delayed because current law requires either a lease of the custodial parent or a court order. In high-conflict or safety-sensitive situations, requiring communication between former partners can be unrealistic. There is good public policy in allowing efficient property transfer. With the 12-month compliance shortcut, it does help some; my concern is that it does not help everyone. Whether arrears can be satisfied before the lien is paid, I found out today that not all title companies pay the arrears when that release is given. So, you've got situations where a title company here and a title company here may not be paying those arrears. My suggestion would be to clarify whether or not this release can just happen because of the use of these records, or if that lien should also be paid. Certify-- if certified Title IV-D records are sufficient to support contempt and incarceration, the Legislature should be explicit about how they operate to release a lien securing arrears. I respectfully suggest clarifying the terms under the 12-month application and

how the net proceeds would be applied if there are any arrears that would still need to be paid over and above the lien. I'm aware that this is an expansion in the way the title companies may do their work, but I think clarity here preserves enforcement, allows efficient transfers, prevents inconsistent application across, across counties, and avoids future litigation. Thank you, and I'm happy to answer any questions.

BOSN: Thank you. Are there questions for this testifier? So, I guess I'm a little bit confused. You're a proponent.

SUSAN BUETTNER: I am.

BOSN: OK. And you're-- but only insofar as they'd be willing to modify the 12-month requirement?

SUSAN BUETTNER: I'm a proponent of the bill.

BOSN: OK.

SUSAN BUETTNER: My concern is in relation to the language. If the bill goes forward, I am in agreement that that's the best thing for this-- for the state, because public policy says paying child support, transferring properties, those are important to our society and our economy.

BOSN: OK.

SUSAN BUETTNER: Do I want to slow it down? No. But I come as a cautionary tale.

BOSN: OK. And that is because-- I, I-- you talk really fast.

SUSAN BUETTNER: I'm sorry. I was trying to stay in my three minutes. I apologize.

BOSN: You're, you're good. You're good. And I normally can follow that, because I'm also a fast talker. But I got a little bit confused. The 12-month-- my understanding from Senator Hallstrom is the 12-month is designed to show I'm not just up to speed today, I have a history of being up to speed.

SUSAN BUETTNER: Right. Yeah.

BOSN: And what you're wanting is, is some sort of showing that that 12 months isn't just "I'm up to speed," it's also what?

SUSAN BUETTNER: I'm saying that if the 12 months stays in there, my concern is that it's a disparate impact on other payers of child support. And it also-- if it is removed, then I think that the, the bill should say that the records themselves are enough to release the lien without further communication with the other parties. So, I know it's confusing, and I don't mean to confuse, but my concern totally is knowing that-- when the law is not super clear about how it affects people, I have been in the middle of that litigation multiple times, both in child support and at CFS when the safe-haven law was passed. Wonderful public policy. But the definitions are important, and the idea behind it is important, as this one is, because it does impact these transactions. So, I, I know I feel like I'm going in circles, but the reality of it is if the 12 month stays in, it will help some, and I'm happy with that, as a Realtor. I think it needs to go beyond that and say that the actual records should also be a payment source, or the lien should be paid because of those records. Because that's not what happens. The release gets filed, right? There's a court order that says the lien can be released. There's no automatic payment of those arrears. So, we're using it for this 12-month period. OK, everybody's current, but then what? Why can't we use those records? If they're putting people in jail, why are we not using those records to say "this is the lien," and pay off the lien? Does that make sense? I think you're, like, "no."

BOSN: No, and I'm sorry.

SUSAN BUETTNER: It's OK.

BOSN: Probably because it's late,--

SUSAN BUETTNER: That's OK.

BOSN: --and I'm not trying to [INAUDIBLE].

SUSAN BUETTNER: And I'm not meaning to confuse.

BOSN: You're OK. Nope. I-- and I can follow up with Senator Hallstrom later.

SUSAN BUETTNER: Yeah.

BOSN: Senator DeBoer.

DeBOER: Let me try.

SUSAN BUETTNER: OK.

