

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate April 30, 2025

ARCH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-first day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Pastor Jeff Baker from New Life Church in Kearney, Nebraska in Senator Clouse's district. Please rise.

JEFF BAKER: Let's pray. Lord, we praise you for another day that we get to worship you. Lord, I think many times we think of Sundays as the day of worship, but today is a day of worship. We worship you with our gifts, with our talents, Lord, with these positions that these men and women have been elected to. Lord, we ask that you would give them a wisdom today, wisdom beyond their years, wisdom beyond their knowledge, wisdom beyond books they have read, conversations they have had, a wisdom that only comes from your spirit, Lord, to lead in this great moment of today. Lord, we ask that as you lead and you guide them that decisions that are made today will both glorify you and they would honor people. Lord, those are the two commands you gave us to live by: to love the Lord with all of our heart, soul, mind, and strength, and to love our neighbor as ourself. And today, Lord, I pray for them that they would live their lives in such a way that brings you glory and honor and would also be lived to love and protect and provide for those of this great state that they get the chance to oversee. And so, Lord, fill their hearts with great joy to serve in this position. Let them be reminded that, Lord, they're serving you first and foremost, and then serving people. Let their heart be full of peace today as they make decisions. And Lord, would you bless them. Bless them, their families, their constituents that they, that they oversee. And Lord, may they sense the leading and the guiding of your spirit in all the things that they do today. Let, let your glory shine upon them and live through them and speak through them. In Jesus' powerful name. Amen.

ARCH: I recognize Senator Brandt for the Pledge of Allegiance.

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

ARCH: Thank you. I call to order the seventy-first day of the One Hundred Ninth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

ARCH: Thank you, Mr. Clerk. Are there any corrections for the Journal?

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CLERK: I have no corrections at this time.

ARCH: Thank you. Are there any messages, reports, or announcements?

CLERK: I have no messages, reports, nor announcements, Mr. President.

ARCH: I'd like to recognize the family physician of the day: Dr. James Watson from Papillion. Welcome, Dr. Watson. Thank you for serving today. Senator Clouse would also like to recognize some special guests. They are located under the north balcony. Kim Baker, who's the wife of Jeff Baker, who gave our invocation this morning. They have campuses in Kearney, also Holdrege, North Platte, and Ogallala. And LaVon Clause-- Clouse, Senator Clouse's wife. Welcome. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR131, LR132, LR133, LR134, LR135, LR136, and LR137. Mr. Clerk, we will move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB650. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays to dispense with the at-large reading.

ARCH: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB650]

ARCH: All provisions of law relative procedure having been complied with, the question is, shall LB650 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Clements, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Cavanaugh, Cavanaugh, Clouse, Conrad, Hunt, McKinney, Spivey. Not voting: Senators Guereca and Hansen. Vote is 40 ayes, 7 nays, 2 excused, not voting, Mr. President.

ARCH: LB650 passes. We will now proceed to LB6-- with the emergency clause attached. We'll now proceed to LB645e. The first vote is to dispense-- Mr. Clerk.

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CLERK: Thank you, Mr. President. Senator Ballard would move to return the-- excuse me, Mr. President. Senator Conrad, I have AM1194 with a note that you would withdraw.

ARCH: So ordered.

CLERK: In that case, Mr. President, Senator Ballard would move to return the bill to Select File for a specific amendment, that being FA161.

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

BALLARD: Thank you, Mr. President. I've filed FA161 to-- in order to briefly put some information on the record, and I plan to withdraw the amendment immediately after. With the adoption of AM1190 on Monday, my office, as well as NPERS, received a number of questions regarding the applicability of the changes of the State Patrol plan under Senator Bostar's LB76. Absent a specific language in the statute that requires-- the plan does not apply retroactively. Because the surviving spouse provisions in LB76 contained in LB645 do not contain retroactive language, the interpretation of both the legal counsel at NPERS and the legal counsel of the committee that these provisions do not apply retroactively. And the interpretation also assumed the actuari-- actuarials when conducting the study on LB676 [SIC]. Any surviving spouse currently receiving 75% survivor benefits will continue to receive 75% surviving benefits until the effective date of July 1, 2027, who will also receive 75% effect-- survivor benefits. As the bill was amended, only those surviving spouses for current and active members who die after July 1, 2027 will receive 100% survivor benefits. With that, I will withdraw FA161. Thank you, Mr. President.

ARCH: So ordered. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays to dispense with the at-large reading.

ARCH: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB645]

ARCH: All provisions of law relative to procedure having been complied with, the question is, shall LB645 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bostar, Brandt, John Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Hard-- Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Machaela Cavanaugh and Spivey. Not voting: Senators Guereca and Hansen. Vote is 45 ayes, 2 nays, 2 excused, not voting, Mr. President.

ARCH: LB645 passes with the emergency clause attached. Mr. Clerk, next item.

CLERK: [Read LB645A on Final Reading]

ARCH: All provisions of law relative to procedure having been complied with, the question is, shall LB645A pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

CLERK: Senator-- voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Hold-- excuse me-- Hallstrom, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senators Guereca and Hansen. The vote is 47 ayes, 0 nays, 2 excused, not voting, Mr. President.

ARCH: LB645 does it-- LB645A does proceed with the emergency clause attached. It passes. Mr. Clerk, next item on the agenda. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB650e, LB645e, and LB645Ae. Mr. Clerk.

CLERK: Mr. President: Select File, LB258. There are no E&R amendments. Senator Conrad would move to bracket the bill till June 9, 2025 with MO146.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise to ur-- I-- to encourage your support for MO146. As you well remember from a spirited debate on General File, this measure, the underlying bill, LB258-- brought forward by my friend, Senator Raybould-- would undercut

the will of the people and would prevent hardworking Nebraskans, including young Nebraskans, from being able to fully realize the intent of the Nebraska electorate to ensure that our minimum wage policy keeps pace with inflation so that young workers, senior workers, all workers all across the state have an option and opportunity when they work hard to at least have minimum standards in place that help to keep pace with the ever-rising cost of groceries and gas and clothing and transportation and housing and medical needs and other things that everyday Nebraskans and their families need to sustain. There has been a long debate-- not only on this measure but in our country and in our state-- in regards to minimum wage policy. Minimum wage policy has been on the books as a matter of federal law for over 85 years. There have been multiple efforts during that time to increase the minimum wage on the federal level and corresponding efforts on the state and even local levels to increase minimum wage to better meet working families' needs, to help boost economy, and to ensure that those who are working have an opportunity for fair pay. Many of the arguments that we've heard from proponents of LB258 at the committee level and during General File debate are very similar to the arguments that we've heard in opposition to minimum wage policy for over 85 years. There is a frequent chorus of voices that oppose minimum wage measures, indicating that it will have a negative economic impact. Meta study after meta study after meta study of this issue on the federal, state, and local levels have illustrated and demonstrated that those concerns do not come to fruition. That is also the case right here in Nebraska. Nebraskans have decided with their vote at least twice in recent years to increase the minimum wage when the federal minimum wage has failed to keep pace with the cost of living and when this Legislature has failed to enact modest but meaningful increases to the state minimum wage through this body as well. Due to that frustration and dissatisfaction, a diverse group of Nebraskans-- including many business owners and business leaders-- stepped forward to organize a citizen initiative to raise the minimum wage in 2014 that was successful and that went into effect. And we can look at that experience. We can look at the data. We can see that proponents' claims regarding LB258 never came to fruition. After the 2014 increase and subsequent scale-ups from there to \$7, \$8, \$9 an hour, respectively, Nebraska's economy remained vibrant. Nebraska's unemployment remained low. The net impact was to lift over 100,000 working Nebraskans up and out of poverty. Then again we saw that minimum wage lost its buying power and was gobbled up by inflation. And this Legislature failed to act. And Congress failed to act. So again, a diverse group of citizens came together across the state. They gathered petitions. They met arduous hurdles for ballot access, garnering tens of thousands of signatures in 38 out of 93 counties.

They secured the support of hundreds of small business owners that lent their voice and their support to this measure in many districts across Nebraska. And they went out and they communicated to their fellow Nebraskans about the need to raise the minimum wage and to include an indexing provision that would help to ensure that we weren't continually going to the ballot but that minimum wage could help to better keep pace with inflation. That measure passed with almost 60% of the vote, which is very similar to where the results were in 2014 as well. And as we well know and as well established in a democracy, 50% plus one wins. It won. Opponents of that minimum wage measure and minimum wage measures in general cynically failed to even organize an opposition campaign. These same deep-pocketed business interests who spend generously and frequently on political endeavors didn't even bother to put together a campaign. They didn't host town halls. They didn't write op-eds. They didn't organize mailers. They didn't canvas door-to-door. And they waited. They were laying in wait for this Legislature to come in, cynically, and undercut the will of the people. And that's what's happening with this measure. And this measure has real impacts for real Nebraska families. Many young workers in Nebraska are saving for college or perhaps their first car or pe-- perhaps to build their resume and their job skills and to have extra spending money available. Many working young Nebraskans are also parents, are also young parents that have young children and have to contend with the cost of child care and the other costs that come with raising a child, which are ever increasing. Many young workers in Nebraska are working not for pocket change or bubble gum or even their own future but are working as much as they can in addition to going to school and turning their paychecks over to their families to help meet their family's basic needs. Arbitrary carve-outs and caps on what those young workers bring home hurts those young workers. We've heard from proponents of this measure that if we don't adopt these arbitrary carve-outs and caps, young workers will not have a job. Friends, the record does not back that up. Go and look at what happened in regards to minimum wage increases in 2014 and again in 2022. Look around your communities. At the fu-- at the help wanted signs. Look in the help wanted sections of your newspapers. Look online. I was driving to my home community in Seward just last weekend for a family event, and prominently displayed on the sign of a local fast food restaurant said, 14- and 15-year-olds welcome. Please apply. Under current law. Without carve-outs and caps. We know that we have workforce challenges in Nebraska. We know we have a significant amount of job openings. We know we have low unemployment. We know we have a vibrant economy and business community. We need to ensure that all workers, including young workers, have an option and opportunity to work hard to support

themselves, their young families, or their families as a whole. We know that the majority of minimum wage workers are women, people living in rural Nebraska, workers of color, and even seniors as well. These carve-outs and caps hurt them and their ability to provide for their family. When we take wages out of workers' pockets, we push those costs onto taxpayers through the forms of work support programs and public benefits. Minimum wage policy that the voters passed was successful, and it needs to be honored. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. Colleagues, I rise today in support of the bracket motion and-- not to debate the finer points of economics or rehash arguments about labor policy but just to make the simple point that the people of Nebraska spoke clearly in 2022 when they voted to raise the minimum wage. They voted for a specific dollar amount. They voted for a timeline of scheduled increases. And they voted for those increases to be tied to the cost of living. That's it. The measure was debated publicly. It was campaigned on. It did not have a strong opposition campaign when it was on the ballot. And it was passed by a strong majority of voters across the state in all of our districts. And our job now is not to revise it or reinterpret it or undercut it. Our job is to respect it and implement it fully and faithfully. I was speaking with Senator Conrad this morning and Senator McKinney, and it's kind of incredible the-- kind of just the gaslighting this session in this Chamber and just-- you know, the will of the people doesn't matter. The, the pra-- pra-- best practices and precedent doesn't matter. Op-eds don't matter. Emails from the voters don't matter. We can do whatever we want anyway. And this measure is an exact example of what I'm talking about. We don't have to agree with the policy to do our duty here. Some of you may have opposed the minimum wage increase at the time. And you still may believe that it will hurt small businesses or impact your own businesses, but we are not-- it's not our role for us to substitute our personal judgment for the will of the electorate. We're here because the people put their trust in this process and in us, and now they expect us to honor that trust. LB258 directly undermines that expectation. This bill attempts to rewrite a key part of what voters passed by weakening what they passed, rewriting it, creating a second-class citizen tier of wage earners based on age. That doesn't make sense to me. How about we make a different tier of wage based on older people? You know, if we're saying 14, 15, 16-- teenagers can't earn the same wage as everybody else. There's all kinds of limitations that people have based on their age. But that's not something that would ever fly. We're not talking about a minal-- minor tweak or technical correction. We're talking about overriding the

people's decision. If we pass this bill, we are telling Nebraskans that their vote only counts when it's convenient for us. That's not a democracy. It's not public service. And it's not the role of a citizen legislature. I doubt that many of you look at Reddit. It's a website. It's kind of like a social media website that's like a forum. People can post a, a main thread, and then folks can make comments underneath it. I am not a big Reddit user. I'm really not. I'm, I'm never on there. But I think it's a really good way to kind of gauge how the public is feeling about things in Nebraska. I'm more active on things like Twitter and Instagram and a little bit Facebook. But what's interesting about Reddit is you can go on there and you can find sites that are, like, Omaha specific, or Lincoln or Nebraska or Nebraska politics. And there are thousands and thousands and thousands of people who are active on these forums. Way more than Twitter, you know. So I see people's feedback on Twitter and stuff like that. But that's not even really that representative of our constituents. But if you look on Reddit and you see, like, the Nebraska-- it's called a subreddit-- like, the page where they post these things. It's people of all ages, all backgrounds, from western Nebraska, from central Nebraska, all over the state resoundingly flabbergasted by what this Legislature is doing with minimum wage-- and many other things, but that's the topic of the day here. They're asking things like, why do we even vote? What's the point of voting if the Legislature's going to turn around and do the other thing? There's hundreds and hundreds of comments of Nebraskans saying things like this. And these are real Nebraskans. These aren't trolls. These aren't people from other states coming in and talking. And this is where they talk amongst themselves, not even reaching out to us. I mean, we know Nebraskans have been emailing our offices and calling us, telling us, begging us not to support this measure.

ARCH: Time, Senator.

HUNT: But you can see it-- thank you, Mr. President.

ARCH: Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I rise in support of the bracket motion. I do not believe that we should be bringing legislation to undo the will of the people. I appreciate the, the interest in trying to make some changes. I also appreciate the argument that we can make changes, but there are a lot of things that we can do. It doesn't mean that we should do them. So yesterday, the budget book came out. And in it, in addition to a lot of different things with the budget, is the revenue forecast. And our revenues are down. And-- no surprise. I think we all were anticipating that our

revenues were going to be down. And part of the issue here is this, this idea of keeping-- consolidating wealth instead of dispersing wealth. It's kind of like consolidating power instead of dispersing power. The best way to build wealth is to disperse it. The best way to build power is to disperse it. And when we have a consolidation of either, then most vulnerable people are going to be harmed the most. So I, I want to be clear that I appreciate what people are bringing to the table here and that they are trying to find a compromise. But I think Senator Hunt and Senator Conrad have already said it: we had that opportunity in the Legislature. We had the opportunity to compromise and we didn't take it. We didn't do anything in the Legislature. Senator-- former Senator Tony Vargas brought paid sick leave. I can't even remember who all brought inco-- oh. Senator McKinney brought the minimum wage bill multiple times. I've brought paid family medical leave. And when we don't act in here and put in the guardrails that we think, using our best judgment, then it is up to the people. And the people took action and the people spoke. And they overcame a lot of hurdles to do that. And when we talk about undoing the will of the people, I don't think that that's something that we should be considering lightly. And it does kind of feel like collectively this Legislature is willing to undo the will of the voters continually without much regard. And I-- I'm not really clear on why that is. I was having this conversation this morning with Senator John Cavanaugh as we were driving here from Omaha about how this-- there's this shift, and it's a shift from respecting the voters and, and really making decisions in here because of how your constituents think and feel. And that used to be really a cornerstone in decision-making in the body. But over the last several years, I've seen that eroded more and more and that we've, we've kind of disregarded the voters, that they-- their thoughts and opinions don't really matter, their lived experiences aren't important. And the fact that we have LB258 for minimum wage, LB415 for sick leave, and-- oh, I forgot. Well, we have two bills on medicinal cannabis and, and Delta 8. And so we are-- those are all targeting ballot initiatives that were the will of the people. And the only thing that isn't being targeted is the abortion bill-- or, ballot initiative. And somehow, they got-- the voters got that right. And that was confusing. I was confused. That was confusing. But they got that right. But the rest of these things that benefit everyday Nebraskans they got wrong because it harms businesses' bottom lines. That doesn't make sense to me at all. And so I think that we should be really taking a moment of self-reflection and question our own motives as to what we're doing here today and every day, day after day. You might be able to tell that I'm a little bit tired today because we keep having late nights and late nights and late nights, and it's just--

ARCH: Time, Senator.

M. CAVANAUGH: --kind of brutal. Thank you, Mr. President.

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

BOSTAR: Thank you, Mr. President. I rise in, in support of M0146, the bracket, and opposed to LB258. But what I want to rise and talk about are the remarks put in the record on LB645. That was the Retirement bill we just passed on Final Reading. It was stated that it wouldn't apply retroactively and that was the interpretation of some folks. And, and I fundamentally disagree. So I believe that when the enactment date of the legislation were to take effect-- which is July of 2027-- the legislation would apply to all surviving spouse retirees in the plan. And it seems to me, contrary to what was stated, that the actuaries hold that position as well. Because if you're able to put a \$3-plus million fiscal note on an actuarial impact and we basically lose four troopers a year-- and we're talking about a 25% benefit increase for surviving spouses-- that would mean that if every one of those troopers was married and every one of them pre-desbeased-- pre-deceased their spouse, even in the most generous case you're looking at over \$3 million impact for a 25% increase for four people? That doesn't add up. Their benefits are not that generous. Because there is no other way for the math to work on the numbers that were handed down by the actuaries, by NPERS, it must apply retroactively. Otherwise, the number wouldn't be \$3 million. There is no other mathematical way for this to make sense. So while we're putting things in the record, I disagree. I believe, upon the enactment date of that legislation in 2027, all surviving spouses should, and rightfully, have their surviving spouse benefits increased to 100%. That is what we paid for. That is what the actuaries clearly calculated. So I hope they take that information as they look to their benefits in the future. And with that, I will yield any remaining time I have to Senator Conrad.

ARCH: Senator Conrad, 1 minute, 30.

CONRAD: Thank you, Mr. President. And thank you to my friend, Senator Bostar. I appreciate his opposition to the underlying measure. And I cannot express my gratitude sufficiently for his leadership in regards to ensuring that our first responders and working men and women have access and opportunity not only to fair wages but to a dignified and appropriate retirement. And I know that this is an issue that we're going to really need to grapple with in this body because we've identified some tensions between the actuarial required components in regards to retirement changes and how that interfaces with our fiscal

notes. These retirement plans and legislation impacting that is no doubt complex even if not controversial. But it goes to show how we really need to have a thoughtful and deliberate process to make sure that we can honor commitments to our retirees and our first responders and need to figure out the political will to write the process and then also prioritize these investments and commitments in our overall fiscal picture. And that definitely needs to go into the bottom line in our budget deliberations and otherwise-- for this plan, for other plans, for the teacher plan that we just took up, but I--

ARCH: Time, Senator.

CONRAD: Thank you, Mr. President.