DeBOER: I don't know that I'll get there. Is what your general gist is, is that you like the bill, but you wish it went even further yet?

SUSAN BUETTNER: That's fair.

DeBOER: OK. So, the even further yet piece is that you would like the records to count. Is that right?

SUSAN BUETTNER: I would like the records to count with the weight that they have by other statute and be applied--

DeBOER: What other statute?

SUSAN BUETTNER: Well, 42--

DeBOER: You don't have to tell me the number.

SUSAN BUETTNER: OK, yeah. There's, there's a statute that's a-- with-- it's 42-358, which allows a certified record from the IV-D agency to be the record of non-payment, and it can be used in contempt without-- it is a rebuttable presumption, but it can be used with no further evidence, as a prosecutor. So, when I was prosecuting, I'd take those records, I'd provide them to the court, and I sat down. They have to rebut that they haven't paid for reasons other than contempt. So, if those records are strong enough to be used for that purpose, which can result in 30 to 6 months in jail, they should be used here to be able to release, release a lien.

DeBOER: OK, I think, I think I got it now.

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

SUSAN BUETTNER: Thank you.

BOSN: Yes. Next proponent.

SAM COOPER: Good evening.

BOSN: Good evening.

SAM COOPER: Chairwoman Bosn, members of the Judiciary Committee, my name is Sam Cooper, S-a-m-- excuse me. I've been here a while and I haven't had any water. Sam Cooper, S-a-m C-o-o-p-e-r. I am the immediate past president and current legislative chair of the Nebraska Land Title Association. I'm here in that capacity. I'm also a member of the Bar, Tim. So, I'm here in support of LB1139. I think, at this point in the day, my brevity will be an act of mercy for you all. I just want to cut right to the kind of chasing at the high points. The deal in Nebraska is that when a child support order is entered, all the payments that are owed, each monthly payment, is given the same lien priority as the date of the original judgment. So, if the judgment's entered in 2015 and you got to pay it for 18 years, if you go to sell a house in 2023, every future payment gets the same lien priority as the date of the original judgment. And that's what fouls everything up, is that nobody will insure that title, lenders want that removed because that-- all those future payments which haven't happened yet, and frankly, are not even vested, could potentially not happen if the child emancipates, join the services, and all those other things. All those future payments, they relate back to the date of the original judgment. So, what you have to do in all these cases is you have to go to the payee, the judgment creditor, and you have to have them release it. Even if they're current, even if they-- even if they paid on time regularly for eight years, ten years, twelve-- whatever the period is. And in multiple-children cases, you might have a 20, 20-- I mean, if you have four kids, maybe there's a 25-year-long payment period. So, that's what creates the issue, is that the-- all the future payments are given the same lien priority as the date of the original judgment. Nebraska is the outlier. I haven't looked at all 50 states; the states that I have colleagues that practice in-- which is Iowa, Kansas, and Missouri-- all do it the way that we're proposing here, which is every month is essentially its own little mini-lien. You got a-- you got a payment due in June 2025, you pay it, it's gone. You got a payment due July 2025, it is a lien, you pay it, it's gone. So, if you can look at the time that you're closing a real estate transaction and just say they're current, then you can just pass. You can just pass on title. You don't have to go get this extra release that secures all these future payments. What ends up happening in these cases, of course, is as the Realtors

alluded to, as Senator Hallstrom has alluded to, that lien, that, that release that they have to get gets leveraged for all sorts of things that it's really not intended for. In practice, that's what happens, is you get to the closing table, someone now has to call the person that they owe child support to and perhaps have paid them reliably for a decade, and say, hey, you got to come in and sign this thing or else I can't sell my house. And that leads to all these problems. So, all that we're proposing, all that we're supporting is that where they're current, where we can verify they're current using iCHARTS, which is the IV-D system, where we could use that to verify they're current, then we can say there is no lien, we can pass on title. Of course, if they're not current, then, then they got to pay up, they got to get there. And of course, if they haven't been current for 12 consecutive months under this bill, then you would still be in a getting-the-lien-released situation. And I'm done. I'll take any questions.

BOSN: So much for your mercy and brevity. That comes on at three minutes, so.

SAM COOPER: Three minutes is tight for me. That's a tight three for me

BOSN: I, I remember our days in the county attorney's office very well. Senator DeBoer.

SAM COOPER: Any, any questions for me?

DeBOER: Yes.

SAM COOPER: Oh, sorry.

DeBOER: So, my question is one-- and maybe you don't know the answer to this question.

SAM COOPER: Mm-hmm.

DeBOER: How-- the-- what was the purpose behind these sort of, like, future liens? And it seems like the purchase-- the purpose was, and you can tell me if I'm wrong, was that you want to ensure that the money is available for the, the person paying spousal--

SAM COOPER: Yeah.

DeBOER: --or not spousal support, child support, to have.

SAM COOPER: Right.

DeBOER: So, that was probably the purpose of it. And so now, if the asset is sold,--

SAM COOPER: Yep.

DeBOER: --that's probably, like, in some way undoing the-- almost like collateral.

SAM COOPER: Yes. See, you're, you're doing Tim's job for him now. So he-- so, that's what Tim was going to say, is he would say that they're here to, like, secure all these future payments. There isn't really-- I mean, no other states do that that I'm aware of, and there really isn't a right to have your, like, child support collateralized. I mean, most child-- many child support orders, if you are owed child support by someone who doesn't own real estate, then you don't have collateral for your child support. There's no right to have that. And the bill-- the, the current laws that exist under, like, sub (7), I think, in that 42-371, it allows you-- if you want substitute collateral, if you want collateral for your child support, you can go to a court and ask them for it any time. You can always do that. So, there's always been case-- there's always been statutory law that says if you think you're owed, you need additional collateral beyond this, you can go get it anytime. So, there is still that protection there for a judgment creditor anytime that they want it. That wouldn't change under this bill. And I think the other thing that's important to remember is it-- what we're-- all that we're really removing is the-- is forcing them to go to court to get this release. So, if, if I owe child support, which I don't, but if I did-- if I did owe child support and the person to whom I owed the support refused to give me the release, I can still go to court and force them to release. And all I have to do in court is show the payment history.

DeBOER: And the, the force them to release would require you to show that you are paid up, or that you pay on time?

MURMAN: Actually, in that case, it's under sub (3) in the existing law, so 42-371 (3). All I got to do is go to court and show a IV-D payment record that says that I'm current. It

doesn't have to say that I've stayed current for 12 months; all I've got to say is that I'm currently current. And actually, it goes even further than that. The current law says that if I take them to court and I show the IV-D record, it's actually enough to show-- to make showing of-- a prima facie showing of bad faith on their part for not just signing the release. So, all that we're really doing is removing that kind of extra-clunky piece of it. And the timing is really what hangs you up, because a house closes in 30 days; these hearings require a 10-day notice, title commitments don't usually come out till, like, day 10. So, you sign a purchase agreement, you get your title commitment on day 10, now you know you got to get this thing, you got maybe 20 days to get it, and you got a 10-day notice period. You got to hire an attorney, you got to get all-- I mean, it just, it just really gums up the deal, so.

DeBOER: Yeah, yeah.

BOSN: And as Senator Holdcroft says, "Why involve the attorneys?"

HOLDCROFT: Exactly.

SAM COOPER: So, interesting, interesting note, when LB720 was introduced a couple years ago, Senator Holdcroft added his name to it, so. I don't know if you remember that or not, but.

HOLDCROFT: Can I take it back?

BOSN: Senator Storer.

STORER: Thank you, Chair Bosn. First of all, thank you. That was-- that kind of clarified, even though it wasn't as brief as you'd promised. It, it, it clarified a lot, for me, at least.

SAM COOPER: I thought it was very brief. Very brief for me.

STORER: The only additional question, just so I'm sure I understand this, is-- this is an automatic-- makes a provision for that to automatically-- that lien to automatically be removed without any-- there's no, nothing you have to do. Just 12 months of being-- paying on time allows for the lien to be removed, right?