ARCH: Senators Lippincott and Quick would like to recognize some special guests. They are 50 fourth grade students from Stolley Park Elementary in Grand Island. They are located in the north balcony. Students, if you would rise and be recognized by your Nebraska Legislature. Senator Storm would also like to recognize some special guests. They are 33 fourth grade students from Yutan Elementary in Yutan, Nebraska. They're also located in the north balcony. Students, if you would rise and be recognized by your Nebraska Legislature. Returning to the queue. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I rise today in favor of the bracket motion and respectfully opposed to LB258. I do think we're going to have a decent conversation here today about the ins and outs of the bill, how it does or doesn't work, but I do want to put on the record my clear sentiments-- which I think have been echoed by many before me-- that my major objection to what we are doing here is in fact walking back the vote of the people. I would agree with Senator Hunt and others that the online community-- which I know maybe some in this room aren't as tied into-- is, to put it quite frankly, livid with this body. I have a number of friends who I hang out with, talk to on a regular basis, that are not in the political world, who work sort of your everyday jobs, who-- one of my best friends is a barista at a Starbucks. The other one is a graphic designer. The other one's a nurse. I mean, they're not people who live in the Capitol and do the things that we do every day. And they are completely beside themselves with the continued efforts that this Capitol continues to have, it seems like, in walking back the vote of the people. I also try hard to, you know, check all my emails and listen to voicemails, and one of the continued sentiments that we've had from people in the community is frustration that we are not only not listening to them when they do sometimes email us or reach out but that when they-- when

we do have an opportunity to address these issues, we just continue to narrow the things they voted for. And I think one of the saddest things about that is the sentiment is not just frustration and anger, but it's complete apathy about the system. Right? The, the, the, the thing that I keep hearing from those people is, why should I vote? Why should I show up? I know a bunch of people who, I'm gonna be honest with you, were not that excited about the last presidential election. They weren't really jazzed to vote for either of the candidates, but they were excited to show up and vote for ballot initiatives because they knew that their voice at the state level could make an impact and could make a difference. And they said they wanted to go to the ballot box to vote for medical cannabis. They said they wanted to go to the ballot box to vote for paid sick leave. They'd previously gone to the ballot box to vote for a minimum wage that was somewhat closer to a living wage even if it didn't actually meet even that bare minimum standard. And it took some convincing between me and a couple of my friends to say, hey, you should go vote. Even if you think your vote doesn't matter at the national level, it does matter at the local level. It does matter for city council. It does matter for, for county board. It does matter for these ballot initiatives. And they did. They went and voted. And they participated. And I was really proud of them. Because it's sad, I think, to some of us in this room how few people reach out and actually engage in the political process anymore. But the fact that they did was really, really cool. But now they feel really frustrated. And they feel even more disillusioned with the fact that they-- what-- what's the point, they've said time and time again. Why should I show up at the ballot box and make my voice heard if you 49 people are going to go into the Capitol and walk it back? And that's who I want to start by talking to today, are those people who feel like their voice doesn't matter. I guess I want to say to those people who are watching, who are listening: I hear you. I understand that frustration. I have the rare opportunity and the honor to get to come to this job every day and do my best as possible that I can to try to lift up those, those values and those voices of those people, but not everybody has that opportunity. So colleagues, I think it is incumbent upon us to not walk back the vote of those people. I think it's our job to try to listen to them and to try to effectuate the things that they voted for in whatever best way we can. And that doesn't mean we're always gonna agree, but I think that it's important that we, we lift up their voices. My yellow light's on, so I have just about one more minute. I wanted to segue real quick. This morning at 10:30 is a funeral for a person in Lincoln that a lot of us loved and knew. His name is Dylan Wall. He passed away on Easter, I think. I can't be there today because I'm here, and that really bothers me. But I just wanted to give Dylan a

shout-out. He was a great person. He worked at the coffee house. He was a bartender around downtown. He always wore a Hawaiian shirt and a smile on his face. And he will be sorely missed. So I just want to say thank you to the people that are going up to Columbus today for his funeral. He was an amazing person. And I was texting some folks just now and I said I'd give him a shout-out on the mic, so. Doing my best to say thank you to Dylan. And I appreciate all of the friendship he gave all of us in Lincoln. And my hope is that he's riding his bike somewhere right now. He loved riding his bike. And there's going to be a bike ride here in Lincoln coming up in a few days on his behalf, and I look forward to taking part in that. So shout-out to Dylan Wall. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans watching this on TV. In a nutshell, LB258 does three things. It provides predictability with a capped annual increase in minimum wage starting in 2027 after the minimum wage reaches \$15 an hour. Number two, it establishes a youth wage of \$13.50 for 14- and 15-year-olds as an incentive for them to be hired. Number three, it corrects an oversight regarding current training wages that wasn't addressed in the ballot initiative or wasn't addressed by the Legislature. The current training wage is \$5.44 an hour. This bill, LB258, brings it up to \$13.50 an hour with annual increases. So it's always 90% of the Nebraska minimum wage for 90 days. 90% of Nebraska minimum wage for 90 days. So assuming that we get through the bracket and recommit motions and vote down Senator Conrad's FA73, it is my intention to substitute Senator Clouse's AM1077 for my AM880-- not to steal Senator Clouse's thunder but to make sure everyone is aware of where things stand. His is a friendly amendment that would establish a fixed increase of the minimum wage at 1.75% every year. 1.75% every year beginning in January 1 of 2027. I think this is a reasonable compromise that accomplishes what I hope to do with LB258: give employers predictability for their year-over-year mandated wage increases. I will continue to make the case for this bill, but before I do, there is something that has been weighing heavily on me that I need to address. In my nearly-- in my nearly 15 years of public service, I have never been witness to much less the target of such personal attacks as happened during the first round of debate on this bill. I have a pretty thick skin. I am grateful to those in and outside the body who came to me and expressed their shock over how personal the debate became on General File. I'm not bringing this up to garner sympathy. I am not a victim. And I don't even expect my colleagues or opponents to change their tactics for me. But I do want to call out on

all of us to take a moment to consider our rhetoric on the floor and the impact it has beyond these walls. When we personally attacked someone in this Chamber, even when it's couched with words like "my dear friend," it gives permission for others to direct their anger and their hatred toward that person. And that can have very unfortunate consequences. I was especially struck by those consequences when the news broke of the Molotov cocktail attack on governor's residence in Pennsylvania on the night of Passover. It has been widely reported that the suspect in custody admitted to harboring hatred towards Governor Shapiro. I wholeheartedly support free speech protections, but it does not mean that our words are free of consequences, whether intended or unintended. As leaders, we need to think about the impact our words can have on the people watching and listening to us as we engage in policy decisions that are divisive. I want to truly commend three of my colleagues for their example of setting the right tone, tenor, and model of good debate in our august legislative body. They are Senators Ibach, Storer, and DeBoer for their discussion on branding and feedlots in Nebraska. For those that are not familiar with this highly contentious ag issue of branding fees and inspection and feedlots, it is as divisive as some of the social issues that get brought before us. But you wouldn't have picked up on that, as Senators Ibach and Storer were focused on the facts in a debate free from personal attacks and misinformation. Thank you, senators, for your leadership in upholding Nebraska values. I wanted to make sure I checked in again. During debate on General File, many of my colleagues were having you believe that this legislative body should never modify or amend passed ballot questions once the people have spoken. However, many of those same members who accused and berated me for not honoring the will of voters have sponsored or cosponsored legislation that is being passed out right now that would overturn the people's decision on term limits and the deas pe-- death penalty. If you were listening on the first round of debate, they would have you believe that it is never, ever OK to dispute or change laws in our state for any reason whatsoever, particularly on the ballot initiatives. The constitution gives the people the right and-- the initiative and referendum, but my colleagues repeatedly fail to mention that in that same constitution and in that same paragraph gives the Legislature--

ARCH: Time, Senator.

RAYBOULD: --the right to amend. Thank you, Mr. President.

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

FREDRICKSON: Thank you, Mr. President. Good morning, colleagues. And good morning, Nebraskans. I rise today in support of M0146 and in opposition to the underlying bill, LB358. You know, I can certainly understand and appreciate how some folks who have spoken and, and supported this bill both on General and, and now currently can sort of see this policy as something that might be rooted in kind of economic pragmatism, if you will. I think the idea of giving businesses the flexibility to hire younger workers at lower wages could sound pretty appealing. But I really want to underscore what might be some kind of unintended consequences of that, and, and specifically, you know, as it relates to what the value of a younger person's work might be. I know people have spoken about this before, but, you know, the facts are work is work no matter who performs it. So when a 17-year-old, you know, serves food in a restaurant or stocks shelves or assists with, you know, customers at a retail store-- you know, they-- they're, they're doing the exact same job as their adult coworkers. And I believe that they deserve the same wage for the same work that they are doing. I think anything less sends a dangerous message. It says that young people's labor is worth less simply because of their age. I've heard proponents of this bill argue that it encourages businesses to hire more youth, perhaps giving them a chance to learn and to build experience. But I would also argue that it's very difficult, I think, to build character of our youth on a foundation of something that says, basically, that their work is not equal. We cannot tell them that their efforts are less valuable or that, you know, fairness and equality of wages can wait until they-- another year, until they're a year older. I also want to sort of underscore what a lot of folks have already said, which is that many young workers are not simply working just for-- to, to save money or for their kind of slush fund or their extra cash. In fact, many young workers in the state of Nebraska, as evidenced by a number of emails that I certainly have received and I'm, I'm assuming many of you have received, are working for cont-- to contribute to their household expenses. They're saving for college. They're paying for gas to get to and from school, to their jobs, for groceries, and in many cases helping their families make ends meet. So I don't see having a subminimum wage or a lower minimum wage for, for young-- for them as a stepping stone. I, I, I, I certainly see it more as a, as a setback. I also don't want to ignore the precedent that this sets. So I think it's important we ask ourselves if we begin carving out exceptions of minimum wage by age, then, you know, kind of what's next? Are there carve-outs for industry, by geography, by perceived skill level? I think fair labor-- like, you know, fair labor standards exist because we've learned through hard-won battles that protecting the dignity of work must be universal and not selective. I also want to say that a

fair wage is not just an economic issue. We also need to consider what message that we're sending to Nebraskans, and specifically to young Nebraskans with something like this. Ensuring that they are paid the same minimum wage as others tells young people that we believe in them. It tells them that we value their contribution, we value the work that they're doing, and that, in Nebraska, fairness is not negotiable. So I would urge my colleagues to consider this aspect-- specifically, what is the message that we are sending to younger people when they go to vote today? And with that, I will yield any remainder time that I have to Senator Conrad.

ARCH: Senator Conrad, 1 minute.

CONRAD: Thank you, Mr. President. And again, good morning, colleagues. Thank you, Senator Fredrickson. So the other thing that I want you to keep in mind, colleagues, is that the existing minimum wage law in Nebraska also has sensible exemptions in place, as-- and it has with the citizen initiative. It remains today and has long been a part of our minimum wage policy. So there's already carve-outs and nonapplications if you work for your family, for example. And for super small businesses, if they employ four employees or less, they are not subject to this-- if you're a babysitter in the home, for example. These are some of the well-established carve-outs that ensure that there is appropriate consideration and balance to family work situations and very, very small businesses. That is in effect and has been untouched by the citizen initiative. Thank you, Mr. President.

ARCH: Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. Well, I rise in support of the bracket motion and opposed to LB258. And I think people are pretty clear about my feelings on this subject. So I talked, you know, about this on the General File, but I did want to go back to a little bit the conversation I had on Easter week where I was talking about-- on Maundy Thursday, which was-- is, of course, Holy Thursday. And I did bring that up, believe it or not, thinking about this bill, thinking about-- I believe it's LB415-- thinking about medical cannabis, which maybe is LB677. But this bill was definitely in my thoughts when I was talking about the section in the Gospel of John where Jesus talks about that the messenger is not more important than the one who sent them. And so I hope people thought about that and took it to heart as they contemplated that Easter holiday that was just-- oh, what, now a week and a half ago. And, you know, I think it is relevant to, to think about now. I did pull through my papers here and I found the Initiative 433 vote by legislative district. And I know

Senator Dungan read through all of these on the first round of debate and Senator McKinney had that great line that was, they wanted this more than they wanted you, I think is what Senator McKinney said. And I think that is-- that i-- that's almost as good as the Gospel of John, Senator McKinney. But-- yeah, the voters spoke on this, and they spoke emphatically. Senator McKinney's district, 89%. That may be the only place that Senator McKinney's statement is inaccurate, because I think he got 100% of the vote. My district, 80%. I got 70% of the vote, so. Senator Hunt's district, 77%. I'm guessing Senator Hunt didn't get 77% of the vote. But, yeah. You know. Others. But I-- it-- there are a few districts where this didn't get a majority of the vote, and there are even fewer districts that I think got below 60% of the vote-- between 50 and 60 is what I'm saying. I can only see one, two, three, four dist-- five districts, six districts-- seven. There we go. Seven districts that got below 50%. So I guess the-- pointing all that out-- and I don't need to go through all that-- is to say that we've had conversations on this bill and we've had conversations on bills about paid sick leave. And again, the-- it's the representation that we should come in and change what the voters have done to erode what they did. So we're not putting it in some sort of functioning system, which we did with casino gambling. And that was by the folks-- that was advocated for by the people who brought the ballot initiative. They came and asked us and said, we need some cleanup in the regulatory structure. We're not-- like on medical marijuana, medical cannabis, where the folks who brought that bill are asking us to put a little bit more structure in place to ensure availability, accessibility, and safety. So the people who advocated for that are asking for some regulation-- additional regulation there. On this, the folks who brought this ballot initiative are asking us not to undermine and erode their will. On page 6, people are asking us not to meddle on that. And so when I talk about the Gospel of John and I talk about that line where Jesus said that the messen-- the one-- messenger is not more important than the one who sent them, the people are the ones who sent us here. They voted for this bill. And to insert our des-- own desires and wills and opinions above them when they are asking us explicitly not to do that I think is a mistake. So I will push my light and see if I get to talk again based off how much time we have this morning. But I think it is really important that we respect the will of the people on these sorts of things. I think that the, the people voted for this for a specific reason. I have some more math here that I did last time. But the voters have spoken repeatedly on desire to increase the minimum wage and to see it continue to increase. The difference between this ballot initiative and previous ballot initiatives is that it has the continued increase. And that is the part we're talking about here,

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where the voters want it to go up to keep pace with CPI. They don't want an artificial ceiling because CPI goes up sometimes 3%, sometimes 4%, sometimes less than that, less than 1%. But the average CPI over the last ten years or so has been more than 1.5%. Thank you, Mr. President.

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

JUAREZ: Good morning, colleagues. And good morning to everyone online that is with us again today. I'd like to know if Senator Raybould would yield to some questions, please. Senator Raybould?

ARCH: Senator Raybould, will you yield to a question?

RAYBOULD: Yes, I will.

JUAREZ: OK. Thank you very much. Sorry I didn't alert you. I was too busy trying to get ready here. So I don't know how many of our representatives that are in our body own a business, and I would like to ask you some basic questions as far as your business goes. Could you tell me how many young people, teenagers, would you say that-- do you have employed in your business right now?

RAYBOULD: Well, I want to clarify I'm not the HR expert on these matters, but I, I can assure you that we hire-- we do not hire 14- and 15-year-olds, and we haven't done that for about 15 years. But we hire 16-year-olds, starting at 16, because the 14- and the 15-year-olds cannot touch so many things. Like, they can't touch a slicer. They can't touch a compactor or a baler. They can't be around hazardous chemicals. They can't be around any type of machinery or equipment. They can't do work in the bakery. So for those reasons, we haven't been hiring 14- and 15-year-olds.

JUAREZ: OK. So as far as when you're setting wages for your employees in the business, are you part of that discussion? Or you pass on to the managers in your business wha-- what you would like to set, you know, for the wages to pay the employees? Are you involved with any of that?

RAYBOULD: Well, I was on the executive committee, and we do discuss any wage increases. And we are in compliance with all state and federal requirements about offering minimum wage. We do know that we have a workforce shortage. And so as all businesses, we have to be competitive and we have to be competitive on the wage and we have to be competitive with benefits to attract and retain workers.

JUAREZ: OK. So serving on-- at that level, what kind of feedback do you get from your managers about the wage and-- you know, does it contribute to good morale for the employees? What other feedback do you hear?

RAYBOULD: I think what I hear from managers the most primary concern is that, that our workforce wants to know that we care about them, that we validate the, the work that they do. But as far as minimum wage, that, that doesn't really get brought up in the discussions. It's just part of everyday business operations. You have to, to be in compliance with minimum wage. We have to have competitive wages. We have to have competitive benefits. We have to make sure that we're listening to any of, of our associates' concerns and responding accordingly so that they feel valued, that their work is valued, that they do contribute.

JUAREZ: OK. And my other question that I have is, when you're looking at, for example-- I'm sure there's a lot of things that increase as far as prices go with your business. Do you actually sit down with your CPA or accounting firm that services you to find out where in your business can you reduce expenses so that way you might be able to afford to pay your employees with the increased costs that you're foreseeing now with your business in the future on this minimum wage law?

RAYBOULD: Well, what I want to say for the record: we are a large employer. We have over 3,700 associates. So as a large employer, we deal with all kinds of competitive issues that impact us so that we can make sure that our price point of the goods and services that we offer are highly competitive. So we can absorb some of these costs. We know how to do it. But it's those small businesses that are on razor-thin margins. It's the day care centers. It's home health care providers. It's the referees for your youth sports. All these costs have to be passed on. They cannot absorb them like a large business operator. We have great strategies in place. We have had to be competitive for more than 60 years with national, big box retailers. So we know how to do it. We have a team that knows how to absorb any type of minimum wage increase, any other type of element that can hit us because we have developed a great team that can deal with these issues. But small businesses don't have a team. They don't have an HR director.

ARCH: Time, Senator.

RAYBOULD: Thank you.

JUAREZ: Oh, gosh. That went by fast. Thank you very much for addressing my questions. And I did want to say that--

ARCH: Time, Senator.

JUAREZ: Oh. OK.

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

SPIVEY: Thank you, Mr. President. And Senator Juarez, if I don't get through all of my time, I will try to yield you some so you can wrap up your questions because I know that there are a lot of people in the queue. But good morning, colleagues and folks that are watching online and joining us in the Rotunda. I know that this is going to be another robust conversation as we are talking about wages and sustainability for small businesses, the impacts that it has to young people. And I have some specific remarks around LB258 and the motion by Senator Conrad but would be "remitted" if I did not take a, a moment the last day to-- of April to recognize Second Chance Month. So I did put in a resolution that was signed, and I wanted to read it around Second Chance Month and what it means. So-- whereas Second Chance Month has been observed in April in the United States since 2017 in an effort to raise awareness of the collateral consequences of criminal, especially felony, convictions and to seek solutions; and whereas, each year, more than 600,000 individuals are released from state and federal prisons across the United States, including over 4,000 returning to communities in Nebraska; and whereas, Second Chance Month is the time to recognize the importance of second chances and to support the safe and successful reentry of formerly incarcerated individuals; and whereas, individuals that are system impacted often face significant barriers to housing, employment, and education; and whereas, removing barriers and supporting reentry efforts through a commitment to second chance opportunities and social support not only strengthens families and communities but also improves public safety, reduces recidivism, contributes to a stronger economy, and ensures that Nebraska remains a land of opportunity for all; and whereas, Second Chance Month is an opportunity to affirm the dignity and potential of every person. And so-- again, as we are having conversations that are, are really important about people, community, I wanted to take a moment on the last day of April to recognize the resolution that I put in. Also Senator Holdcroft's bill around second chances and, and what does that mean. There's also a national movement. And really on the tail of the conversation that we had around LB64 late last night that will be taken up, I'm assuming, later this afternoon around how does this really start with our juveniles and what does that look like when we are wanting to detain them at a younger age, what does that look like when we're not providing the services not only for them but their families. And in a, a piece of that-- which I think it's really important to kind

of thread these very, like, high-level comprehensive thoughts-- is around pay and wages for young people. So when we talk about kids that are entering to our system at younger ages, a lot of that is rooted in the symptoms of poverty and the symptoms of systemic disinvestment. And so while this doesn't seem related, I think it actually is. When we talk about the wages needed for young people-- and not for just a period of time. I know that there's training wage components and just a carve-out for a minimum time. That doesn't work if you are as a young person navigating a community that has seen systemic disinvestment. If you are a young person that contributes to your household, you need your wages now. You need your money now. You need to be able to help contribute to your family's success and sustainability. And I think that's important. I think that's an important conversation and ripple that sometimes we don't recognize as policymakers as an unintended consequence. And so while we have a lot of big topics up on the agenda today, I wanted to make sure that I helped to connect some of those dots around wages and economic security and sustainability and how that absolutely connects to the conversation that we had yesterday and will continue to have around the success of our young people navigating being system impacted or even before that that are at risk of being system impacted. And so I look forward to punching in and hopefully talking more on this topic today and look forward to the conversation that we have to offer to each other as we critically reflect on how we best show up in, in this issue, but really for the constituents that we were sent here to represent. So again, look forward to the continued conversation and will dive in more on the specific topic at hand. And appreciate being able to have some of this conceptual conversation that I think makes us better policymakers. Thank you, Mr. President.