SAM COOPER: As-- I think the way that it's currently worded-- and I, I would agree, I'm a proponent of the way it's currently worded-- yeah, you would just have to go online to the iCHARTS system, which is maintained by the IV-D Division of the Department of Health and Human Services. But you can just go on there. It's actually public, you don't even need a login. Just go in there, look. If it shows that it's current, what, what my practice would be at my title company is go in there, pull a date-stamped one, stick it in our file, no lien.

STORER: OK.

SAM COOPER: Away you go. Yeah.

STORER: So then, is there any provision that in the event they quit paying, paying child support, that that lien can now be put back on?

SAM COOPER: Well, not if they don't own the property anymore. So, it automatically attaches to any real estate owned by the judgment debtor, by the person paying the child support.

STORER: Right, right.

SAM COOPER: Once they've sold the real estate, if there was no lien at the time they sold it, then that would be gone. It couldn't reattach [INAUDIBLE] the real estate they own.

STORER: But they could probably-- you know, mom or dad or whoever is getting the child support, could go back to court, and you could probably go through a court proceeding for the new-- if you had a new house, obviously, assuming you had a--

SAM COOPER: Well, if, if they acquire real estate in the same county in which the judgement's entered, then it automatically attaches again. It would just reattach to the new one automatically. It always automatically attaches to real estate owned in that county.

STORER: But if the 12-month provision removed it, I guess that's what I'm getting at.

SAM COOPER: Yeah, so, they're-- think of them like mini-liens. So, think of them as monthly mini-liens.

STORER: OK.

SAM COOPER: So, you get a lien for each month, and once you're paid, that, that lien's gone.

STORER: Right.

SAM COOPER: So, don't think of like a, like a forever ongoing lien. So, if I'm paid up to current, there's no lien. But next month, when I owe another payment, now, there's another little lien. And it will attach to any real estate I own. And the following month, there's another lien, and it will attach [INAUDIBLE]. So-- I don't know if that's useful.

STORER: Kind of.

SAM COOPER: OK.

STORER: All right. Thank you.

SAM COOPER: Yep, you're welcome. Anything-- any other questions for me?

BOSN: You're dismissed.

SAM COOPER: Thank you.

BOSN: Yeah, you bet. Any other proponents? Opponents?

HOLDCROFT: Another lawyer.

STORER: It's kind of fun watching him make faces back there.

TIM HRUZA: It's been that kind of day.

BOSN: It is-- I will note for the record it is 7:10 p.m. If someone reads this transcript [INAUDIBLE].

TIM HRUZA: Good evening, Chair Bosn, members of the Judiciary Committee. My name is Tim Hruza, last name spelled H-r-u-z-a, appearing today on behalf of the Nebraska State Bar Association in opposition to LB1139. You've already heard, heard me referenced several times. Maybe I'll start with this. I do thank Senator Bosn-- or, Bosn-- Senator Hallstrom for the conversations that we've had on this bill-- they date back to

last fall-- in exploring the Bar Association's past involvement in LB720 from three years ago. I also do want to address the earlier reference to our position related to this, because I think an accurate reflection of the record related to that bill would demonstrate that we took a neutral position for purposes of the hearing in hopes that we would be able to resolve some of the conversations, and we weren't quite able to get there with that bill that year. So, never fully got to an unopposed to Senator Dover's LB720 at that time. I'm not sure if that was-- I know I was criticized earlier, maybe, for coming in in opposition position today, but it was-- truly was an opposition testimony that time as well, with hopes that we would make progress. This version of the bill does make some changes to the introduced version of LB720 from several years ago. The 12 month look-back that you've heard about addresses some of what we had been concerned about. But I think, you know, what Mr. Cooper testified to earlier is really the crux of why I appear before you tonight. Which is, as you've heard from every testifier, Nebraska does have a unique approach to these types of liens in these instances. The reason for that, as I understand it from almost every attorney or judge that works in family law that I've heard from, and as you heard on the last bill earlier tonight, is that a lien for child support exists to secure payments for the benefit of the children. We're talking about making sure that the child supportive payments, even though they go to a spouse that you may hate, are really made to that person, ex-spouse; are made to that person for the benefit of the children. It is child support. Alimony gets involved too, which is why I think you have the amendment, but I have not seen that, and I'll take a look at it just to make sure. But it is, it is-- it serves as collateral to secure those future payments, and our court has been consistent with how we treat that, because they want to make sure they secure that, that paying, supporting parent is supporting those children until the age of 19. That all being said, the reason I appear before you today is because our approach like this under this bill would take away sort of the option that an ex-spouse would right now to go in and ask the court to ensure, provide substitute collateral, make arrangements to ensure that that person continues to pay for those children into the future. You've heard examples of how they may be buying another house within the county. They may not be; they maybe just liquidating an asset. The-- removing the substitute collateral piece gives people some heartburn. And the reason for that is-- sorry, this is where-- this is where we get to the whole point-- we're upending the current system of how we do it in Nebraska. That may be a policy choice that this, this