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

QUICK: Thank you, Mr. President. I rise in oppo-- or, in support of the bracket-- the motion to bracket and in opposition of LB258. And these are some of the reasons that I am opposed to LB258, and it's-- starts with the voters. The voters decided this and, and wanted a minimum wage increase. I'm pretty sure the voters knew what they were voting for when they did that because I heard that from the constituents who called my office and sent me many emails about this-- about this bill. I can tell you that District 35 is a pretty diverse district. And I can almost guarantee you that there are teenagers who are-- who, who are out finding jobs and working jobs to help to support their families. We have a pretty high poverty rate in Grand Island and in, in District 35. And most of the rest of it is pretty much middle-class workers. I can tell you that some of the other youth that are, are working are either saving for college. You know, they might be purchasing a car, paying

for car insurance-- which, for teenagers, is, is rather high. And then also they would be purchasing gas and then whatever general things that they would be purchasing. And, you know-- and inflation just doesn't affect us. It affects them as well. So as costs go up for us, costs go up for, for people-- for young people as well. One of the things I was thinking about-- and I think Senator Spivey kind of touched a little bit on that. For me, it's always been we should be investing in our kids. We should be investing in them in younger ages, investing in their families to try to have-- make sure they have successful outcomes. And I, I feel like if we're investing in our kids, it's the best way we can make effective change and have better outcomes for them. I think about the bill yesterday. So we're talking about kids who are maybe 10, 11, 12 years old or kids who are put in detention or maybe-- or, who'd be tried as an adult. So we can do that to, to, to children, but now we wanna pay them less wage and we think they're worth less. So I think it's important that we, we address all of these issues. When kids are younger, we can have-- make sure that they have better outcomes and, and that. So I'm going to read a little bit from-- that, that talks about youth minimum wage. And it's a-- and it was in an article, and it says, modern society has established guardrails around child labor to intentionally address the unique vulnerabilities that youth face in the workplace, including threats to academic and behavioral outcomes, risk of injury and exposure to long-term health impacts, and high rates of workplace violence and wage theft. But teenagers-- but teenagers' labor is not worth less than a-- than-- not worth less to employer-- employers and our economy, and wages re-- should reflect this reality. At a time when child labor violations are on the rise, policymaker shou-- policymakers should seek to raise-- not lower-- standards and strengthen protections for youth in the workplace. Youth and adult, and adult workers, especially in the lowest-wage, lowest-wage industries will benefit. Youth, youth people deserve to be paid at least the, the, the same minimum wage to which adult workers are legally entitled. Anything less is, is discriminatory, "exploitive," and harmful to all workers of all ages. And if Senator Conrad would like the rest of my time, I would yield my time to her. Thank you, Mr. Speaker.

ARCH: Senator Conrad, 55 seconds.

CONRAD: Thank you, Mr. President. And thank you to my friend, Senator Quick. One kick-- quick point that I want to offer a rebuttal of to my friend, Senator Raybould. She lifted up some points of con-- contention or examples of members bringing forward constitutional amendments to address issues that had previously been voted on by the people. It is easily distinguishable. These constitutional amendments are referrals

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to the people. They are not changing definitions or changing implementations by the Legislature themselves. They are asking the people. They are, they are to facilitate the will of the people, to check in on those issues, to see where they stand in regards to those measures. They-- we are not taking it upon ourselves with those measures to change definitions, create arbitrary--

ARCH: Time, Senator.

CONRAD: --caps or carve-outs. They are expressly to facilitate the will of people, not undercut it, and are easily distinguishable. Thank you, Mr. President.

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

ROUNTREE: Good morning. And thank you, Mr. President. Good morning, colleagues. And good morning to all of those who are watching online this morning. I rise in support of the bracket motion. And I did take an opportunity this morning in the spirit of collegiality in our Unicameral. Somebody said, look like you all have a fractured cameral. I said, I don't think it's fractured. It's uni. We're one. And here we just have a lot of different thoughts. But we are yet all confined inside of these four walls. When we went through our orientation, Mr. Speaker-- and to all of my colleagues-- we talked a lot about respecting the institution. And so regardless of what I do, I'll always think about the institution above all things. Why? Because I know that at some time I'm going to depart out of here. Either my constituents are going to send me out or term limits are going to get me. One of the two. But I do know that I won't be here forever. So while we're here, as I spoke to Senator Raybould this morning, I let her know because I wanted to just let her know that I, I won't be supporting the bill and why I'm not supporting the bill. I think I owe that. And so she doesn't get it from the back or anywhere that's like that. I told anybody that if you oppose me, I'm not gonna hate you for that. That's what we're here for. So I rise-- as I talk to my constituents out in my district, young and old, about this minimum wage-- as with all of our fellow senators, I've gotten a lot of emails that we just get hammered. Why can't you do the will of the people? I say, well, we're trying to do the best that we can. But I'm young at it. So maybe next year when I come back I'll have more experience and we can do a lot better. But I do want to listen to them. So a lot of my constituents, when it comes to the minimum wage, they're working jobs. And we'll hear about some of those when we talk about SNAP this afternoon or when we get to that. But they are strong supporters of their families. And to take a, a downgraded wage really takes away from the opportunities to support

their families, their key providers. During the campaign, as I talked to small business owners, they were more concerned about what was happening in the special session as far as taxes and how were they going to be able to cover those versus the ballot initiatives of sick leave and of the minimum wage. So to our constituents, I want to let you know that I've heard you and doing my best to represent you here in the Unicameral. In the year before I went into the United States Air Force, I worked with my dad in construction. So I was making very low wages. But out of those low wages that I had, I always made sure that I took care of my mom. So I put a lot of money up in the left back corner of my top drawer in the dresser. So I said, Mom, there's-- I got money back here. So if you have a need-- now, granted, nobody else in the family could come and touch that money, but it was Mom's money. So she might as well. Victor, I had to go get a little money today. I said, that's all right, Mom. I said, that's why I put it there. It's for you. And so we have a lot of people like me that are putting their money away to still support and help their families and that. So. Still representing our business owners and trying to do what they have asked us to do. Have a lot of young workers that are out in the district. But yesterday was our day number 70 here in the Unicameral. I kind of looked at it, but I didn't put any significance on it. But when I got up about 3:00 this morning to go before the Lord in prayer and just looking back at the 70, he reminded me of the Scripture and the, the 90th division of Psalms, on verse 10, it said, the days of our years are three score years and ten. Three score years and ten, 70 years. But it's 70 days that we've been in the Unicameral, today being 71. And it said, and if by reason of strength, they be four score years-- 80-- another 10-- we're, we're marking into that next score now. Said, yet is there strength, labor, and sorrow, for it is soon cut off and we fly away. Yes, we will come to an end of a time in here. But while we're here, our purpose-- to do my best to listen to the constituents that have sent me here. Granted-- listen, I have not gotten it right for them every time I've pushed that button. And they let me know. However, I still live to fight another day, still live another day to represent them. So-- and we're going to do our best we can do in here to take care of the business of our constituents when it comes to the ballot initiatives. And-- so I'm going to support the bracket motion, and not supportive of LB258. And with that, I'll have some more to say later when I press back in. I know we had a great invocation this morning, so I won't spend my time with the Word, but as I told someone before, I said dogs--

ARCH: Time, Senator.

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ROUNTREE: --bark. Amen. And preachers preach. Amen. Thank you so much, Mr. Speaker.

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

DeBOER: Thank you, Mr. President. I did want to sort of clarify one position here. Senator Raybould passed out a packet of legislative resholution-- legislative resolutions, and she and I talked about that. And one of the distinctions I see here and one of the things I think we could do here to perhaps resolve some of our discord, perhaps, is these, these resolutions that I have signed onto in some cases I think are a good example of the-- what I think would be the, the sort of best procedure to go about. So Senator Raybould has listed-- has passed out to you past legislative resolutions to change something that the, the voters have voted on. And what happens is, in these legislative resolutions, if they are successful, it goes back in front of the, the people. And I think that's probably the solution, because some of the points that folks are making about why they want the bill to be the way it is makes a lot of sense to me. I can understand where they're coming from. So I think probably the best possible procedure here would be to distill what Senator Raybould has here into some kind of a resolution that we could put back before the people and, and basically ask them-- OK. You told us to do this. Is, is this the kind of clarification you would like? So I think that's what's happened in the past with these resolutions. Or sometimes they're a-- hey, we've seen how something's gone-- like term limits-- for a while. Now we'd like to put it back before you and say, hey, we don't think term limits have really turned out like we thought they were going to. And so we'll put it back before the people and say, just checking, do you still want to do the same system we have? So that is where my head is at with respect to the procedure on this. I would argue that perhaps the best course of action would be to put something back in front of the people. And with that, I will yield the remainder of my time to Senator McKinney.

ARCH: Senator McKinney, 2 minutes, 35.

McKINNEY: Thank you, Mr. President. I support the motion to bracket this bill. And thank you, Senator DeBoer, for pointing out the difference that Senator Raybould failed to mention. Yes, I did introduce a resolution to ask the voters. Ask the voters. Keyword: ask the voters. Did they want to get rid of the death penalty? I didn't come into the Legislature and introduce a bill-- a straight bill to try to undermine the will of the voters. I just wanted to ask the voters, hey, do y'all still think y'all want the death penalty? So Senator Raybould, next time you mention that other senators like myself

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introduce resolutions to make constitutional changes, don't fail to mention that it's also asking the voters what they want. It's not stripping away their will or peeling back what they passed on the ballot, Senator Raybould. So if you're going to make a argument, make a argument with all the context and facts. Don't leave out vague details or proper details that say Senator McKinney introduced LR15CA to ask the people did they still want the death penalty. And, yes, I did sign onto other resolutions that would also ask the people. It's not taking away their voice. It's not taking away their will. It is asking them, Senator Raybould. Did you ask the people? Did you go to your constituents and ask them should you water down the minimum wage that was passed on the ballot? Did you go to your people and ask them that? I don't think so. I don't think the online comments reflect that. I don't think the response reflects that. So let's be factual when we talk about this and try to use arguments to try to make a point or-- I don't know what you were trying to do, but. I got time today and I got time the rest of this session to push back on things that are not right. So I'll get back on the mic soon, so. Thank you.

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

BALLARD: Question.

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

CLERK: 26 ayes, 0 nays to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Conrad, Fredrickson, Clements, Hardin, Dover, and Hunt, please return to the Chamber. The house is under call. All unexcused members are now present. The vote was open on the question of calling the question. There has been a request for a roll call vote. Mr. Clerk, please call the roll.

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

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no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson not voting. Senator Guereca. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting no. Senator Quick voting no. Senator Raybould voting yes. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is 33 ayes, 13 nays to cease debate, Mr. President.

ARCH: The motion is successful. Senator Andersen would like to recognize some special guests: 70 fourth grade students from Prairie Queen Elementary, Papillion/La Vista. They're located in the north balcony. Students, if you would rise and be recognized by your Nebraska Legislature. Senator Conrad, you're recognized to close on your bracket motion.

CONRAD: Thank you, Mr. President. And again, good morning, colleagues. I want to just reiterate a point that was generated during General File debate in regards to the longstanding policy of the state of Nebraska in regards to minimum wage measures. Since 1967, if you go and look at Nebraska Revised Statute 48-1201, it sets forward our public policy approach, a standard of our commitment to how the state of Nebraska has addressed these issues for decades. Quote, it is declared to be the policy of this state to establish a minimum wage for all workers at levels consistent with their health, efficiency, and the general well-being. And-- and, colleagues-- the second component: to safeguard existing minimum wage compensation standards which are adequate to maintain health, efficiency, and general well-being of workers against unfair competition of wage and hours standards which do not provide an adequate standard of living. While it is well-established that a minimum wage has never been a full living wage or a self-sufficiency wage, reducing the amount of compensation that minimum wage workers make-- and there's hundreds of thousands of Nebraskans impacted by this measure-- primarily women, many young people, many workers of color, many rural Nebraskans. Diminishing existing minimum wage policy does not get us closer to self-sufficiency. It does not get us closer to a living wage. Having a meaningful but modest increase in the minimum

wage helps working families and workers to better keep pace with inflation. Arbitrary caps do not. Carve-outs do not. If inflation is increasing and the price of eggs or the price of gas or the hi-- price of housing is going up and we artificially restrain minimum wage earnings from keeping pace with that, it drives working families deeper into poverty. It makes decisions at their kitchen table harder, when deciding whether or not they're going to replace the bald tires on the car, when deciding whether or not they'll be able to get a birthday present for their children, when deciding whether or not if they'll be able to pay the utility bill that month. The carve-outs and caps in LB258 are real, and they have real impacts on working Nebraskans. We have the statistics and the data which shows that this would literally remove thousands of dollars from working families' pockets if these artificial carve-out and caps go into effect. My contention, colleagues, is that we should postpone, that we should bracket this measure until a later date so that we can fully effectuate the will of the people, so that we can reward those who enter our workforce and who are working hard and who are trying to keep their heads above water, who are trying to work to ensure that they can cover their own basic needs and their family's basic needs. And what we know from history, what we know from the data, what we know from our experience in Nebraska: when you increase the minimum wage, you don't see dramatic, negative impacts on economy. What you see is working families being lifted out of poverty. You see a lessened reliance on public assistance, which saves taxpayer money. And you see working families take that extra boost that comes their way due to their hard work and they put it right back in the local economy. They're not out buying yachts or padding their stock portfolio. They're buying those shoes for their kids. They're getting that haircut for their next job interview. They're taking care of maintenance on the car. All those dollars are recirculated right here in Nebraska to other businesses, to local businesses that help to fuel and keep our economy strong. Nebraska has a very strong economy and a vibrant business sic-- community and a significant workforce challenge. We should not hinder the ability of low-income workers--

ARCH: Time, Senator.

CONRAD: --to meet their family's basic needs when they're doing the right thing and they're working. Thank you, Mr. President.

ARCH: Colleagues, the question before the body is the bracket motion. All those in favor vote aye; all those-- there's been a request for a roll call. Mr. Clerk.

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CLERK: Senator Andersen voting no. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting no. Senator Bosn voting no. Senator Bostar voting yes. Senator Brandt voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Clouse voting no. Senator Conrad not voting. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKeon voting no. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop voting yes. Senator Quick voting yes. Senator Raybould voting no. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting no. Senator Sorrentino vo-- voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Vote is 11 ayes, 33 nays to bracket the bill, Mr. President.

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

CLERK: Mr. President, Senator Conrad would move to reconsider the vote taken on MO146 with MO217.

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

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. I urge your favorable consideration of MO217, which is a serious effort to reconsider the vote last taken. The measure before us is a violation of the will of the people and it removes money from the pockets of hardworking Nebraskans, whether they're young workers, workers of color, women, men, rural workers, urban workers. Nebraska has a proud tradition of having an exemplary work ethic. We consistently have one of the lowest unemployments in the country, including presently. We consistently have one of highest percentages of women working outside of the home. We consistently have one of the highest percentages of parents working outside the home. We consistently have a statistic that perhaps we're not proud of but that goes to the heart of this measure and does indeed reflect the work ethic of Nebraskans. According to the State Legislature's Planning Committee report recently-- I believe in the last biennium-- chaired by our friend, Senator DeBoer-- Nebraska

was number one in the country for working adults working full time, year round, yet living in poverty. Any effort to diminish the compensation for workers in Nebraska who rely upon minimum wage for a variety of different reasons doesn't help us tackle that statistic. It doesn't help us make our economy work better. And I haven't seen members put forward any solutions to address that. In fact, at the same time this measure to undercut the will of the people and working families is moving its way through the Legislature, there are also efforts to tear holes within the safety net and work support programs. There are also efforts to increase sales taxes, which fall heavilist-- most heavily upon working families and seniors and those living on fixed incomes. At the very, very least, we should maintain a consistent, clear, modest but meaningful approach to minimum wage work. At the very least, we shouldn't allow those in-- who hold political power to unwind the will of the people and take money out of the paychecks of workers in Nebraska. There is no denying that this measure will have that impact. Young Nebraskans have spoken out, have come to the committee, have written emails, have spoke out in the press about how this measure will impact their ability to save for college, to help their family, or to support their own young family. We've heard from hundreds of Nebraska business owners all across the state-- urban, rural-- small business owners, mid-sized business owners who support the citizen initiative to raise the minimum wage because it's good for business and the bottom line. When workers are treated fairly and can make decent wages and have decent benefits, it increases productivity. It helps to reduce absenteeism. It helps to bolster recruitment and retention, which are significant cost drivers for businesses. Paying decent wages and good benefits is good for the business bottom line. Hundreds of business owners in Nebraska organized and spoke out in support of this measure. And go back and look at the record, which I know we had a chance to reflect upon during General File as well. Few Nebraskans representing narrow business interests stepped forward in support of LB258. A chorus of voices from Nebraskans all across the state and political spectrum in-- representing every demographic weighed in either in person or online. And it wasn't even a close call. And that reflects what we've seen from the will of the voters, who clearly understood what they were voting for and had the discernment to understand that their fellow working Nebraskans or themselves deserved an opportunity to have their wages keep pace with things like inflation. We saw that evidenced in the vote in 2014 by about 60% of Nebraskans. We saw the evidenced by a vote in 2022 by about 60% of Nebraskans. And it's very important to remember when we're talking about effectuating and protecting the will of the people, the text matters. Some measures that the Legisla-- that the people passed

through initiative and referendum are directive. They say, this is our policy; now, Legislature, go implement it. That is not the case with earned sick leave. That is not the case with minimum wage. There is no directive to the lev-- Legislature to act. They are self-executing. And they have been on the books for many years and should not be capped or carved out now. There is no language in the initiative that asks the Legislature to act. And thus, colleagues, we should not. When you look at the legislative history and, of course, the political reality that does provide an opportunity for the Legislature to make adjustments to citizen initiatives, it is a high bar. And it is a high bar for a reason-- reflected in the legislative history and the political history and the common sense of these efforts. The high bar requiring a non-- requiring a supermajority to tamper with the will of the people as effectuated through citizen initiative is there to provide a check on this Legislature from tampering. It's meant to facilitate a robust implementation of the will of the people. It should not be utilized lightly. It should not be utilized because some members find the will of the people inconvenient. It is a high bar for a reason. And the legislative history backs that up. And the measures themselves matter. Are they directive? In this instance, no. Are they self-executing? In this instance, yes. Is there some unforeseen circumstance that necessitates a supermajority of the Legislature unwinding the citizen initiative as they do have the power to do in those rare instances? No. There is no precipitating factor or unintended consequence or unforeseen circumstance that would necessitate legislative meddling in this regard. It is simply to effectuate a policy choice by members of this Legislature supported by some actors in the business community who didn't get their way at the ballot box. That's not what the constitutional provision is in place for. And our political history is clear. We have a proud populist history. We have a unicameral. We have a nonpartisan approach to government. We have open government. And we have the precious right of direct democracy tools that are robust, that are precious rights, that are reserved for the people, by the people, for themselves to speak out when the Legislature lets them down or gets it wrong. And that's exactly how minimum wage initiatives have worked in Nebraska. When the Legislature has let down the people, the people organized successfully to give modest but meaningful raises to working Nebraskans so that they can have fair wages for fair work, so that they can have a dignified life, so that we can save taxpayer moneys by lessening the reliance on public assistance, and we can ensure each business actor does its part. Modest but meaningful increases in the state minimum wage and tied to a clear indexing provision are--

ARCH: Time, Senator.

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CONRAD: --pattern in practice with similar approaches in our sister state. Thank you, Mr. President.

ARCH: Senator Murman will-- would like to recognize some special guests. They are ten eighth grade students, one teacher, three sponsors from St. Patrick Elementary in McCook. They're in the north balcony. Students, please rise and be welcomed by your Nebraska Legislature. Turning to the queue. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. I rise in support of the motion to reconsider and the bracket motion. So on the topic of, you know, LB258, I went to the online comments. And, you know, I found something very interesting. Since Senator Raybould wanted to pull up that I introduced a LR constitutional amendment to get rid of the death penalty, I went to see the online comments and how they compared to LB258, which-- what was very interesting to see was that LR15CA to ask the people-- again, ask the the people-- do they want to get rid of the death penalty, had 110 proponents and 15 opponents. And then I looked at LB258. It had 6 online proponents and 387 opponents. So just basing it off the online comments, I would argue that the people would rather be asked if they want the death penalty than to have LB258. It's real interesting. So I would love to see how Senator Raybould is going to counter that, that if you look at the online comments for both of these, one was asking the people did they want something and the other's stripping away what they passed, has difference of support. You know. So I just thought that was interesting. And-- again, getting back to my issue with this Legislature, the 109th Legislature. We should call it the 109th Legislature to go against the will of the people of Nebraska. That's what we should call it. Because this is-- this bill is one of those. The paid sick leave is one. They have to have town halls because you can't even get the medical marijuana bills out of General Affairs because people don't want it. It's just ridiculous. It's, it's just thing after thing after thing after thing that is going on in this place. And we're just walking in to be subjected to chaos-- that we signed up for and people voted us to throw us into chaos, so I'm really not complaining about that-- but it has been constant chaos. Day after day, it's, it's just another issue that we have to spend four hours or eight hours on that is stripping away or attacking people, raising new crimes. It's just all over the place. And that's this Legislature. But, you know, we're in a budget deficit. I think the forecast board said that we're, what, \$380 million short. How are we gonna cover that? Because what is also interesting is we got a budget book yesterday, and that budget book does not account for what the forecast board said. So that budget is not balanced. So how are we going to balance it? How are we going to bring in new revenues? I know we're not gonna bring-- we're

probably gonna bring in less revenues if this passed. Has anybody thought about that? If LB258 passed, what is the potential decrease in tax receipts to the state? Has anybody thought about that? If LB258 passes, how will it negatively impact tax receipts to the state? Has anybody looked into that? We should see an impact on that. If this bill passes, how much worse will the state be in the next biennium, next year, because this bill passes? Has anybody considered that or thought about that? I think you should, because it's probably not great. But neither here or there. People want to strip away the will of the voters. And I went at-- I went to look at online comments because people said I tried to do the same thing and-- which I didn't. I just was asking the people for a question. And 110 of them were proponents and 15 opposed, which is good. That's fair. Then LB258, online comments only has 6 proponents. And again, 387 opponent comments. So the people would rather, based on that-- and I'm just saying based on that-- the people would rather be asked if they want the death penalty or not than to have this bill pass. And last thing, has anybody did a economic analysis on the fiscal impact of LB258 and how it would impact the state? Thank you.

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

CONRAD: Thank you, Mr. President. And good morning, colleagues. I want to share some information for the record and for debate. I asked OpenSky to put together some data and analysis for how LB258 would impact certain workers, including young workers and including all workers who would be subject to the arbitrary caps and carve-outs in LB258. And it's real money out of the hands of real, working Nebraskans. And I want to be clear about that. And here's what some of the results show based on their analysis. Under Senator Raybould's LB258, a person working a part-time job in Lincoln, Nebraska at 20 hours a week on a youth or training minimum wage of \$13.50 per hour would have an estimated weekly take-home pay of \$243 after taxes. A person working a part-time job 20 hours a week at regular minimum wage-- \$15 an hour by 2026 as passed by Citizen Initiative and Ballot Initiative 433-- would have an estimated weekly take-home pay of \$269 after taxes. The difference between these two numbers is \$26. Colleagues, over the course of a year, that same worker would have a difference in wages of \$1,352. That's real money for child care, for college, for gas, for school supplies, for supporting their young family, for supporting themselves, for helping their family. The same analysis from OpenSky in relation to adult earners who would in-- be impacted by the arbitrary caps and carve-outs as evidenced in Senator Raybould's LB258 are as follows. In 2027, a person working a part-time job 20 hours per week, 52 weeks per year, at the base minimum wage as

passed by the citizen-led initiative at \$15.64 an hour would earn \$16,266 per year. Think about that. \$16,000 per year before taxes. Under LB258, Senator Raybould's proposal, as amended by AM272, a person working the same part-time job at the base minimum wage-- \$15.23 per hour-- would earn \$15,839 per year before taxes. Under Senator Raybould's measure, that's \$373 less in their annual earnings than they would take home under the citizen-led initiative. \$373. Under LB258, as amended, a person working the same part-time job at the youth minimum wage-- \$13.50 an hour-- would earn \$14,000 per year before taxes. This is \$2,226 less than their annual earnings under the citizen-led initiative. Under LB258, Senator Raybould's measure, as amended, a person working the same part-time job at the training minimum wage-- \$13.70 per hour-- would earn \$14,248 per year before taxes. Under this measure, that's \$2,018 that they-- less in their annual earnings than they would have under the citizen initiative. So young workers over the year will take home \$1,352 less because this Legislature decided to undercut them and the will of the people. Part-time workers would take home \$373 less for the same work because of this body's political decisions. Youth workers would take home \$2,226 less in their annual earnings than they would under what the citizen initiative afforded them. No one has talked about how these workers are supposed to make up the difference. We know the kitchen-table economics of this. And families are already struggling in this economy. Taking hundreds if not thousands of dollars out of their annual earnings just because some politicians can--

ARCH: Time, Senator.

CONRAD: --is wrong.

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

STROMMEN: Thank you, Mr. President. I just wanted to talk for a quick second about cost of goods sold. I know that I've discussed this before, but I think it's important that we understand. As we continue to raise costs for businesses, prices continue to go up. This is a never-ending chase. So as we continue on this road and we continue to raise the rate at which people are, are, are, are getting these, these payouts, we end up in a position where we're constantly chasing this, this circle. Increase in pay, increase in cost of goods, increase-- everything increases. It's a constant increase. We're never gonna be satisfied. We have to come up with a better way to, to handle this. But just so that we're all understanding, cost of goods sold is critical financial met-- metric that represents the direct costs attributable to the production of goods sold by a business during a specific period.

It's the key component of that income statement and plays a vital role in determining a company's gross profit, operational efficiency, and overall profitability. Understanding cost of goods sold is essential for businesses, investors, and directly impacts the financial performance and decision-making of all businesses. Cost of goods sold includes all expenses directly tied to the creation of a product or service sold. For manufacturing businesses, this is typically-- encompasses raw material, labor costs, manufacturing overhead, factory utilities, equipment depreciation. Retailers' cost of goods sold primarily consists of the cost of purchasing inventory, resale, including shipping, handling fees, labor costs. So as we increase all of these costs, it makes it exceedingly more difficult for people to continue to pay for these things. And in turn, a lot of these businesses look for ways to become more efficient. Becoming more efficient for a lot of these businesses becomes automation. People end up losing jobs. At the end of the day, we're pushing businesses to move to automation and we're pushing businesses to reduce their labor force, and that is a bad, bad direction for us to be going in. I yield the rest of my time to Senator Raybould.

ARCH: Senator Raybould, 2 minutes, 30.

RAYBOULD: Thank you, Mr. President. You know, I want to answer Senator McKinney's question. You know, that's one thing that I have a reputation for, is doing my research, doing my homework, reaching out to my constituents. And I can tell you that, since 2023, I have spent hours answering emails, with phone calls, with my constituents, visiting day care centers, visiting with nonprofits, talking to small businesses, talking to Chamber of Commerce, listening to our home health care providers and how they're going to be paying for all these increases and the impact it has on them. And my question to my colleagues, have you? Have you reached out and done the same thing? Have you done your homework to hear? The whole goal behind LB258 is to find the balance. And my purpose for handing out the different resolutions is that the constitution gives people the right to these initiatives and referendum. But my colleagues repeatedly fail to mention-- and, and they do this all the time-- that the same constitution in the same paragraph gives the Legislature the right to amend, repeal, or modify these ballot initiatives. Why haven't they been mentioning it? Because it absolutely does not fit this misleading narrative that they would have you believe. When I talk to the nonprofits, they say, oh, this is so reasonable. This makes perfect sense. And so I want to assure those people that these legislative resolutions, I actually support that. I believe in doing that. I believe in going back to our voters on these matters. I believe in the

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ref-- death penalty referendum and hearing their concerns. I want be very clear: I support these legislative resolutions. And it isn't because-- as I have been repeatedly been accused of not respecting the will of the voters. We have one house. We refer to the people as the second house. Our state is great because people can bring forth issues such as Medicaid expansion, minimum wage, the death penalty, term limits, medical marijuana, et cetera. I also greatly respect this institution and our role in the process of finding balance, creating the balance that will benefit all Nebraskans. I don't hear my colleagues championing-- like, we're going to \$15 an hour. That puts us at the 18th highest even though we have the 10th lowest cost of goods and services in our state of Nebraska.

ARCH: Time, Senator.

RAYBOULD: Thank you, Mr. President.

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

JACOBSON: Question.

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

CLERK: 24 ayes, 1 nay to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Conrad, Murman, Ibach, Dover, and Hunt, please return to the Chamber. The house is under call. Senators Ibach, Hunt, and Conrad, please return to the Chamber. The house is under call. Senator Jacobson, Senator Ibach and Senator Hunt are not present. Proceed? There was an open vote. Roll call has been requested. Mr. Clerk.

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

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Fredrickson voting no. Senator Guereca. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting no. Senator Quick voting no. Senator Raybould voting yes. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is 32 ayes, 11 [SIC-- 13] nays, Mr. President, to cease debate.

ARCH: The motion to call the question is successful. Senator Conrad, you're recognized to close on your reconsideration motion.

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. I want to lift a few voices of Nebraskans who have weighed in on this measure in-- either in the official public record or through citizen engagement with myself and other senators. First, I want to lift up a communication from Al Mumm, president of the Nebraska Alliance for Retired Americans. Quote, I must again repeat the objection the Nebraska Alliance of Retired Americans has to the Legislature watering down the minimum wage initiative passed overwhelmingly by the people. This will have a negative effect on seniors as well due to many of them still being in the workforce or returning to it. Due to a ravaged retirement savings, due to the Trump administration policies or fears that Musk will wreak havoc with Social Security. No one's even thinking about that now. I also wanna lift the voices of people like Emma Haar, a 15-year-old who lives in Grand Island, Nebraska, who petitioned her Legislature with her opposition to LB15. And ha-- her-- shared her belief that the bill overlooks the realities that young people like her face and undermines the positive economic effect the minimum wage we pass together has on me and my fellow Nebraskans. Emma bravely shares that her and her family live in poverty. She has to help her family with bills. She's responsible for the costs that are part of her school and extracurricular activities as well. She carefully navigates pay periods to balance against a full school schedule and other community engagements. She keeps a scale in her head to count down the hours, moner-- money, and energy she has in each two workweek pay period. She shares that she has little to nothing left to save for big things like college that will really make a big difference in how her future looks. This measure on top of a pile of daily stress and gaps in family income

so that they have help to stay housed, fed, and warm is what she wanted to share with the Legislature. Her pay as a young worker was raised because of Initiative 433, passed with 60%-- almost 60% of the voters of Nebraska supporting that. Like other minimum wage workers, Emma from Grand Island-- who's a young teen-- spends nearly all the money she makes on basic essentials just to help her family survive, especially during this period of inflation. That's real. We had a question and response in regards to a tax measure recently in this Legislature. And I think it was very telling that one of my friends and one of my colleagues asked me to define what I mean when I talk about an everyday Nebraskan or a working Nebraskan. I think it's striking that we would have to ask for that definition. I think it's indicative of the fact that perhaps this Legislature's out of touch. I think working Nebraskans exist in every didi-- district and they lack the political power to have their voices heard against big-moneyed interests and corporations that seek to undercut their interests. And so they find friendly politicians who can do the bidding of those corporate actors and undercut their lack of political power even when they band together as a collective to try and give themselves and their neighbors a decent boost in their earnings because they're playing by the rules. They're working. They're trying to get off of public assistance. And there's nothing outrageous about what Nebraska voters did. It's in line with what our sister states have done when their citizens have taken initiative at the ballot box to provide a modest but meaningful increase to help keep pace with inflation. That's it. That's not a radical concept. That's a reasonable concept that already carves out the smallest employers and family businesses and things of that nature. I'd ask for your favorable reconsider-- your favorable vote on the reconsideration motion for those and other reasons. Thank you, Mr. President.

ARCH: Colleagues, the question before the body is the motion to reconsider the bracket vote. There's been a request for a roll call. Mr. Clerk.

CLERK: Senator Andersen voting no. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting no. Senator Bosh voting no. Senator Bostar voting yes. Senator Brandt voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting yes. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator

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Ibach. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKeon voting no. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop voting yes. Senator Quick voting yes. Senator Raybould voting no. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Vote is 14 ayes, 32 nays to reconsider.

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

CLERK: Mr. President, priority motion: Senator Conrad would move to recommit the bill to committee with MO147.

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

CONRAD: Thank you, Mr. President. I know that each of us have mementos on our desk or in our files to kind of help ground our thinking or provide inspiration or remind us while we're-- why we're here and why we're working so hard to advance the position that we find appropriate on any given measure in the best interests of our district and our state. And I want to just lift one key quote that I've been thinking about a lot in regards to this measure. And this is a quote from Martin Luther King in a speech that he gave in support of the Memphis sanitation worker strike on March 18, 1968 as part of the Poor People's Campaign and as he-- shortly before he was assassinated, shot and killed. All labor has dignity. You're doing many things here in this struggle. You're demanding that this city respect the dignity of labor. So often we overlook the work and the significance of those who are not in professional jobs, of those who are not in so-called big jobs. But let me say to you tonight that whenever you are engaged in work that serves humanity and is for the building of humanity, it has dignity. It has worth. One day, our society must come to see this. One day, our society will come to respect the sanitation worker if it is to survive. For the person who picks up our garbage, in the final analysis, is as significant as the physician; for if he doesn't do his job, diseases are rampant. All labor has dignity. He continued, but you are also doing another thing. You are reminding not only Memphis, but you're reminding the nation that it's a crime for people to live in this rich of a nation and receive starvation wages. Do you know that most poor people in our country are working every day? That was a 1968 sentiment, and it, it rings true in this debate today. Do you know that most

people are making wages so low that they cannot begin to function in the mainstream of economic life in our nation? These are facts which must be seen. It is criminal to have people working on a full-time basis, in a full-time job getting part-time income. You're here tonight to demand that Memphis will do something about conditions that our brothers and sisters face as they work day in and day out for the well-being of total community. You are here to demand that Memphis will see the poor-- the working poor. I ask you, my colleagues, to take that-- that excerpt-- that excerpted quote from an orator and a leader far more eloquent, eloquent than myself to heart. At the heart of this debate, it's economic justice. It's asking you to see the working poor. It's asking you to see them. They're not here in the Rotunda-- because they're at work. It's asking you to not talk just to a few select business interests in your district or that have the resources to petition their government and come to the Capitol. It's asking you to go door-to-door in your district, sit down at the kitchen table with minimum wage workers, and ask them if LB258 will make their lives better or harder. This quotation, this long struggle for economic justice reminds us to see the poor. Not look down our nose at them-- to see them. They are our neighbors. They're Nebraskans. They pay taxes. They keep our communities and economy humming. They have dignity and worth. If you can't explain how removing hundreds or thousands of dollars from their annual paycheck with this measure will make their life better, you shouldn't vote for it. If you don't have a clear answer about how they're gonna make up the difference in those wages when you vote for this measure, you shouldn't vote for it. It's real life. This impacts over 100,000 working Nebraskans. This isn't a few kids working for bubble gum. These are our neighbors who deserve us to hear them and see them, to provide them with an opportunity to keep their head above water when they're sitting down and their brow is furrowed as they're trying to figure out what bill to pay and what bill not to. They're trying to figure out how to have hard conversations with their spouses or kids about what's available in their family budget. They're frantically looking to see if they need to pick up maybe a third or a fourth job. And what does that mean for their health, for their family's stability, for engagement at school? When you pick up the second or third minimum wage job with no benefits and less earnings to make up the difference after LB258 goes into effect, how much time and energy do you have to help your kids with homework after a couple long shifts? How much time and energy do you have to volunteer at the bake sale at your church? No one's answered the question. What happens to a minimum wage worker and their family's bottom line when you take hundreds or thousands of dollars out of their annual earnings and their pockets by passing this measure? You're just

making it harder. You're just making it just harder. Or you're pushing people onto public assistance, which costs the taxpayers dollars. We all know-- it is well-established and common sense supports that a good job is the best antipoverty tool we have available and is the best antirecidivism tool we have available. We know we have an issue when it comes to the working poor in Nebraska. We know we have an issue when it comes to things like recidivism in Nebraska. By ensuring jobs with justice-- or at least a modicum of dignity as expressed not through a government mandate but by a citizen-led, successful initiative that is already in place-- we can help to make things perhaps a little bit easier when families are pouring over their budget at their kitchen table, when they're having conversations with their kids or spouses. It's not gonna be a panacea. It's not gonna solve our approach to poverty. It's not gonna solve issues in recidivism. It's not gonna resolve behavioral health and mental health issues that our citizens might be grappling with. But it's a simple proposition. If you're working and this measure goes forward and it takes hundreds of thou-- hundreds of dollars or thousands of dollars out of your pocket, how does that make your life easier? How does that show that we do value our strong Nebraska work ethic? No one's answered that question. Where are they supposed to go to make up the difference? The concerns in terms of business impact in regards to minimum wage have been part of the debate in this country and this state for over 85 years. They have failed to come to fruition, and they should not be afforded deference today. We should keep our fellow Nebraskans in mind and at the forefront and at the center of this discussion more so than moneyed interests or politicians.

ARCH: Time, Senator.

CONRAD: Thank you, Mr. President.

ARCH: Senator Moser, you are recognized to speak.

MOSER: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. Well, I, I think we've kind of devolved into a class warfare kind of discussion here. And I don't think that's what the minimum wage is supposed to be about. The minimum wage is supposed to be a wage that you don't pay less than. And you shoul-- your goal should be to get a job that pays more. And in my district, we-- last time I checked, we had hundreds of jobs that paid \$5 an hour, \$10 an hour more than minimum wage. So don't-- you know, if you-- if you're looking for a job, work hard to find a better job. The minimum wage is not a living wage. It's the minimum wage. So. Much has been made of the will of the people and the people voted for this minimum wage election.

And if you look on the Accountability and Disclosure site, you can find people who put a lot of money into this election. By my estimation, it's almost \$3.5 million they spent to promote this ballot question. And they got about 330,000 votes. So it's not so much a will of the people as it is the will of the people from Washington, D.C. that contributed all this money, this \$3.5 million. And they, they spent \$10 a vote-- over \$10 a vote to get the 328,000 votes. So you can go on and on and on about the will of the people. But if you spend \$10 of vote, you can get a lot of ballot questions passed. For a lot of people who are struggling in small business, paying a minimum wage makes that struggle more difficult. So, you know, if you're struggling in your, in your family, you know, do your best to get a different job, get an education, see what you can do to improve your outlook. Thank you, Mr. President.

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

PROKOP: Thank you, Mr. President. I rise in support of the motion to recommit to committee and against LB258. A couple comments I, I just wanted to offer on this topic. The first and foremost is that I have a lot of concerns about LB258 because it did-- it is a serious erosion of what the voters of Nebraska told us they wanted, and that is deeply concerning to me. And then the second item I wanted to, to mention is that, just this past Friday, I had the good fortune of, of being able to spend the evening with members of the Lincoln Central Labor Union. They were having a-- their annual awards dinner, and I was really fortunate to be able to spent time with them. And it, it-- it's always a good opportunity to touch base with folks that are a part of the various labor groups in the community here in Lincoln. They are some of the hardest working, nicest people that you'll ever get to meet. But as you talk with them and you hear about their lives and the work that they do, it just reminds you of, of just how important the value of, of work is. And, and based on what we're debating here, it just reminded me of how important that is and how much I valued those conversations that I got to have with them on Friday. And with that, I would yield the remainder of my time to Senator Conrad.

ARCH: Senator Conrad, 3 minute, 20.

CONRAD: Thank you, Senator Prokop. Thank you, Mr. President. I really appreciate the extra time. So I wanted to provide just a little bit of information, a demographic profile of the 150,000 Nebraskans who have benefited from the citizen initiative and the minimum wage law. So in terms of age, 75% of minimum wage earners in Nebraska are 20 years or older. It's not just kids. It's people who are in prime year-- working

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years. 75% are 20 years or older. Their family income-- 54% of minimum wage earners have a family income of less than \$50,000 per year. Also in terms of minimum wage workers in Nebraska, 21% of the minimum wage workers in Nebraska are parents. Imagine how hard it is to pay for child care when you have resources. But we're gonna make it harder for parents. 21% of minimum wage workers in Nebraska are parents. We're gonna make it harder for them to pay child care with this measure. This is a gender justice issue. In Nebraska, 61% of minimum wage workers are women. In Nebraska, 23% of workers earning minimum wage are workers of color, which is a disproportionate share in regards to the overall state demographic. In Nebraska, 32% of minimum wage workers have at least a high school diploma, 43% have attended some college, and 8% have a graduate or a postsecondary degree. In Nebraska, 55% of minimum wage workers live in or near poverty. Working. Full time. This measure will make it harder for them and drive them deeper into poverty. In Nebraska, minimum wage workers, 40% work full-time jobs, more than 35 hours per week. It's not just a kid working a few hours after school. 40% of minimum wage workers in Nebraska work full time. 38% work mid time, between 20 and 35 hours a week. And 22% work under 20 hours a week. About 60% of minimum wage workers in Nebraska work in retail, restaurant, food service, health care, so-- and social assistance industries. 20 states have a built-in automatic cost of living increase similar to the citizen initiative that was successful in Nebraska in regards to their minimum wage policies: District of Columbia, Alaska, Arizona, Colorado, Connecticut, Florida, Maine, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, South Dakota, Vermont, Virginia--

ARCH: Time, Senator.

CONRAD: --and Washington. Thank you, Mr. President.

ARCH: Mr. Clerk for items.

CLERK: Thank you, Mr. President. Communication from the Utah Senate. That will be placed in the Journal. Excuse me-- communication calling for action from the Nebraska Legislature. That'll be placed in the Journal. Bills read this morning on Final Reading were presented to the governor at 9:40 a.m. Amendment to be printed from Senator Brandt to LB561; Senator Meyer, LB261; Senator Meyer, LB264. Notice that the Referencing Committee will have an executive session-- and the Executive Board will both meet in 2102 upon recess. Referencing and Exec Board in 2102 upon recess. And the Business and Labor Committee will have an executive session at noon in Room 2022. Finally, Mr.

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President, a priority motion: Senator von Gillern would move to recess the body until 1:00 p.m.