Legislature chooses to make, or a future Legislature at some point in time. But every divorce decree in existence today has been made, entered into, settled, agreed-upon under the idea that this lien would exist and be treated in this way. I, I talked with Mr. Cooper earlier; I've talked with Senator Hallstrom. I will talk to-- continue to talk to folks. We've put many working groups together in the process with LB720 in the past on this as well. I'll pause there and, and see if there are any questions.

BOSN: Senator DeBoer.

DeBOER: So, I'm not suggesting this, but because I'm trying to get at what you're objecting to, if this only went forward for divorces that happened as of the date of its effectiveness, would you still object to it?

TIM HRUZA: I don't know that I could say that would change our position entirely, because I-- we have not had the ability to contemplate that amendment. But I think, you know, as I've grappled with this now for three years and a couple of interims, and several conversations with former judges and family law lawyers, I, I think if you're making the policy choice to change that, I think that's something that we could definitely talk about. The 12-month look-back helps. It doesn't change the fact that you may have been getting jerked around longer than 12 months ago, and then they decided they were going to-- that there were other problems or non-payment issues, they decided they'd get current so they could sell their property. Like, there are so many games played on the family law side that I think that's where lawyers truly feel uncomfortable about changing sort of the rules of the game and how we've handled these situations. I guess I might also offer for you, though, Senator DeBoer, that I have yet to hear an instance where you go into the district court and you ask for a release of this lien, and it doesn't get released so long as the child support is there. With one caveat: there are several judges who have instances and histories of bad payers, bad-faith actors, whether it be related to the child support order, whether it be, as Ms. Gilbertson alluded to earlier, payment of other expenses that are included in the divorce decree, and may order a bond be issued to, to secure those payments pending the transaction closing. There are instances when that action is appropriate. Judges think so, lawyers on both sides, for, for both parents, think so, in these cases, that that's an appropriate remedy.

Without any opportunity for notice to the ex-spouse that this is going to change or that the, the property is going to go away, or an opportunity to, to take that shot and to go talk to a third party to say, hey, we entered into this divorce decree under an assumption, that assumption's now changing. Should we change the-- should we change that too? Without at least the notice and the opportunity, lawyers just think that's unfair for the parties that are under these divorce decrees until the children are 19.

DeBOER: OK.

BOSN: I have some questions.

TIM HRUZA: Sure.

BOSN: So, if I'm understanding Mr. Cooper's testimony correctly, as it stands right now, if Senator DeBoer and I are married and we separate, I want to sell my home and she won't sign the paperwork, I can hire an attorney at an expense, file a hearing-- for-- notice for a hearing at an expense of court costs, and go in and accomplish the exact same thing that this bill seeks to accomplish, if I pay all the people that you represent.

TIM HRUZA: Well, I take issue with the-- into that last characterization, Senator, but only to the extent that--

BOSN: They don't pay you well?

TIM HRUZA: --that is 100% true. You don't have to-- you don't have to have a lawyer to go to the, to the district court to ask for a release of the lien. But you would have-- you would have to make the request. You'd file a motion in your pending matter and go before-- get-- schedule a hearing before the judge to do that, yes. That process can be done preemptively, right?