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

[RECESS]

ARCH: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

ARCH: Thank you, Mr. Clerk. Do you have any items for the Journal?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review reports LB275, LB676, and LB90 to Select File, some having E&R amendments. Amendments to be printed from Senator Raybould to LB264, LB169, LB170. An approved Referencing report from the Referencing Committee concerning two appointments to the Nebraska Medical Cannabis Commission and an appointment to the Nebraska Employees Retirement Board. And a communication from the chair of the Executive Board that LB264 and LB261 have been approved as Speaker Major Proposals. That's all I have at this time, Mr. President.

ARCH: Senator DeBoer, you are recognized for an announcement.

DeBOER: Thank you, Mr. President. Colleagues, I'm going to be a little bit of a nag right now and ask you if you have filled out your Planning Committee survey. We have 16 completed surveys as of this morning, and that is far fewer than the 49 of us. So I would ask if you haven't filled it out, please let me know. As the Legislature's Planning Committee is looking forward to this next interim, we're trying to use the will of the group here to represent our constituents and figure out which issues we should prioritize in our deep research this summer. If you do not know how to fill it out, please come up to me. I've had my staff send me the link so-- again so that I can send it to you again. Please fill out your survey. 16. Last time, I had 42, so we're not doing as well as we did last time. Sorry to nag. Thank you, Mr. President.

ARCH: Turning to the queue on the motion to recommit to committee. Senator Hallstrom, you're recognized to speak.

HALLSTROM: Thank you, Mr. Speaker, members. I'm going to try to bring a little bit of balance back to the discussion. We've heard quite a bit from the opponents of the bill regarding the fact that we're defying the will of the voters, we're overriding the will of the people, we're ignoring the will of the people. I guess if you say things long enough you might begin to believe it yourself. Maybe some other people will believe you, but that doesn't make it any more true. So I'm probably going to be a little bit repetitive from things that I said when this measure was on General File, but I think there are things that are, that are-- that bear repeating and are important for purposes of the discussion and the record. Article III, Section 2 of the Nebraska Constitution talks about the procedure or the actions that can be taken by this body following the adoption of a statutory initiative. Prior to 2004, it took 25 votes, a mere majority of the Legislature, to make some change to a statutory initiative. I think it's important to note that in that constitutional provision it doesn't say that you can't make changes just because a few in the body don't like what happened. It says that you can amend, repeal, modify, or impair a statutory initiative. But there is, in fact, a higher threshold, and that threshold is no longer a mere majority but a two-thirds vote or 30 vote of this body. So, yes, we have to be more diligent. We have to give more forethought to the action. But at the end of the day, if 33 like-minded individuals believe that there can be some improvements-- in this case, LB258-- to a statutory initiative, we are free and well within our authority to do so. That action, by the way, as you may recall, Senator John Cavanaugh raised a 2004 Omaha World-Herald article where the basis or the rationale behind moving towards the constitutional amendment to require a higher threshold was the fact that it was to encourage the voters and the people expressing their will to come forward with statutory initiatives rather than constitutional amendments-- statutory initiatives that everyone knew could be subject to modification as opposed to ingraining an idea in the constitution where it's next to impossible to ever turn around. I've indicated in my General File comments that for those who think that the action of the people by way of statutory initiative is somehow sacrosanct or inviolate, that, that is, in fact, not the case. But if you really firmly believe that five years from now when you want to take a look at making changes to the minimum wage or the paid sick leave proposal, you should have to abide by that same school of thought. Another thing I wanted to address in my comments are the fact that many of the speakers-- I think Senator Dungan, Hunt, Conrad, Quick, and McKinney-- on at least one occasion each and maybe more occasions have said that the supporters of the bill suggest that the voters didn't know what they were voting for. I checked the record. I

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do not recall and did not find one supporter of this measure that ever said that voters didn't know what they were voting on. To the contrary, I even myself indicated that I made no such suggestion and in fact they knew what they were voting for. And I would not make that suggestion. But again, I'd point you back to my comments that I've just made, which are that the action that we're taking is clearly authorized within the constitution. With that, I would turn the remainder of my time over to Senator Hughes. Thank you.

ARCH: Senator Hughes, 40 seconds.

HUGHES: Thank you, Mr. President. That's not very much time. I just wanted to, to pop up and say that, prior to this discussion, people had said that, you know, we're getting letters that we're not listening to, but I just wanted to mention I had gotten a letter from one of my constiten-- constituents in District 24-- I don't know if I can read this quick, but: we have hired-- we have not hired a high school student in over a year. This is a direct result of the minimum wage increase. Establishing a youth training wage would be an incentive for us to continue to hire young people. We have al-- we always have high school students looking for employment. Working-- this is a grocery store in a small town. Working in a grocery store is a great first job for the reasons mentioned above, and we would like to continue hiring students. But if no changes are made--

ARCH: Time, Senator.

HUGHES: --we plan to reduce the number of high school employees at our store. Thank you, Mr. President.

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

LIPPINCOTT: Thank you, sir. I do support LB258, Senator Raybould. But first, I'd like to point out a-- an event that took place on this day, April the 30th, 1958. The Advanced Research Projects Agency, known as ARPA, was established. It later became an agency that all of us are aware of, NASA, on July 29, 1958. But also perhaps more importantly, a young couple in Omaha gave birth to a bundle of joy. And that bundle of joy grew up and is now representing in the Unicameral District 5 of Omaha, celebrating her birthday today, Margo Juarez. Please wish her a happy birthday. LB258, introduced by Senator Jane Raybould, is a vital step forward for Nebraska. This bill amends the Wage and Hour Act to introduce a youth minimum wage and modified training wage provisions, creating a balanced approach to wage policy. By supporting businesses, young workers, and economic stability, LB258 ensures that Nebraska's

economy thrives while protecting opportunities for all. Let me explain why this bill is good for our state. Number one, LB258 supports small businesses, the backbone of Nebraska's economy. From family-owned shops in Kearney to farms in rural counties, small businesses employ nearly half our workforce. The bill introduces a youth minimum wage of \$13.50 per hour for 14- and 15-year-olds and a training wage for 16- through 19-year-olds at 75% of the standard minimum wage. These lower wage options allow businesses to hire young workers without straining their budgets, preventing layoffs, or closures in low-margin industries like retail and food service. Number two, the bill preserves-- or, pres-- preserves jobs in agriculture, a cornerstone of Nebraska's identity. Our state's farms and agribusinesses rely on seasonal and entry-level labor. Rapid wage increases like those tied to inflation under the current law could force employers to cut jobs or automate, especially in meatpacking plants in Grand Island or Fremont. LB258's youth and training wages make it affordable to higher teens, maintaining jobs in rural communities, where opportunities are often scarce. Number three, LB258 empowers young Nebraskans. Nebraska has a strong tradition of teens entering the workforce through part-time jobs in fast food, grocery stores, or agriculture. The youth minimum wage ensures that 14- and 15-year-olds can secure jobs at \$13.50 per hour while the training wage supports 16- through 19-year olds in gaining skills. This fosters a work ethic and experience, maintaining-- preparing our youth for future careers without pricing them out of the job market. Number four, the bill protects consumers by keeping costs manageable. Higher wages often lead to higher prices for goods and services, from dining out in Omaha to buying groceries in Scottsbluff. By allowing businesses to pay youth and training wages, LB258 reduces the need to pass steep labor costs onto consumers and preserving affordability for Nebraska families. Fifth, LB258 supports workforce development. The training wage applies to teens in approved on-the-job training programs, encouraging employers to invest in skill building. For example, a teen learning technical skills at a Lincoln auto shop could earn the training wage for up to 180 days. This incentivizes businesses to train young workers, addressing Nebraska's need for skilled labor in industries like manufacturing and health care. Thank you, sir.

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

HUGHES: Question.

ARCH: Question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Mr. Clerk. There has been a request to place the house under

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call. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 28 ayes, 1 nay to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Storer, Clements, and Dover, please return to the Chamber. The house is under call. Senator Hughes, Senator Dover is still absent. Would you like to proceed or wait? The vote was open, Senator Hughes. My, my apologies, Senator Hunt. Your choice to proceed or wait. Senator Dover, please return to the Chamber. The house is under call. All unexcused members are now present. Senator Hughes, the vote was open to cease debate. Will you accept call-ins? There has been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting no. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn. Senator Dover. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson not voting. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting no. Senator Quick voting no. Senator Raybould voting yes. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is 31 ayes, 13 nays, Mr. President, to cease debate.

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

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. Hope everybody had a good, quick lunch break in our waning days of the 2025

Legislative Session. I know I missed having that extra half hour over lunch to prepare for the afternoon debate or reflect, but we are in a compressed timetable and here we are. Friends, you have heard some proponents of this measure talk about their unfounded fears in regards to job loss or negative economic impacts if the will of the people were allowed to be fully effectuated in regards to modest but meaningful increases in the minimum wage for working Nebraskans and young Nebraskans. And the fact of the matter is this: in most of our sister states that have taken a similar path, they have similarly adopted modest but meaningful increases to keep pace with inflation. And you can look for yourself that in those 20 states-- very different, very diverse in terms of their politics, in terms of their economy, in terms of their geography, in terms of their demographic-- all the way from the District of Columbia to Alaska to Arizona to Colorado to Connecticut to Florida, Maine, Minnesota, Missouri, Montana, Nevada, New Jersey, New York, Ohio, Oregon, South Dakota, Vermont, Virginia, Wa-- and Washington-- there is-- there are indexing components therein. The economy has not crumbled in those states. Small businesses have not been driven out of those states. And in fact, they maintain a vibrant economy, as does Nebraska, since minimum wage increases went to-- into effect in 2014 and then again in 2022. In fact, after the minimum wage issues were successful and adopted in Nebraska, our unemployment rate actually went down. I think it's important to remember that not only do we have a citizen initiative as adopted by 60%-- about 60% of Nebraska voters, we saw six people come in in support of this measure at the committee level and five proponents weighed in online. We saw eight people come in live, took their time out to be here to oppose this measure in person, and 296 Nebraskans weighed in online. In addition to a vote of the people, the significant lopsided engagement from the citizens in opposition to this measure, we also have some clear statements from nonpartisan observers. And if you look no further than the editorial of the Lincoln Journal Star editorial board-- which I distributed to members on General File-- it was published March 25, 2025-- and it noted not casual observers of the Nebraska political process but adept members of the fourth estate. Bills undermine the will of Nebraska voters. Last year, Nebraskans overwhelmingly approved Initiative 436 with nearly 75% of those who cast ballots voting to require employers offer at least five days of paid sick leave per year. That law was the result of the initiative set to take effect October 1 and requires employers with 20 workers-- with fewer than 20 workers to offer up to five days of leave per year and with more than 20 workers to offers seven days of leave annually. The initiative got 682,000 yes votes and 228,000 no from the second house across the state, with 89 out of 93 counties in favor. Now under pressure from business

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interests, the Nebraska Legislature, the first house, is attempting to undermine the paid sick leave law before it even takes effect with LB698 from Senator Paul Strommen of Sidney, which would exempt businesses with ten or fewer employees. It then goes on to detail their concerns. Similarly, Senator Jane Raybould of Lincoln is attempting to undermine the 2022 voter-approved law that would raise the state's minimum wage to \$15 per hour in January. It goes on to discuss Senator Raybould's business background and engagement on this issue. It then goes to note that 58.7% of Nebraska voters, 387,000 Nebraskans, voted to approve the minimum wage increase, which is already taking effect. I urge your support of the recommit, recommit to committee motion. Excuse me?

ARCH: Colleagues, the question before the body is the motion to recommit. All those in favor vote aye; all those opposed vote nay. There has been a request for a roll call. Mr. Clerk.

CLERK: Senator Andersen voting no. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting no. Senator Bosn voting no. Senator Bostar voting yes. Senator Brandt voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Clouse voting no. Senator Conrad not voting. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn. Senor-- Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKeon voting no. Senator McKinney. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop voting yes. Senator Quick voting yes. Senator Raybould voting no. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Vote is 12 ayes, 33 nays, Mr. President, to recommit the bill.

ARCH: The motion to recommit is not successful. I raise the call. Senator Storer would like to recognize some special guests. We have nine students from the sixth grade and four sponsors from the Sandhills Public School District 43 in Dunning. Students-- they're located in the north balcony. Students, please rise and be welcomed by your Nebraska Legislature. Mr. Clerk.

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CLERK: Mr. President, Senator Conrad would move to reconsider the vote taken on MO147 with MO218.

ARCH: Senator Conrad, you are recognized to open on your motion to reconsider.

CONRAD: Good afternoon, colleagues. And good afternoon to my fellow Nebraskans. I want to lift up one point of clarification that we did not have a great deal of debate on at the committee level or on General File. But in subsequent conversations with colleagues, one thing became apparent: many members noted, well, there is exemptions from these carve-outs for emancipated minors. So that takes care of most young workers who have families. And actually, that's not the case. Emancipation is a very specific, very technical, very rare instance available through legal processes, through judicial processes wherein a minor petitions the court to essentially be treated as an adult and to sever the relationship with their parents. For a lot of different reasons, this legal process is rarely utilized. I asked the Legislative Research Office to pull together some statistics so that we could contextualize perhaps how many Nebraskans would be impacted by the alleged exemption for emancipated minors. So if you look at the information from the Nebraska Supreme Court and legislative research, you can see that over about the past five or ten years, so to speak-- I'm looking at statistics from 2019 through 2025-- there were 143 cases filed in that time period. And the outcomes for those emancipation cases still had about 8 pending in that time period, 9 were denied, 61 were dismissed, and only 65 granted. So there-- with 8 still pending during that time period, there was only 65 emancipation petitions that were actually granted in Nebraska from 2019 to 2015. Just to give you a sense of how rarely utilized that process is. And that's for a lot of good reasons. It's a very serious process that comes with significant obligations for a young person. It's a very arduous process for a young person to seek legal assistance, petition a court, be able to demonstrate to the court that they have the fiscal and mental and physical wherewithal to take care of themselves. And so in many instances, that's not going to be the right path. But many young people who are not emancipated still do-- have children and maybe in fact even living at home. Or they may choose not to be emancipated for health insurance purposes or other purposes or may just be kind of living on their own outside of a formal emancipation. So when proponents of this measure say, oh, this won't really impact kids who have kids who are working or this really won't impact kids that are living on their own because we have that exemption out there for emancipation-- friends, that's, that's actually-- I, I appreciate that. That is something, but that's only going to help about 65 kids in Nebraska, according to kind

of the most recent statistics that we have available. And we know, for example, that there's tens of thousands of young people actually in the workforce in Nebraska. So while it is a nod to the young people who are living as emancipated minors, it is truly not a concession in terms of the overall impact for young workers, including young workers with young families. So there's plenty more information you can find on the Nebraska Supreme Court site about how to petition for emancipation. I'm happy to share the statistics from Legislative Research Office and the Supreme Court about how rare that instance is. But it is one point that I know there was a great deal of confusion, at least in private conversations, about what that specific exemption meant. So I wanted to lift that up there. I wanted just to continue reading from the Lincoln Journal Star article, which reaffirms what opponents of this measure-- not article-- editorial-- I'm sorry-- which reaffirms what opponents have been saying, which reaffirms the vote of the people, which reaffirms the sentiment of hundreds of Nebraskans who spoke out on the record-- the official committee record-- on this bill that are being discarded. Again, some 387,000 Nebraskans, 58.7% of those voting three years ago approved the minimum wage increase which has already taken effect. Raising the minimum wage from \$9 an hour to \$10.50 an hour in 2023 and then \$12 per hour last year and \$13.50 per hour on January 20-- January 1, 2025. Future legislation could also potentially deprive the state minimum wage workers of the final \$1.50-per-hour increase and would again prioritize legislative judgment and business interest over the voice of the people and economically hurt those workers, even the youngest, costing each of them \$1,000 or more per year going forward. As with LB698, senators should reject Raybould's LB258 and allow the law from the second house to be fully implemented rather than undercutting the measure. The state's robust initiative process and the faith of the voters and their will should be done. The only place this measure seems to make sense is in this place. You talk to Nebraskans at the coffee shop, you look at your inboxes, you read the newspaper, you look at the election results, and Nebraskans of good will understand. Sophisticated political observers understand exactly what's happening here. Some Nebraska politicians are trying to substitute their own judgment, carry water for business interests, and undercut the will of the people and working Nebraskans. The clai-- claims about why they're purporting to do so have not come to fruition in 85 years of minimum wage debate, study, and results-- including in Nebraska recently and presently. It creates a slippery slope when this Legislature substitutes its judgment for the will of the people. Proponents of this measure have not offered one solution for how young workers or minimum wage workers or seniors who are working on minimum wage into their retirement are supposed to make up the difference. Because guess what?

The cost of gas, the cost of groceries, the cost of child care are not arbitrarily capped and carved out. They're subject to economic and inflationary pressures. That's why this component of the successful citizen initiative was indexed to inflation, so that those making minimum wage had an opportunity to see their wages grow to better keep pace with inflation. That was a key component of the measure. It was also an effort to ensure that we didn't have to continually organize campaigns every time the Legislature failed to act or the federal government failed to act, but we put in place thoughtful, modest but meaningful increases that could help low-income workers keep pace with inflation, that could be absorbed in a thoughtful way by businesses and employers, and that we're in line with approaches that our sister states have taken in regards to this and other proposals. Cost of living increases are part of our public policy, whether that's incentive programs, whether that's Social Security, whether that's certain public assistance programs. There's nothing out of the ordinary or unintended or unforeseen with tying minimum wage to inflationary increases and pressures, which is all the citizen initiative did. I ask for your reconsideration of this motion to recommit this measure to committee for further debate and deliberation.

ARCH: Time, Senator.

CONRAD: Thank you, Mr. President.

ARCH: Senator von Gillern would like to recognize some special guests. There are 60 fourth grade students from Picotte Elementary in Omaha. They are located in the north balcony. Students, if you would rise and be welcomed by your Nebraska Legislature. Turning to the queue. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. Welcome, kids. My, my cousin went to Picotte growing up, so I visited the school a couple times. And it's a beautiful school. So welcome to your Legislature. I wanted to read-- I was talking in my last time on the mic about some of the outreach that we've gotten from Nebraskans. And on almost every controversial measure, we get lots of feedback to our phones, to our emails. But these are messages from Nebraskans who kind of self-select into being aware and politically active when it comes to their State Legislature. We know that that is not most Nebraskans. Senator Conrad said earlier most Nebraskans are at work. You know, most Nebraskans are working one of their several minimum wage jobs in some cases and do not follow everything that we do in the Legislature. I think that, you know, a goal of good lawmakers in government is to run a society where people do not have to read the news every day, where people don't have to read

the newspaper and pay attention to what's going on under penalty of losing their rights, basically. We asked Nebraskans to go to the ballot box, to cast a vote, to make their voice heard on how they'd like to improve society somewhat, and they did that in November. They said, yes, we'd like to raise the minimum wage. And they probably thought that that's what was going to happen. They probably thought that what they voted for was going to indeed come to pass because it passed. And they may be shocked and surprised to learn that it is not, because of the actions of this Legislature, potentially. And that's true. This is what voters who are not the most plugged-in people, who are just trying to mind their business and go to their job and go about their day-to-day life without having to, to lobby us all the time-- because, of course, you know, the workers don't have a lobbyist. These are some of the things that they have said. Some of these things are short, some are longer. And I'm not going to read feedback that is-- could be interpreted by the introducer as a personal attack, though I would disagree. But just to keep the temperature down, I'll skip those. But someone said, it's almost unbelievable how easy it is to overturn the will of the voters. That's a big theme of what people are saying. Just another reminder that the people we elect don't represent the majority of Americans. They are elected to serve the business interests of the wealthy and are bought by those interests before their names even appear on a ballot. That's a view that many people share. This only proves that scum exists in both of the two major political parties. And yet we wonder why young people won't stay in Nebraska. If you can't afford to pay a living wage, then maybe you shouldn't start a business. If your business model has lowering wages as part of the plan, you're not a business owner; you're a rich kid. OK. That's one view. Some of these are a little rough. If your business pays a wage too low to live in that area, then you are a leech on the community and an incompetently run business. I love that a hardship for the business is more important than being able to have food and shelter. Businesses don't vote; people do. Look at these poorly run businesses that can't handle basic expenses using conservatives to overturn the will of the people. Welfare for business owners. What is this? For some reason, the state wants to not allow the will of the majority of its citizens. And, who's in charge of government of this state? Let's see. If you work a full-time job, you should be making a living wage, period. 40 hours should cover bills, rent-- you know, a lot of things like this. It's beyond ridiculous. They put initiatives on the ballot, they pass, and then they find a way to get rid of them. They did it under Ricketts with marijuana and they're trying to derail the one passed under Pillen. They just make a mockery of our vote. Why even vote on anything anymore? Then someone said, contact your representative and let them

know how disappointed you are. Threatening their cushy government job is the only nonviolent leverage we have. And then that person replied, I'm just tired. How much longer do we have to use this leverage? I just want to live a comfortable life and maybe one day own my own home. And someone else said, I've been doing it for 30 years now-- meaning contacting their representatives. I'm tired. I've cut back now on what I do and who I call and write because it's so tiring and nothing ever happens. Are there any direct initiatives passed by voters that the Legislature isn't trying to get rid of? Because remember--

ARCH: Time, Senator.

HUNT: --most of these guys work for themselves and their business partners. The only reason they acknowledge the peasants is during election season.

ARCH: Time, Senator.

HUNT: Thank you, Mr. President.

ARCH: Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. I rise in support of the motion to reconsider and the motion to recommit to committee. I-- you know, I've kind of hit a wall today. I was talking to people out there about how, how, like, 2023, when I was talking all the time, all day, all the time, and how difficult that was, and it's got nothing on this session. This session is hitting me like a ton of bricks. I look at the agenda. And even when there is something good on the agenda, something that will help Nebraskans, I know it's going to be fought. And it's going to be a hard fight. And then we're gonna do things that help wealthy, the top 1% of the state. And, and then we're going to nickel-and-dime poor people. We have to fight to get SNAP, which is food, to people. We can't get free universal meals in schools because we can't afford it, but we can afford tax cuts. I don't know-- I, I don't what we're doing. I-- honestly, I'm just kind of despondent at this point. Like, I'm waiting for the next election cycle because we are fast-tracking to be Kansas after the Brownback administration, where there was a clean sweep. And after decades of Republican control, they voted in Democrats. Because that's where we're at. We've had Republican control of this Legislature and our constitutional officers for decades. Since Ben Nelson. And I worked for Ben Nelson in D.C. in 2001, so that's a long time. It was the 1990s that we had any Democrat top of the ticket. So-- yeah, I'm, I'm feeling very despondent. We talked about this last night. Nothing

we do matters. We can-- all we can do is take time. And then you'll win. And you keep winning. And at the end of this, eventually, the voters will speak and you will lose. And now I'm just kind of white-knuckling until we get to that point, but it is exhausting. It is exhausting to look at what we are doing, what decisions we are making, how we-- what did somebody call this, a felony factory? I've never seen so many felonies brought to the floor. Oh, that was Senator DeBoer. Senator DeBoer also calls this, as the Legislature turns. She has a lot of really great, witty comments and commentary. Yeah. We're a felony factory. Our budget is not a-- it's an amoral document or an immoral document. Doesn't reflect my values. I don't know whose values it reflects, but-- yeah. Somebody out there said, oh, I miss hearing about salads. And I'm kind of like, yeah. I'm kind of like, why don't I just talk about salads again? Because it doesn't really matter. I'm basically like the teacher from Charlie Brown. Wah, wah, wah, wah, wah, wah, wah, wah, wah. Doesn't matter what I say. It's not gonna change anybody in this Chamber's views. You're not gonna stop harming Nebraskans. You're not gonna stop being in the pocket of the 1%. So I may as well just wah, wah, wah my way through my speeches. So, yeah. That's where we're at. I feel, I feel broken, to be honest. And I am counting down-- 79 days left of session, this session and next session, and then I am done serving in the Legislature. And it has been a privilege. And there have been moments that I have really enjoyed and appreciated and things that I have accomplished, but those things are so far in the past now. All I do is stand up for working Nebraskans while you put your foot on their backs and hold them down. It makes no sense. I feel like we're in the upside-down now. But I'm almost out of time and then Senator Kauth's going to call the question. Then we're going to move forward to some amendment. And blah, blah, blah, blah. Yada, yada, yada, yada. We're gonna screw over Nebraskans again. So. Your Nebraska Legislature: the felony factory that puts its foot on your backs. Thank you, Mr. President.

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

KAUTH: Thank you, Mr. President. I rise in opposition to the reconsider, in opposition to the recommit, and in support of LB258. I think Senator Raybould did a very good job of making this bill something that worked for everybody. I was against this last year when this was brought because it said anyone under age 17 would have that, that lower wage until they lowered it to age 14 and 15. 14- and 15-year-olds federally are not allowed to do the same work. And you should not expect the same pay if you're not able to do the same work. So I support that. I think Senator Raybould's inclusion of increasing the training wage was brilliant. And nobody's paying any attention to

that. As of right now, the training wage for that first 90 days-- and employers, you should probably be listening-- you can pay someone 75% of the federal minimum wage, which means you could pay \$5.40 an hour for the first 90 days. Senator Raybould's bill raises that up significantly, and I think that provides a really, really good balance. What people fail to remember is that minimum wage was not put in place to support families. Minimum wage was put in place as a safeguard against people being used too much. This is something-- if you want more money, if you need more money, ask for more responsibility. Increase your skills. Change yourself rather than asking the government to do it for you and you don't change anything at all. The only way to actually get ahead is to work on yourself and increase those skills and increase your value to your employer. Or start your own business. Get out there and try something on your own. Asking the government to make a business give you money is not the way to go. And I'd like to yield the rest of my time to Senator Raybould.

ARCH: Senator Raybould, 2 minutes, 50.

RAYBOULD: Thank you, Mr. President. Thank you, Senator Kauth. Colleagues, good afternoon. I want to take this opportunity on the mic to share information on past legislation impacting the minimum wage that was introduced by members of this body. Our colleague, Senator Bostar, introduced a creative solution to increasing the minimum wage in 2022. LB935 created the County Minimum Wage Option Act. In his opening at the committee hearing on the bill, Senator Bostar said, this legislation is about local control and understanding that it may not make sense to have the same minimum wage in every corner of the state. LB935 acknowledges that economics and the cost of living are regional and what may be appropriate in one area may be a poor fit in a different part of the state. The cost of housing, dining out, and groceries is fundamentally inconsistent from one community to another. The cost of living in Douglas County is very different than the cost of living in Box Butte County. Senator Bostar continues: with ballooning inflation, rising property valuations, and the real cost of food and fuel-- fuel increasing in recent years, there's a growing pressure in our state to see another statewide minimum wage increase either in legislation or through the petition process. But that economic pressure is not equal in every corner of our state. And a likely unintended consequence of statewide mandate is that communities may be matched with a state minimum wage rate that is not appropriate for the discrete economic factors of their community. LB935 allows each county to simply do what is best for their community without unduly impacting their neighbors. That's a little bit of history. The second bit of the history I want to bring to your attention is from 2007. LB31,

introduced by Senator Daniel Nantkes-- now Conrad-- sought to increase the minimum wage. From page 2 of the bill, every employer shall pay to each of his or her employees who are 17 years of age or older wages at the following minimum wage. From page 3 of the bill, for persons who are 17 years of age or older compensated by way of "gratuity," the employer shall pay wages at a minimum wage of 50%, 50% of the applicable minimum wage. Also on page 3, any employer employing student learners as part of a bona fide vocational training program shall-- shall pay such student learners who are 17 years of age or older wages at a rate at least 75% of the minimum wage rate. And still on page 3, in amending a section, the statute relating to training wage, it reads, any employer may pay a new employee who is between 17 and 20 years of age and is not a seasonal migrant train-- migrant worker or training wage. I know it's hard to discern which of-- what-- that text is new language in her bill, so I have passed it out for you-- and, and I can make sure that you see it-- where it repeatedly states that she wanted to raise the minimum wage only for those workers aged 17 and older. In reviewing the committee statement on LB31, I saw that some of the same people who testified as proponents--

ARCH: Time, Senator.

RAYBOULD: Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Good afternoon, colleagues. I rise again in favor of the motion to reconsider and in favor of the motion to recommit to committee. I've not had a chance to talk too much today because the queue's been pretty full, but I've had a chance to listen. And some of the things that have been said here today are shocking to me. I don't think I've ever heard a more out-of-touch let-them-eat-cake speech than what we heard just a few minutes ago with regards to, if you want more money, better yourself and pull yourself up by your own bootstraps. I understand the sentiment here in America that we can all work hard and succeed-- and I agree with that wholeheartedly. But I tell you, the, the out-of-touch bubble that so many people live in-- not in this building particularly but in general-- is wild to me. How many people do you know who have recently been making minimum wage? How many people do you know who work actual service industry jobs? How many people do you know that have worked minimum wage in the last maybe five to ten years? How many people do you know that have worked multiple jobs in the service industry or minimum wage? These are a lot of my friends. These are a lot of my constituents. These are a lot of Nebraskans. And I, I don't mean to sound flippant-- and I apologize if

I seem frustrated, but, you know, to Senator Kauth's comments of the way to make more money is to better yourself and work harder completely, completely shows just how out of touch some of us are with everyday, working people. The amount of people out there that are working their butts off trying to make ends meet, who are working multiple jobs trying to make ends meet is far more than I think a lot of people realize. And if it was just a simple fix of, oh, I'll just-- I'll work harder. A lot of them are trying. A lot of them are doing their absolute best to be a strong, hardworking, everyday Nebraskan, maybe working a second job to pay for the food on their kids' table. I was talking to somebody earlier today, colleagues, earlier today who didn't wanna go to the doctor's office because they were afraid to pay for the medical care. Right? Like, that's a real thing. This isn't hyperbolic. These are real people who literally just want a little bit more money in their pockets. If you listen to the first round of debate on this or the-- yeah, the first round of debate-- I talked a lot about what a living wage looks like. And myself and some other colleagues have had disagreements about whether or not a living wage even should be a minimum wage. But I will tell you they're not the same monetary amount. Our minimum wage is not close to a living wage. So if somebody's, you know, just getting back on their feet, if somebody's looking for a new job, if somebody's a young person breaking into the market maybe who lives on their own, you might remember I pulled up the MIT calculator about what a living wage in Nebraska is, and it's anywhere between I think \$19 to \$26 depending on the county you live in and the cost of living. So we're not asking for too much. And it's not that we're asking for it. It's what the voters demanded. The people of Nebraska asked-- no. They told. They told us that they wanted an increased minimum wage just to try to make things a little bit easier. And I know there's a lot of concern about the impact that's going to have on businesses and I know there's a lot of concern about what that's gonna have on bottom lines, but at the end of the day, colleagues, I simply have not been convinced nor does the data show that if we adopt what the voters told us to or if we allow it to stay into effect-- it's already law. If we allow this to stay in effect, it is not going to drive businesses out of business. It's not going to crash our economy. It's not going to send our economy spiraling into some sort of ever-increasing inflation. The data doesn't show that. The data shows that if you have meaningful increases in minimum wage that are predictable, the economy remains relatively stable. So please, do-- you can vote how you're gonna vote, right? I-- I'm-- everybody can disagree, but don't stand up here and tell the people of Nebraska who are struggling to make ends meet or who are working hard one, two, three jobs that they're just not working hard enough. And if that's how

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you actually feel, then I would encourage you to get down from your ivory tower and have a conversation with everyday Nebraskans instead of just talking to the other people in your community that maybe have enough money that you don't have to worry about these things. And if I sound frustrated, it's because I am. It's because this entire debate, colleagues, is a little bit insulting-- not just to Nebraskans because you're ignoring their voice, but it's a little bit insulting to the people who worked really hard to bring this ballot initiative about. And it's a little bit insulting to the everyday people who sent us here who just want their lives to be a little better. They're not asking for a lot. They want to be able to get home from work, sit down to dinner, turn on the TV, and not worry. They just don't want to be concerned. Thank you, Mr. President.

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

HANSEN: Question.

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

CLERK: 27 ayes, 1 nay to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Machaela Cavanaugh, Bostar, and von Gillern, please return to the Chamber. The house is under call. All unexcused members are now present. Question before the body is calling the question. All those in favor vote aye-- been a request for a roll call vote for cease debate.

CLERK: Senator Andersen voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting no. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator, Senator Jacobson voting

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yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting no. Senator Quick voting no. Senator Raybould voting yes. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senor-- Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is 33 ayes, 15 nays to cease debate, Mr. President.

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

CONRAD: Thank you, Mr. President. And again, good afternoon, colleagues. My friend, Senator Guereca, was not able to join us for the debate earlier, so I'd like to yield my time to him so that we could learn more about his perspective.

ARCH: Senator Guereca, 4 minutes, 40.

GUERECA: Thank you, Mr. President. And thank you, Senator Conrad, for the time. Yeah. I had to attend to a matter back home. And, you know, it was a good lesson that we have lives outside of this Chamber. So good morning, Nebraskans. Good mor-- good afternoon. Oh, gosh. It's 2:00 in the afternoon. I rise in-- against LB258, clearly, and in support of the motion to recommit to committee. I appreciate my colleague, Senator Hallstrom, talking us through the, the powers that this legislator has when it comes to dealing with the referendum. And, yes-- but the question I pose to you colleagues is, should 33 people override the will of 386,756 Nebraskans that voted in support of this measure? And we have heard-- and then he also brought up, but no one says, do they not know what we voted for? But colleagues, every time we take votes, every time we pass bills that chip away at citizen referendums, we are indeed saying we-- you voters don't know what you voted, but we're gonna make it better. Don't worry about it. Senator Juarez and I had a town hall where I literally had a woman stand up and say-- and this is to deal with paid sick leave-- do, do you and your colleagues honestly think we don't know exactly what we voted on? That's the sentiment, colleagues. That's the sentiment that everyday Nebraskans-- and when I say everyday, I mean every day of every walk of life, every demographic, every ethnicity. They know what they voted for. They can read. They know what they're casting their ba-- their vote for. So we-- let's consider that. Consider that every time we want

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to pass legislation that says to our fellow Nebraskans of every walk of life, I know better than you. Because I'm the first to admit I don't know better than my constituents. That's why for over a year I knocked on doors and asked the people of my district, what's important to you? And every single day that I went out there, what I heard from the people of my district is, I wanna be OK. I want to live my life being OK. Folks, I told this story in the General File debate. When I first came out to Nebraska, a good friend of mine invited me to Thanksgiving at his house in Seward. Or-- sorry-- it was an acreage outside of Milford. But we went to his father's union's president's house in Seward. This was the first year that I was in Nebraska, fresh off the boat from California. We went into this basement of this man's house, half the wall Cornhusker red, the other half Budweiser red. That's a shock coming from California, but I was in it now. We had a long debate into the night. And at the end of the day, what this man said to me is, I want to put in an honest day's work, get paid an honest day's wage, put food on the table, keep a roof over my family's head, and provide my fa-- my son and my daughter a better life than the one that I have. Colleagues, growing up, my immigrant father would say to me, son, your job is to provide your children a better life than the one that I gave you. Colleagues, at that moment, my immigrant father had everything in common with a factory worker in Seward, Nebraska. Everyday Nebraskans of every walk of life want to put in an honest day's work, get paid a decent wage, and live their life with dignity, colleagues. So not just on this bill, but every bill moving forward--

ARCH: Time, Senator.

GUERECA: Thank you.

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

CLERK: 14 ayes, 33 nays to reconsider, Mr. President.

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

CLERK: Mr. President, Senator Raybould, I have AM880 with a note you would withdraw and substitute AM1254.

ARCH: Obje-- without objection, so ordered. Senator Raybould, for what purpose do you rise?

RAYBOULD: I move to withdraw and substitute.

ARCH: You're recognized to open on your motion.

RAYBOULD: Thank you, Mr. President. Thank you, colleagues. Thank you for the debate and dialogue this morning. It's been a struggle, to be honest with you, to listen to some of the comments from my colleagues. Throughout this whole process, I felt that they are speaking to our fellow Nebraskans and misleading them throughout the entire process. Not once did I hear a single one of my colleagues address the fact that our Nebraska Constitution in the same paragraph that we authorize the right of the people to go out for ballot initiatives and referendums, it also enshrines the right of the Legislature to amend and modify. We have a higher threshold. Senator Hallstrom spoke about that higher threshold. That's a duty that we're bound to execute on. We have a higher threshold. But at the same time, I'd encourage my colleagues to reach out to the stakeholders that this impacts, to the small businesses that have very small margins, to the day care centers-- the day care centers that have had to pass on these costs-- these increasing costs to the families that are struggling to pay for affordable, accessible child care. We're creating this vicious cycle. They never told me once that they've reached out to nursing homes and asked them, how are you able to hire your staff and retain your staff? They never asked the home health care providers, how are you handling this cost of wage increase? But I have. I've talked to these individuals where it's impacted them and their families. I've talked to small businesses, how they have said they've had to either rethink about hiring someone for the two open positions they currently have. I've heard from a small business that said they had to close after 35 years of operation because the struggle was just too hard to keep up with some of the financial obligations-- not only of their business but to provide for the employees that they care for. So this is why I stand before you in LB258. When I've talked to nonprofit associations and organizations and when I've explained to them exactly what this bill does, they shrug and say, that makes perfect sense. Colleagues, instead of saying to our fellow Nebraskans, guess what, we're a state that is increasing our minimum wage to \$15 effective January 1, 2026. That's something we should celebrate. They don't tell you that that's been a 66.67% increase since the \$9 implementation of minimum wage. They don't tell you that the Legislature has the statutory authority to modify and amend. It's trying to create that balance when you listen to those small businesses, when you listen to the smaller retailers, when you listen to the day care centers, when you listen to the nonprofits, when you listen to your constituents if you even ask them the question when I ask the day care centers, how are you handling this-- and I asked them, have any families had to drop out because of this increase? And

they say, yes. We've lost seven families last year and a few families a year before. This motion before you is a compromise that I have crafted and worked hard with Senator Clouse to present to you and why it's important. We've gone back and forth. I've listened to my colleagues. And I'm just disappointed and disheartened at how they don't tell our fellow Nebraskans a straight story. No one has ever said that our voters don't understand what they voted for. We appreciate that. I stand in support of that. I supported an increase in the minimum wage in 2014. I stand-- and I did not oppose this increase until I started to hear from small businesses that were impacted by it. And I ask my colleagues, colleagues to reach out to them and listen to them as well. This is a balance. This creates a balance. And I'm hoping if Senator Clouse would like me to yield him some time to talk about this, about your-- the modification that we're making.

ARCH: Senator Clouse, 5 minutes, 40.

CLOUSE: OK. Thank you. Yes. I wasn't quite prepared for this, but the reason that I brought that amendment was I felt that we needed some certainty and, and-- based on what I was reading with the things being presented. And the certainty comes from a couple different perspectives. And number one is the way the ballot initiative and, and language was written-- and, and I do-- I, I have all those initiatives word for word of what it said. And as I look at those initiatives and what's on the ballot, I don't try to understand or try to put, put myself in a position where what was the person thinking when they went in there, because I can't tell you what that was. I can tell you what they read. And what they read towards the end of it was, and there would be cost of living adjustments after-- I believe it was date 2027. I have to look at-- yeah. Here it goes. It says, to be adjusted annually thereafter to account for increase in the cost of living. Well, that-- so what does that mean? They voted for it, but what does it mean? And so as I looked at those dates and they had dates certain for different levels, I felt it was probably important that maybe we would provide some certainty so that they could be guaranteed some type of wage adjustment every year. And when you look at the various indexes over the years, it's-- there's been years when there's been zero cost of living adjustments, zero CPI, and there's been years when it's been 7%, 8%. So really, they're rolling the dice as to are you going to get a wage adjustment or not. So I felt that it would be important for the wage earner to feel that there was some certainty in their life so if they're making a minimum wage that they would be guaranteed that, on an annual basis, they would get a wage adjustment. Then I looked at it from the business owner-- or, the business perspective. They would like some certainty to know that when they're putting their budgets

together, what can I expect? If I hire people at minimum wage, what's my projected budget going to be in terms of labor? So I felt that just putting a number in there, a fixed number going forward-- which can always be adjusted if we see things going crazy in future years. Right now, I think with the state of the economy, you really have to wonder if that's the right number. But in my mind, I was thinking the only thing we ought to be arguing is, what is the right number? Is it 1%? Is it 5%? Is it-- what-- whatever, whatever that number may be. And so Senator Raybould and I sat and talked about it and we came up with a 1.75-percentage point increase every year. This provides certainty for the, the wage earner and also certainty for businesses. So that was the genesis of the amendment that I presented. So with that, I'll yield back the rest of my time. Thank you.

ARCH: Senator Raybould, 2 minutes, 50.

RAYBOULD: Thank you, Mr. President. You know, I, I started a conversation about past history of the minimum wage. And I know the pages are kind enough to start passing out the, the elements I was talking about. And I know it's hard to discern with some of the language. I was referencing, Senator Nantkes'-- now Conrad's-- bill on minimum wage, and she repeatedly states that she wanted to raise the minimum wage only for those workers aged 17 and older. In reviewing the committee statement, LB31, I saw that some of same people who testified as proponents for that bill were present in opposition to LB258. Specifically Nebraska Appleseed and Nebraska AFL-CIO. So at, at that point in time, they were supporting a separation, a differentiation of wage for those that are 17 and older. I also noticed a familiar name listed under the opponents to LB31. Mr. President, I would ask if Senator Hallstrom could yield to a question.