BOSN: But can-- is it accomplishing the same thing? You're going to court and getting--

TIM HRUZA: Yes. As I, as I just testified, I have yet to hear a story where a judge doesn't ultimately release that lien under some conditions. So, either the condition is that they're paid-- to the, to the extent that people can harass and abuse this process, no question. There are stories where that happens. Absolutely.

BOSN: But it's also the situation where the testifier who came in who said you lose the house, that you're trying to-- the, the--

TIM HRUZA: Yeah.

BOSN: --the buyer of your property walks away and says "Fine, I'll just go buy from somebody else who doesn't have this lien shenanigans," and now it's, it's a vindictive situation that can result in significant losses of finances so that attorneys-- all due respects to all of us that are attorneys-- can make more money and cloud up the process and waste judicial resources.

TIM HRUZA: I hear you 100%, which is-- you've heard, you've heard some of our members who deal in the real estate area that support this legislation. I would tell you that we have members, members on our committees who support the legislation. This is driven, I think, by the-- this would be a sea change on the family law side of things. Understanding that it does complicate certain real estate transactions, with due respect, a, a Realtor or a title person should be asking at the outset, are you currently-- on this property that we're selling, do you have child support obligations? This is a well-known thing in real estate. You can preemptively make the decision to do the court process if it's not going to be an easy release. This doesn't have to happen the day of closing. There can be arrangements made. All of that being said, that's why we came to the table three years ago and started conversations. That's why we made progress. This version of the bill is better than the last one. The last one dealt more with what Mr. Cooper was talking about, with the expungement of the lien and then the re-release of the lien every month. This would effectively do some of that, but you at least have some coverage. I think where Senator DeBoer is going might be something. We have not explored that extent. We-- last time we were talking, we were taking about notices where maybe you give the spouse a 15-day notice before you then say that the lien is expunged, or something like that. We were just never able to get there and ran out of time that session. It came up this fall. Senator Hallstrom and I had talked. I gave him the background. He came and asked me again at the start of session. We have not engaged. I haven't been approached to say, like-- he, he reached out to me and asked if we were still opposed, and I told him yes. I have not had a chance to talk about where we go next. So, I would be happy to sit down with Ms. Gilbertson and have that conversation. I just, I, I feel

confident that we have acted in good faith on this. I, I think my members have reviewed this at least two or three different times, and the vote has always been that this, that we don't, we don't feel comfortable moving in this direction right now.

BOSN: Senator DeBoer.

DeBOER: You just answered her differently than I thought you answered me.

TIM HRUZA: Sorry.

DeBOER: So, that's why I'm confused. I thought said to her just now that you can go to the, the court and get exactly the same thing that they're basically proposing here. But you, I thought, said to me, sort of, and in some cases, that is correct, that you can go get the exact same thing, but the court may-- what, what did you say, reopen it?

TIM HRUZA: They might place conditions on it. So, that's, that's the point where--

DeBOER: OK, conditions.

TIM HRUZA: --to the extent that-- to the extent that-- and this is where Mr. Cooper and I had gone into conversations three years ago-- to the extent that you give the, the ex-spouse notice that you intend to make the sale, we had tried to explore a pathway for that, and I don't know that we ever got to it, for lack of time probably more than anything. But to, to, to give them notice and say, hey, we're going, we're going to proceed, this house will sale, the lien will be released sort of a thing. You-- if you think you need substitute collateral, it's on you to go to the court. I don't have to do that. Like, that was kind of what we were exploring last time, as I recall the conversations. Because to the extent that you've got an, an ex-spouse who isn't treating you appropriately, right? They're-- they, they may be paying their child support, but they're not paying all of-- they are not paying the half of medical expenses, they're not paying for the dance lessons and the cheerleading and the any other things that come incumbent upon that. That is a violation of the divorce decree that wouldn't show on the child support things but may have been contemplated and considered by both parties who knew they had a lien on the

house to, to make sure that they were, like, as sort of the, the only leverage to make them comply.