ARCH: Senator Hallstrom, will you yield?

HALLSTROM: Certainly.

RAYBOULD: Senator Hallstrom, I see that you testified as a registered lobbyist in opposition to LB31 in 2007. Is, is that right?

HALLSTROM: I was here at that time and, as memory serves me, I, I believe I would have testified in opposition on behalf of the National Federation of Independent Business to LB31 in 2007.

RAYBOULD: OK. Am I interpreting this bill correctly that then-Senator Nantkes-- now Conrad-- was seeking to establish a minimum wage rate for

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employees aged 17 and over and lower the minimum wage for those 16 and younger?

HALLSTROM: Well, you're taking me back quite a few years, but as I recall at that time, the federal minimum wage was \$4.25. LB31, which you've sent a copy around to all of us, also had the state minimum wage at that point in time at \$4.25. I think it would have raised it in incremental step-- steps to \$5.15 and ultimately to \$7.25. Later that session, we were going to move in advance of the federal changes. Later that session, Congress did act. And I think later that year before the Legislature adjourned, they were able to go in and set the minimum wage at \$7.25 in tandem with what the Congress had adopted.

RAYBOULD: So I'm-- Senator Hallstrom, do you think based on what we've heard during the General File debate, do you think Senator Conrad would have supported Senator Nantkes' bill today?

HALLSTROM: Well, I'm not sure I'm qualified to speculate or define as to what Senator--

ARCH: Time, Senator.

HALLSTROM: --Conrad would do. My time's up. I think you're next in the--

ARCH: Senator Raybould, you are next in the queue.

RAYBOULD: Thank you, Mr. President. Senator Hallstrom, did you want to finish your thought?

HALLSTROM: Yeah, I will. I'll just start where I started. I, I don't think I'm qualified to speculate or divine as to what Senator-- now Senator Conrad-- formerly Senator Nantkes-- might have done differently. What I, I do know is that I would not criticize her for having a change of heart or a change of mind on the issue. I, I think people are entitled to, to have those changes of heart or a change in their, in their attitude. But it certainly appeared at that point in time in 2007 that then-Senator Nantkes was supportive of making that differential between those who are over the age of 17 and those that are not. As I described my recollection of LB31, her bill as introduced would have had so-called adults over the age of 17 receiving a minimum wage of initially \$5.15, then I think \$6.26, and ultimately \$7.25, leaving behind the 17 and younger at \$4.25. And again, I think the, the thing that I would take the most umbrage with is for Senator Conrad and others to be critical of those of us whose mindset is in the same place that hers was in 2007. So pot, kettle, black, if you will. I'm not sure

when I look at some of the comments that were made from General File that I looked up-- if I can read verbatim-- so when you're a consumer and you walk into a grocery store-- and this was Senator Conrad, I believe-- you don't know if a 14-year-old or a 34-year old put the can on the shelf. If you're a consumer, you don't know if a 16-year-old or a 26-year-old put the pepperoni on your pizza. I think that rationale would have been applicable back in 2007 just as equally as today, but yet the proposal at that time was to differentiate between those age-- less than age 17 and those older. And I think this bill has some positive provisions for training wage and so forth. And I think it's a good bill, and appreciate you bringing it.

RAYBOULD: Thank you, Senator Hallstrom. I just want to continue that I feel that my opponents have no interest-- or maybe they're not aware or-- I hate to think that they don't care in listening to the voices of nonprofits, day care centers, retailers, youth sports organizations, home health providers, and nursing homes, especially in our rural communities who are holding on by a thread facing closure and forced to push these increases onto their customers. The cost of living is not the same across our state. Senator Bostar spoke about that in 2022. Lincoln County's cost of living is not the same as it is in the city of Lincoln, nor is it the same in Ogallala as it is in Omaha. Senator Hunt said that if a business can't pay their employees a living wage they have no business being in business. Well, that's certainly a nice quip, but with, with it, there is a failure to acknowledge two truths: the cost-- number one, the cost of living varies across our diverse state. According to the Development Council for Buffalo County and using data from the Economic Research Institute, the 2021 Cost of Living Index for Kearney was 88%. In Omaha, the same index was 97%. And in Lincoln, it was 99.9%. The second truth is when a grocery store goes out of business in Lincoln or Omaha there are a multitude of options for residents. That is not the case in Mullen, Hyannis, or Atkinson or Superior, Lynch, or Newman Grove. I could name dozens more communities, but I hope I've made my point. On General File, I shared that there were 64 counties that voted against the ballot initiative. I didn't do this because I don't know basic civics or think that the land votes. I looked at it into a singular viewpoint and assumed so did everyone else. The difference is that I'm willing to recognize that the decision was made by people living in population centers of our state has very real consequences to the quality of life of those who don't. The options that exist when you need baby food, diapers, or a new faucet are vastly different across our state. I absolutely acknowledge that wages should increase, but when voters were given a take-it or leave-it proposal, they weren't able to consider the nuances that we are, are

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able to work with at this level of policymaking, meaning legislation is not black and white. Bills-- hear testimony from proponents and opponents. Both sides deserve to be heard. Both sides deserve to have representation. And we have a responsibility to look not just at one side or thought--

ARCH: Time, Senator.

RAYBOULD: Thank you, Mr. President.

ARCH: Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, I rise in opposition to basically everything on the board-- LB258, fundamentally. I'm gonna yield some time to Senator Conrad so she can respond because I know we'll be done here, but I wanna say a few points first. I don't like devolving into personal attacks or directed at other people, and I shy away from that. But I do think there are a few things that have been said here today that bear being called out. And one of them is that no one has ever said the voters didn't know what they were talking about. So Senator Hallstrom just correctly pointed out: this is all recorded, folks. We get a-- you can watch the video. There's a printed transcript. There's a historical record of all of this. So if you look at the historical record of February 24, the first round of debate, page 68, Senator Raybould: Senator, but I think a lot of people back in 2022-- or, actually 2021 didn't know what the annual CPI inc-- increased. Nor did they know what the average of the annual CPI is for the last 50 years. Nor did they understand that this would have consequences on their family day care or the-- on their grocery bills or, you know, small grocers in small communities across the state of Nebraska. So I think oftentimes when we get these bills it's up to us to do our job and figure out what or how do these-- to correct these unintended, adverse consequences that would impact all of our fellow Nebraskans. So that's just one, the quickest one I could pull up of people saying we have an obligation to correct the will of the people. I would also point out Senator Con-- or, Senator Raybould just sort of correctly pointed out, people have a right to know these things and we have campaigns. I would ask any of you that are here today opposing-- or, in favor of LB258, did you campaign on the idea that you were against the minimum wage referendum? Did you campaign on the idea that you would gum-- come in and roll it back? Did you go to people and explain to them, I don't like this because I think there are unintended consequences? I would guess that very few of you went out publicly and told the voters while you were on the ballot with this ballot initiative that you would oppose this in the Legislature. So that rings

hollow. The time to talk about the consequences of this were when it went on the ballot. Now this is a post hoc justification for the fact that you don't like the outcome. I do think it's interesting the, the tone-deafness of some of the conversation that people have pointed out. And just the very point-- I, I appreciate Senator Hallstrom. I think you're a great senator. You're doing a good job. I've opposed you on a number of things. But as a justification to pass LB258, we just had a colloquy where one senator asked the person who was the paid lobbyist to oppose this idea to talk about it on the floor of the Legislature about why they opposed it when they were being paid to oppose it. Don't people think that that's crazy? That this is some-- in some way you would see that as a positive? So I oppose this for any number of reasons, but one of my biggest reasons that I want to talk about it was that the CPI over the last few years is much higher than 1.5%, much higher than 1.75%. So I think Senator Clouse's compromise is still a huge disservice to the people. I think that we should go back to the drawing board if we are going to come to a compromise on this. But I would yield the remainder of my time to Senator Conrad so she can defend herself. Thank you, Mr. President.

ARCH: Senator Conrad, 1 minute, 35.

CONRAD: Very good. That's all I need. Thank you, Mr. President. Thank you to my friend, Senator Cavanaugh. Friends, let me help to update and contextualize and distinguish some of the comments that you've just heard, unfortunately, from my other friends in the body. I brought LB31 as a young senator. It was the first bill I introduced in the Legislature, and I was super proud of it. I worked with the faith community and labor groups to put together a comprehensive update to our minimum wage law, which included raising the wage for the vast majority of employees and those over 17, raising the tipping wage, providing an opportunity for student learners, ra-- ensuring that all of these pieces were indexed to inflation, and that measure was brought forward within the existing contexts and in light of what was happening at the federal level. That was a comprehensive update and rewrite to put more money in the pocket of working Nebraskans, including young Nebraskans, that was supported by the Nebraska Catholic Conference, the AFL-CIO, and Nebraska Appleseed. Due to federal developments that coincide with that legislative session, we were able to update the state minimum wage to match the federal rate in 2007, which helped lift 53,000 Nebraskans up and out of poverty. And that passed 47-0. It wasn't even controversial at that point in time. At the heart of my work has always been an effort to help put more money in working people's pockets. That's why I brought the bill in 2007. That's why I led the citizen initiative in 2014. That's why I supported the citizen

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initiative in 2022 and why I'm pushing back against these measures. If you'd like to ask me about my intentions, I'm happy to yield for questions so that other senators don't have to guess as to my intentions from 15--

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

DORN: Thank you, Mr. President. Been listening quite a bit, I call it, to the conversation here today or whatever and stuff. And before I start, I guess, I am support of LB258 and the amendment also. Find it interesting and, and-- and, I don't know, maybe it's that time of the year here where we are in the Legislature, some bigger bills, but I find it interesting all the handouts we're getting. And I generally read them all, try to look at them. But Senator Raybould just handed out one here. If you look on the second page, it was from September 30 of 2007, and the minimum wage was \$5.15 at that time. And now here we are discussing it and it's in the neighborhood of, I don't know, \$15 give or take and where we're going at that and where we'll be at. But I find it kind of interesting. Some of these things, they do relate to a lot of the other, I call it, fiscal stuff we talk about and all those things. But some of these handouts are kind of interesting to read, especially when they bring us back to, I call it, some of these memories. Thank you very much. And I will yield the rest of my time to Senator Raybould.

ARCH: Senator Raybould, 3 minutes, 45.

RAYBOULD: Thank you, Senator Dorn. Thank you, colleagues, for participating in this debate. I just want to do a quick review of what LB258 does. First, minimum wage increases to \$15 in 2026. And thereafter, this bill proposes-- if you approve this substitute amendment from Senator Clouth [SIC]-- it will be a fixed 1.75% capped annually going forward for predictability for our businesses. The second element is the youth wage. The youth wage focuses on 14- and 15-year-olds. And it has never been with the intention to not make sure that they have access to a job. It is with the full intention and incentivizing businesses to bring them on at \$13.50. And that increase will happen every five years of 1.5% going forward. It's important for 14- and 15-year-olds. How do I know this? For 16 years, I was at the District of Columbia Building Industry Association in Washington, D.C., comprised of commercial builders and developers. And the goal working with the District of Columbia was to hire as many 14- and 15-year-olds as possible, particularly in those economically disadvantaged neighborhoods, because it was an opportunity for them to be a party of learning great job skills, doing entry-level positions that would help

them and nurture them be better workers. Data and economics and statistical analysis have shown that those 14- and 15-year-olds that have access to earning money and learning on-the-job training skills have a higher level of success and ability to rise and increase their income capability. So the youth wage is for 14- and 15-year-olds. There is a very profound reason why. 14- and 15-year-olds are prohibited by OSHA federal standards and our state restrictions of handling a lot of hazardous material and equipment. It's for their protection. And they're restricted on the number of hours they work. The last element was not even addressed and was a complete oversight by the ballot initiative. That has been changed in LB258. It increases the minimum wage for a 90-day period at \$13.50 an hour, and that'll increase annually. The idea was it'll always be 90% of Nebraska's adjusted minimum wage for 90 days. Currently in our statutes right now, you could only be receiving \$5.44. That was a complete oversight. That has been corrected. That has been adjusted and revised. So it will be in sync with Nebraska minimum wage. It's for only 90 days. 90 days, 90% of Nebraska minimum wage. So thank you, my colleagues, for your attention. I ask that you support this withdraw and motion and substitution, and I ask for your support on AM880. And of course, I ask your continued support on LB258 so we can strike balance in our state of Nebraska. Thank you.

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

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

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

RAYBOULD: Call of the house, roll call vote, regular order.

ARCH: There has been a request to place the house under call. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 30 ayes, 1 nay to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Colleagues, Senator McKeon would like to recognize some special guests. There are 32 fourth grade students from Ravenna Public School in Ravenna, Nebraska. They are located in the north balcony. Students, please rise and be welcomed by

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your Nebraska Legislature. All members are present. There's a request for a roll call vote in regular order. Mr. Clerk, please call the roll.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting no. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting no. Senator Quick voting no. Senator Raybould voting yes. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting no. Vote is 33 ayes, 15-- 16 nays, Mr. President, to invoke cloture.

ARCH: The motion to invoke cloture is successful. The next item to vote is the motion to withdraw and substitute. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 34 ayes, 11 nays on the motion, Mr. President.

ARCH: The motion is successful. The next vote is the adoption of AM1254. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 33 ayes, 12 nays on adoption of the amendment, Mr. President.

ARCH: The amendment is adopted. Mr. Clerk. Senator Guereca for a motion.

GUERECA: Mr. President, I move that LB258 advance to E&R for engrossing.

ARCH: There's been a request for a record vote. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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CLERK: 33 ayes, 16 nays on advancement of the bill, Mr. President.

ARCH: LB258 advances to E&R Engrossing. I raise the call. Mr. Clerk, next item.

CLERK: Mr. President, next item on the agenda: LB830-- LB380, excuse me. First of all, Senator, there are E&R amendments.

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB380 be adopted.

ARCH: All those in favor say aye. Opposed, nay. They are adopted.

CLERK: Mr. President, Senator Fredrickson, I have AM1034 with a note that you would withdraw.

ARCH: So ordered.

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

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that LB380 be advanced to E&R for engrossing.

ARCH: This is a debatable motion. Senator Hardin, you're recognized to speak.

HARDIN: Thank you, Mr. President. I'd like to thank Senator Fredrickson for withdrawing his amendment. In the last couple of weeks, it's come to my attention that there are enterprise-level private companies who have stimulated the attention of both the Department of Health and Human Services and others within the state government reviewing extremely robust and systematic charges within the scope of LB380. The removal of this amendment allows that ongoing work to continue. Thank you, Mr. President.

ARCH: Senator Fredrickson. Seeing no one in the queue. Motion before the body is the advancement of LB380 to E&R Engrossing. All those in favor say aye. Opposed, nay. The bill advances. Mr. Clerk, next item.

CLERK: Mr. President, next item: Select File, LB319. Senator-- priority motion: Senator Machaela Cavanaugh would move to bracket the bill until June 9.

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ARCH: Senator Ca-- Cavanaugh, you're recognized to open.

M. CAVANAUGH: I'll withdraw.

ARCH: So ordered. Without objection.

CLERK: Senator Machaela Cavanaugh would move to recommit the bill to committee.

M. CAVANAUGH: I'll withdraw.

ARCH: Without objection, so ordered.

CLERK: Senator Rountree, I have A-- FA71, FA124, FA125 all with notes that you would withdraw.

ROUNTREE: I'll withdraw.

ARCH: So ordered.

CLERK: In that case, Mr. President, Senator Rountree would move to amend the bill with AM1176.

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

ROUNTREE: All right. Good afternoon. And thank you, Mr. President. And good afternoon, colleagues and those that are watching online today. Today, I rise to introduce AM1176 on LB319. I appreciate everyone who voted this bill onto the Select File so we'd be able to continue discussions and work on a bipartisan amendment that meets the needs of Nebraska. I would like to thank Senator Bosn and Senator Jacobson, RISE, and Appleseed for their work and collaborating, as we talked about on the General File, and their help to work to get this collabora-- effort and draft this legislation. During the debate on LB319, many individuals mentioned the drug treatment programming portion of the original language and how they felt it was helpful to include some form of treatment for those coming out of incarceration and applying for SNAP. After discussions with many senators and stakeholders on how best to include treatment for those who need it, we have come to an agreement on how to ensure those struggling with addiction are able to begin their process of rehabilitation and full reintegration. The amendment states that those with three or more felony convictions shall only be eligible for SNAP benefits if they are participating in or have completed a state licensed or nationally accredited substance abuse treatment program since their most recent conviction or completed a treatment program while they were

incarcerated or on probation or on parole. I believe this language strikes a balance between the concern of a blanket treatment requirement blocking those in need of food assistance and the concern that treatment should be given to those struggling with addiction. I appreciate that this language allows a variety of options for those going through treatment so that each individual's journey to recovery can fit into the law. I would like to thank the stakeholders who helped draft this amendment and worked to help families in need put food on their tables. I appreciate your support on General File for this bill and will also ask that you vote green on AM1176 and LB319. Thank you, Mr. President and colleagues.

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

JACOBSON: Thank you, Mr. President. I'm sure there are several in the body that are wondering why I'm supporting this particular bill. And I will tell you that I spent time with Senator Rountree on General File and told him that I, I felt that it was imperative that there be the treatment option out there and that treatment is an important part of this. But what this really surrounds is the issue of addiction. OK? Let me be clear that alcohol addiction, drug addiction, and many other addictions are a disease. OK? People don't choose to be addicted. They may choose to take that first drink. They may choose to try drugs, but they don't choose to be addicted. So when you sit here and say, well, how many times should they have? Well, let me tell you, if you go out and look at the statistics on why alcoholics reoffend, why drug addicts reoffend, it's because it's hard. Addiction is a lifetime of addiction. You don't get cured from alcoholism. You don't get cured. You simply consciously focus on that every morning when you get up. Now, I'm not speaking for myself, but I can tell you I've got a good friend who deals with, with alcohol addiction. And so I've seen it firsthand. And I've listened to counselors that have counseled that person. And I can tell you it's very surprising most of us who have not been there really can't understand what happens. But it's real. So if you spend time in prison because you're addicted to drugs-- and many cases, you end up becoming a dealer because you have to pay for the drugs-- and you end up in prison and you come out-- and now I've got to try to find a job? I've tried-- got to reestablish my life. And so if we want to try to keep from reoffending, we need to give them every opportunity to continue to try to be gainfully employed, and that starts with putting food on the table. This bill does not cost the state any money. This is a federally funded program. Yes, we pay taxes to the federal government, but other states are using this program as being proposed here. The state administers the program. There are 152,000 Nebraska

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residents on SNAP; this would add 1,000 more. And it's for that reason that I'm willing to support the amendment and the bill, is because there are so many people out there that are addicted that would love to be able to free themselves of addiction, and I don't think taking SNAP payments away from them is a way to get there. So for that reason, I'm going to support the amendment and I'll support the bill. Thank you, Mr. President.

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

ANDERSEN: Thank you, Mr. President. I rise in opposition to AM1176 and LB319. And I'd like to see if Senator Rountree will yield to a couple questions.

ARCH: Senator Rountree, will you yield?

ROUNTREE: Yes, Mr. Speaker. I will yield.

ANDERSEN: Thank you, Senator Rountree. On page 5, 31-- line 31 and then 6, line 1, it says-- it talks about attending a substance abuse treatment. It says, unless a health care provider licensed under the credentialing act has determined that substance abuse treatment is not required since the date of most recent conviction. Under what conditions would you think somebody would say if this guy's a con-- a convicted drug dealer that-- what determination would they use for saying that there's no need for him to seek substance abuse treatment?

ROUNTREE: Senator Andersen, thank you so much for that question. That licensed provider would have an opportunity to determine that that individual has completed a treatment program and they can have an evaluation of that member to see if there is a need for continuation of that particular program. All of the programs are designed so that one will have an opportunity to graduate from the program, and it doesn't necessarily mean that they would recidivate and go back to whatever drugs they were using. That's the purpose of the treatment program.

ANDERSEN: So who is-- who do you consider the, the health care provider? Is that anybody that's in the health care industry?

ROUNTREE: It would be those that would be licensed under the Uniform Provider Act. That's in the DHHS handbook. They do have a handbook that states all of those who are accredited that they accept.

ANDERSEN: OK. I didn't see a DHHS reference in here.

ROUNTREE: Yes. I do have it on the screen.

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ANDERSEN: OK. In-- on page 6 on line 8, it talks about three or more felony drug convictions. What happens to the first two?

ROUNTREE: Those in the first two, if they are progressing as they should be in the original bill and original language, they're entitled. If you have three or more, they've been exempt under the current law. Three or more. The two are OK. Three or more, they were exempt. So those are the ones that we're really opening up for in this particular amendment.