DeBOER: Wait. Isn't-- aren't the--

TIM HRUZA: The idea is--

DeBOER: Are't the dance lessons and medical expenses coverages-- covered in the child support?

TIM HRUZA: Not-- no. They're typically in addition to child-- child support is for the support of the child--

DeBOER: OK. All right. Well--

TIM HRUZA: --that-- for-- to maintain standard of living and those sorts of things. Those are in addition to those and are separate from the divorce decree, also are not included in the lien but may have an impact on the decision to enter in that decree in the first place.

DeBOER: OK, well. I'm done.

TIM HRUZA: I'm-- I am so-- I am so sorry. I really am.

BOSN: You're fine. Any other questions? Seeing none. Thank you for being here--

TIM HRUZA: Thank you for your patience.

BOSN: --and putting up with our shenanigans. Any other opponents? Neutral testifiers. While Senator Hallstrom is making his way up here, I will note there were 7 proponent, 0 opponent, and 0 neutral comments submitted online. Welcome back.

HALLSTROM: Well, I'll try to surpass Senator Andersen's closing.

DeBOER: Oh, goodness.

HALLSTROM: And before I forget it, I-- Senator "Holdcraft" [SIC] was a-- Holdcroft was ahead of his time in signing onto the bill three years ago, so I appreciate that, and there's still an opportunity to do so. I, I kind of expected that Mr. Hruza would turn into a pumpkin by 7:00, but instead, he just lost his glass slipper on the way up. I, I am not-- I am not questioning his

good faith in this matter, but Johnny Rivers had a song that says slow dance and sway into the music. There's a lot of slow walking going on here. It's been three years since they were close to a, a resolution of this, and I think it's time for Nebraska to eliminate its status as an outlier with regard to the treatment of the child support liens. We don't need to be different from everyone else. I think both Senator DeBoer and Senator Bosn have identified that the ultimate outcome is no different except you spend some money getting there. I don't think it's probably good counsel to suggest to people that they can go in and file their own motions. I don't that's what happens in reality. They hire an attorney, they spend some money, it's taken out of the closing, if the closing takes place. If it's, if it's delayed enough, maybe we've lost a sale. But I think, you know, to suggest that there are-- I think there may be-- may have been several judges that put conditions or require a bond, or require additional collateral. That's several judges probably in the history of mankind. I've practiced law for a long time; I've never seen it done. These releases are allowed as a matter of course at some expense. And I think we've come up-- the, the one thing, and, and at, at risk of, of being more confusing, I think one thing that the witness that was talking about the 12-month period made the statement about if there's any proceeds, they ought to be applied towards the delinquencies-- that would be fine, except the bill on its face says you must be current in every respect. The issue of the 12 months was an accommodation to something that Mr. Hruza and I talked about to try and make the bill more attractive in terms of saying we don't just have someone that comes in on the eve of closing, having been a, a bad actor, failed to pay their child support forever, comes in, and they pay it on the eve of closing. And you can probably expect that they're going to turn around and continue being a bad actor after the effect. So, it's just simply designed to say, let's show some good faith, let's show that somebody has a, a proven track record of making payments on time for a significant period of time, 12 months. You know, may be random, but we felt that was a long enough time to, to look back. So, with that, I would hope that the committee would look favorably upon this bill and advance it out during exec session tomorrow. So, with that, I'd be happy to address any, any questions.

BOSN: Such a formal request to close out your list [INAUDIBLE].

HALLSTROM: And, and I, I do appreciate it. I, I do want to say, this is a very serious subject. We've had a little laughter tonight, and if anybody wants to take pictures while we're talking about a serious matter, they're free to do so.

DeBOER: Oh, for goodness sakes.

HALLSTROM: But-- anything else?

DeBOER: Have you ever been to David City?

HALLSTROM: Well, they got enough promotion without me beating, beating the drum for them.

STORM: Yeah, don't [INAUDIBLE].

BOSN: It's been a wonderful afternoon. Thank you. Are there any questions for Senator Hallstrom? Thank you for your patience, everyone. And that concludes our hearing for today.