ANDERSEN: OK. So this doesn't address their first drug conviction and their second drug conviction. It only addresses how you handle them from three drug convictions on.

ROUNTREE: It's three on. Three on [INAUDIBLE] ones that were exempted. And in the original bill, we did not have the treatment in there. But in the collaborative effort with Senator Jacobson and Senator Bosn, they wanted the treatment, and that's why not only three, but three or more. One of the issues with the first bill, it was talked about how many times. So three or more, they'd have to ensure they go back in. First, they're going to serve their time, and that would be done on the judiciary system. And once they have completed the time, they've completed their program, then they're able to come back out and apply again.

ANDERSEN: OK. Do you have any studies that talk about the three or more? Is that, like, the, the, threshold that when they hit three or more they're not going to do it again and they've changed their life around? [INAUDIBLE] say that that was a turning point that we--

ROUNTREE: Our hope with everyone would be that, as Senator Jacobson said, when you're dealing with addiction, we want to have people made whole, made well so they can become functioning members of our society and also they will have an opportunity to hopefully get good jobs, as we've talked about taking care of everyone, and come off the SNAP itself, as a matter of fact.

ANDERSEN: OK. On-- same page, on line 14, it talks about-- well, 13 and 14. It, it talks about the provisions that said, has completed drug-- or, a-- completed a treatment program while the person was incarcerated, on probation, or on parole. But it doe-- doesn't say-- so if you had somebody that then had a drug conviction four different times, right, and between conviction two and conviction three they went through a drug treatment, so then condition-- you know, for three, they've already done drug treatment even though they, they are a drug

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con-- convict again. They wouldn't have to because they already did it once. And same thing with conviction four, five, six, and seven, right?

ROUNTREE: But in those cases, Senator Andersen-- and this is something I discussed with Senator Bosn. In the judiciary system, if you are maybe arrested, apprehended for that again, if the judge determines that part of your re-- rehabilitative sentence is going to be to participate in the program, then you'd participate in that program. And one of the other bills that we also, as you were-- and we talked about in Judiciary-- was maybe extending probation so that members that were on treatment programs would have an opportunity to complete those programs.

ANDERSEN: OK. Well, if it's not mandated by the judge, then there's no safeguard in statute that forces-- they have to go through drug, drug treatment, right? Because it's not in here.

ROUNTREE: When this is--

ARCH: Time, Senators.

ROUNTREE: --passed, it would--

ANDERSEN: Thank you, Mr. President.

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

STORER: Thank you, Mr. President. I have-- I, I sat on Judiciary. I've had some conversations with Senator Rountree about this bill. I'm still a bit on the fence. He's aware of that. But I-- but one of the-- one of the key questions that I would like to ask some-- the Senator Rountree some questions about if he would yield to is regarding work requirements.

ARCH: Senator Rountree, will you yield?

ROUNTREE: Yes, Mr. President. I will yield.

STORER: Thank you, Senator Rountree. Can you just talk to us a little bit-- I know I expressed some concerns about, in addition to the requirement that recipients be-- either have-- having had treatment or be in, in progress of treatment, also requirements for, for work, for-- either actively working-- looking for employment or being employed. If you could address those things.

ROUNTREE: Yes. There are requirements for work. I did have those. I can place my hands on those here very quickly. OK. So if one is working, the work requirements here, what we need to know. This is the Supplemental Nutrition Assistance Program for able-bodied adult without dependents or time limit rules that will follow. So this then informs that the supplemental SNAP assistance-- oh, they're putting stuff on my desk over there. So you can only receive SNAP benefits for three years and three months-- that's 36 months-- unless you meet the time limit rule for the able-bodied work. So what we're looking at there-- what do you need to do? After July the 1st of 2023, you must follow these programs. So spend at least 20 hours a week-- so these are the requirements-- at least 20 hours a week or an average of 80 hours each month during one or more combination of the following activities-- so that's working, participating in a job training or work program, volunteering, or a combination of working and volunteering. So if these hours drop below 80 hours in a month, you must call to the DHHS and report that change. So-- everyone is following that. Now, does everyone need to meet these requirements and time limit rules? You may not have to follow any of these able-bodied time limit rules if-- so these-- I'll go through those-- if you are younger than age 18 or age 50 or older, if someone in your SNAP household is age 17 or younger, if you are unable to work 20 hours or more a week because of a physical or mental health reason, if you are pregnant, if you reside in Thurston County or the Winnebago Reservation or the Omaha Reservation, if you are taking care of a child younger than age 6 or someone who needs help caring for themselves, or if you are already working at least 20 hours per week or you are already earning a gross income of \$217.50 or more per week or if you are receiving unemployment benefits or have applied for unemployment benefits or if are going to school, college, or a training program at least half time or if you are meeting the work rules for Aid to Dependent Children-- that's ADC-- Employment First, EF, program, and lastly, if you are participating in a drug or alcohol addiction treatment program. So those are, ma'am, the work requirements for exemptions.

STORER: Thank you. And those are the-- those are the current requirements apart from your legislation.

ROUNTREE: Yes, ma'am.

STORER: One last quick question on all of those requirements on the mental limitations. Is-- do you have any idea if the individual is still in the midst of addiction if that would be considered a mental limitation or not? Is, is there any precedence for that?

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ROUNTREE: I would say if he is in a treatment program, as we stated here-- because if he's in the midst of an addiction, he'd still be having treatment.

STORER: OK. All right. Thank you, Senator Rountree. I yield the rest of my time.

ROUNTREE: Thank you, Senator Storer.

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

McKINNEY: Thank you, Mr. President. I rise in support of AM1176 and LB319. I think it's important to state that when somebody is sent to prison for a drug conviction, whether distribution or really just com-- you know, criminalizing addiction, they have to take substance abuse programming. You could poll the prisons right now, and there's not one person that has a drug offense on their record that was not required or is not required currently to go through substance abuse treatment or programming while still incarcerated. When somebody is on parole or probation, they are being drug tested throughout the period of time. So it's, it's incorrect to say it-- it's not mandated. It happens. If somebody gets convicted of a drug offense, they are almost certainly required to go through drug treatment. If somebody even reports that they used to use drugs and, and a drug offense isn't even on their reason for going to prison, they have to take drug treatment. So let's clarify that and let's make sure that is raised because there are some misconceptions of what happened when people get convicted of drug convictions. I just wanted to make that important. And then this talk of work requirement. Some people cannot work. Some people are disabled. Everybody can't work. I have a aunt, honestly speaking, who hopes this bill passed, but she is unable to work. But she is prevented from getting SNAP benefits because of her past. But she cannot work. So when you bring up work requirements, you have to discuss context. There's some people who are disabled and other things as well. And I just wanted to say that and-- last thing I'll say before I give my time to Senator Rountree, Senator Rountree has been very, you know, open to conversation from General to Select. He amended his bill against his better wishes because of concerns on General File. So I think it is very ingenuous for people to start standing up with new questions when none of this was raised on General File-- almost none of it was raised on General File. He worked from General to Select to address the concerns and now people are coming up with more questions because people out in the Rotunda want to raise some red flags for no reason. But he's been gracious and open to conversation. And you're asking questions you could have asked this whole week that he could have been

clarified. A lot of this is already law. So I, I-- I'm frustrated for him. And I'll just leave it there. Senator Rountree, you can have my time.

ARCH: Senator Rountree, 1 minute, 50.

ROUNTREE: Thank you so much, Senator McKinney. And-- yes, as we said in General File that we would negotiate in good faith-- and the Bible tells us that a good name is to be desired above all precious rubies and riches and gold. And so we acted in good faith. And I thought we got a good amendment. So we're willing to stand with that. It wasn't all that we wanted, but if our end goal is to help people and-- forgiveness. And I'll tell-- I'll talk about it every time I get on the mic-- forgiveness is the cornerstone of who we are. And God said, as far as the east is from the west, that he'll cast our sins away and don't remember them anymore. But yet we remember, and so we'll lock people in and they'll never get a chance to recover. So this is one that we want to-- let not the sins of the father or the parent be visited upon the children and have an opportunity to progress and to do great things. Thank you, sir.

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

BALLARD: Thank you, Mr. President. And I do have-- I appreciate Senator Rountree's willingness to work with, with those interested parties, but I do have a few questions about the amendment that he did file recently. If Senator Rountree would yield for a question.

ARCH: Senator Rountree, will you yield?

ROUNTREE: Yes, Mr. Speaker. I will yield to a question or a few questions.

BALLARD: Thank you, Senator Rountree. I do have a question on page 5 of the amendment. I appreciate the willingness to put on-- put in the treatment for convicted felons. But the end of page 5, it says, unless a health care provider-- pretty much a doctor's note would, would suffice as treatment. Can you kind of elaborate on that?

ROUNTREE: Yes. That would be anyone that has been licensed under the-- this Uniform Credentialing Act. If they determine that you don't have a substance abuse problem or don't need to have treatment-- you could have been incarcerated for just distribution. It could have anything other than use. But this is taking all of those. So that person would validate that you don't have a substance abuse issue and their treatment is not needed.

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BALLARD: I see. OK. Thank you. I, I do appreciate that. But-- so-- but there is no time period of-- I understand if you had a-- an addiction 20, 30 years ago, I understand that piece, but you could have-- you could have a doctor's note for any length of period that you-- after your, after your conviction, correct?

ROUNTREE: Well, one of those items-- you know, because somebody could have been in that 20-year period, and they've been locked out for 20 years and they've been clean, they are model citizens, but now when this passes and it goes back into statute and DHS begins to work with it, when they come back for-- you know, to apply for their benefit, then this would kick in and they'd have to be evaluated and that medical health care provider would say, no. This person does not have a substance abuse issue and there is no treatment required.

BALLARD: OK. Perfect. All right. I appreciate the-- you answering those questions. Thank you, Mr. President.

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

KAUTH: Thank you, Mr. President. And I'd like to ask Senator Rountree a question, if I may.

ARCH: Senator Rountree, will you yield?

ROUNTREE: Yes, Mr. President. I will yield.

KAUTH: Thank you. I left you a note on your desk because people kept coming over to-- I wanted to give you a heads-up that I was going to ask you a question, but everybody had your ear, so.

ROUNTREE: It's all right.

KAUTH: I apologize for the surprise. And I had, I had questions similar to what Senator Ballard was saying-- with the health care provider exemption, basically. And-- so your response is they could have just been drug dealers and not actually users, so they wouldn't need treatment, but then aren't we rewarding drug dealers?

ROUNTREE: This particular bill has dealers, users, possession. So those-- and the three-time offenders. So, yes. They would have been exempt. And I don't see it as a reward for the dealers. They may not have dealt anymore, but they've served their time. And this is designed for those who have turned their lives around. If they are still involved in dealing, they'll probably be caught, and this wouldn't be applicable to them.

KAUTH: And that's-- so to, to go on with that, so, you know, if-- and I, I fully support-- if they've turned their lives around-- and I have worked with, with felons who are coming out and helping get them jobs, acknowledging what they've done and owning that, and I think that is incredibly valuable. But my concern, if-- is someone has three convictions, they haven't really turned their, their world around. They have a, a history now of a repeat behavior. And my concern is saying, well, if you get to three times, then we're, we're still going to keep going. At what point do we say no? At what point do we say-- OK. You're continuing to make bad choices. You're continuing to make choices. And it's taking money away from other people who could use that money. And at what point do churches need to step in and say, OK. He, he is now-- or, he or she has now gone too far-- they don't get the SNAP benefits, but the churches are gonna step in and help that, that person. I guess I just-- I am concerned about taxpayers continuously being on the hook for people who are making continuous choices, and this bill allows them to do that.

ROUNTREE: Thank you, Senator Kauth. And thanks for bringing up our nonprofit and the churches. During this particular hearing, we had the Catholic Conference as well as the Episcopalians come in and testify. Correct me, you've probably had a chance to read some of those testimonies. But they were really backing this bill, as well as our law enforcement agencies as well, because the churches are overburdened. They have extended. And I pastor a church, so we are, are participation in that extension as well. So they have really pushed that we can get this waiver completed so that that's [INAUDIBLE] step in for that little piece. Right now, as you know, if it's a family of four, the offender's income may be utilized, but they don't get their benefits. So the three in the family still get theirs, so it takes away from that. And-- but that would give that back to those individuals. It would solidify their families. It would raise them up, lift them up. And as they progress in the better jobs that we've talked about earlier today, minimum wage, they will come off that SNAP benefit. So our goal is not to have them on SNAP forever but to help them with the transition, to lift them up, and to, to move better.

KAUTH: And again-- and I, and I do understand that. I'm just wondering, at, at what point do we say after how many times that you make a choice-- so right now in the law, it's-- if you've made that choice three times, then you're done. At some point in time, we have to put a barrier up that says, if you continue to make these choices to engage in criminal activity, the taxpayers deserve to say no more. What happens if somebody sells their SNAP benefits? Do you know? I, I didn't have time to research that, but I know selling SNAP benefits is a way

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to-- for people to get money. I think you can get \$0.50 on the dollar. So what happens if this person decides, hey. I'm-- either I'm an addict-- I'm just gonna keep selling these benefits to buy drugs?

ROUNTREE: Ma'am, I'm not versed in that, so I, I won't take that one on.

KAUTH: OK. Thank you very much. I appreciate you asking my questions. And I do-- so when Senator McKinney said that he was bothered that on Select you shouldn't be asking questions because you should only ask them on General File, that's, that's a little ironic. But I do look forward to my next few bills that are on Select. So thank you very much, Senator.

ROUNTREE: Thank you much. Mm-hmm.

KAUTH: And I yield my time.

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

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

ARCH: Senator Rountree, will you yield?

ROUNTREE: I most certainly will.

ANDERSEN: Thank you. On your amendment on page 6 and line 14, it discusses the, the treatment program, but it doesn't say what kind of treatment program. So it doesn't say that they completed a, a drug rehabilitation or a drug treatment program. It just says a treatment program. So that could, that could be any treatment program, right?

ROUNTREE: Senator Andersen, back up on line 11, subsection, the person is participating in or has completed a state licensed or a nationally accredited substance abuse program-- treatment program since the date of the most recent conviction or has completed the treatment program while the person was incarcerated. Those were one and the same. So still because we're dealing with the drugs, that treatment program would have been the drug abuse treatment programs.

ANDERSEN: Yeah, but it doesn't say it's a drug treatment program, right? I mean, I, I, I, I understand that's a natural assumption and everything else, but I think in statute you shouldn't be, be assuming anything. I think you should be articulating and putting everything in writing exactly the way you intend.

ROUNTREE: Thank you, Senator Andersen.

ANDERSEN: Senator Storer asked about the, the, the, the work requirements, and I think you, you read the list of ones that are in the, the statute that talk about the exemptions for somebody that's working and-- based on age and having disabled, you know, children and things like that, right? Did you see in there the section where it talks about the statewide exemption to the federal work requirement?

ROUNTREE: That's been in documentation. It has been.

ANDERSEN: But-- so that still exists. So there is still a statewide exemption to the work requirement.

ROUNTREE: I don't have one in the bill as far as exempting in that, but if there's an exemption that is applicable to SNAP overall, then that would be applicable.

ANDERSEN: OK. So that's-- but that's OK with you if there's a work req-- work exemption.

ROUNTREE: However DHHS operates, I'll follow their particular procedures.

ANDERSEN: Yeah, it's not DHHS. It's articulated in statute. It's, it's based on what we direct DHHS to do, not what they have the prerogative to do.

ROUNTREE: Well, that wasn't part of the bill that I was looking at, Senator Andersen. Mine was taking care of those who were three-time offenders or trying to get them back in the game so we could--

ANDERSEN: I think it's critical is that-- if they want assistance from the, the good, generous taxpayers of Nebraska and the country, then they should have skin in the game, right? They should actually be working and trying to better themselves and everything else. I think you would agree.

ROUNTREE: Absolutely. I think everybody wants to work and not stay on SNAP. They want to be able to progress to higher payer jobs like we talked about in the minimum wage bill this morning.

ANDERSEN: OK. I got a question about the, the fiscal note. I know there's an amendment, but the fiscal notes says that the expectation is that there were 1,056 people denied SNAP benefits because of drug convictions. So the expectation is that you'll have 1,000 people that

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now qualify for SNAP. So wouldn't there be a fiscal note that would follow that?

ROUNTREE: No. Those were federal funds on the SNAP benefits. And in the fiscal note, any work that's needed in the DHHS would be absorbed.

ANDERSEN: OK. So--

ROUNTREE: [INAUDIBLE] that there was not a fiscal note. Still yet individuals tax dollars because all federal dollars are tax dollars, but not a fiscal note. As you asked in the first bill in the General reading, there was not a fiscal note that's associated with the bill.

ANDERSEN: Yeah, but the administration and the cost is split 50/50 between the feds and the state, right?

ROUNTREE: For administration. DHHS would absorb that. So that was down in the fiscal note.

ANDERSEN: So the expectation would be, if you add 1,000 people to the roster of who DHHS is tracking, it's going to increase the workload.

ROUNTREE: It may. They'll change their systems, they'll send out, and they'll be able to draw those people in.

ANDERSEN: OK. The fundamental challenge I have with this is, you know, somebody gets incarcerated because they made a bad decision and they're dealing drugs. We pay for their incarceration, a couple hundred thousand dollars. We pay for the prosecution. They eventually get out. And now we're going to give them taxpayer money until they recommit again. And then the cycle continues. And kind of like Senator Kauth alluded to, at what point do we stop feeding the beast? At what point do they need to be responsible themselves? At what point do we quit being enablers to do this?

ROUNTREE: We'll give them an opportunity, and I believe that our legal system-- if they continue to, the legal system will take care of them. Based upon legislation that we are passing, their sentences will be longer, stricter. They may not get out. They may not see any more time.

ANDERSEN: Yeah. I think there's charities that should be able to do this as opposed to the state. Thank you, Mr. President.

ROUNTREE: Well, the charities [INAUDIBLE] working with this.

ARCH: Time, Senator.

ROUNTREE: That's why we're here.

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

BOSN: Thank you, Mr. President.

ARCH: Excuse me. Mr. Clerk for an announcement.

ASSISTANT CLERK: The Education, Education Committee will hold an executive session in Room 2022 at 3:30 p.m. That's Education Committee in Room 2022 at 3:30 p.m.

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

BOSN: Thank you, Mr. President. And Senator Rountree, I'll give you a break so you can sit down for a minute. I think it's also telling that Senator Rountree woke up this morning at 3 a.m. to start preparing for this bill. So he's been up and thinking about this LB319-- which it's now LB329-- for over 12 hours. Here's the bottom line: from my perspective, food should not be a punishment. And we should not-- I, I, I think there's a difference between having consequences, which include incarceration or probation or fines or things of that nature, and the withholding of food. And part of that is because, under current laws, if you are working in the household, your income counts, but your mouth doesn't. And so everyone else in the household is suffering for the virt-- by virtue of the fact that you have that prior conviction. I understand the opponents' position on this. I'm, I'm not uninformed on where they're coming from. And I understand it, and that's all fine. My personal position is we should not be withholding food based on prior bad acts. That's a consistent position I've taken. If everyone recalls, Senator Day, either last-- the beginning of 2024 se-- or, 20-- yeah, 2024 session-- had a bill addressing SNAP benefits over the summer for kids. And I signed the letter. I supported that bill. It's a consistent position I'm going to take as it relates to food for individuals. That isn't to demean the fact that people are taking advantage of it. And we should fix that. That's a problem. Those are all things. But I, I draw the line at withholding food from someone as a form of consequence. I, I don't think that that's the right thing to do. I will also say, as it relates to the amendment here, this was a, a conversation that I had with Senator Rountree because I think treatment works. And I think if we have an opportunity to encourage someone by virtue of qualifying for SNAP benefits if they complete treatment, we should take that opportunity to try to use it as a carrot, so to speak, to encourage them to comply with treatment. To Senator McKinney's point of they're going to have done that while

they're incarcerated, they can under the amendment have completed that treatment requirement while they're incarcerated. And I certainly would hope that they would. They're a captive audience while they are incarcerated. But I think we can all agree that while you're incarcerated, there's nothing that they can re-- mandate you to do. They can tell you to take it, they can offer it to you, but if you decline it as an inmate, they cannot force you to take it. And so there isn't the ability to say, oh, they were incarcerated for a substance abuse-related conviction. They obviously completed treatment. So if you've completed the treatment while you were incarcerated, this covers you. If you didn't, or it wasn't provided, or whatever the case may be, yes, you should go and get treatment if the issue here is substance-abuse related. So that was the focus of this amendment. If there's problems with it, I'm happy to continue working with Senator Rountree. But that's the goal of what the conversation between Senator Rountree and I was between General File and Select File. So for those reasons, I support AM1176 and LB319. Thank you, Mr. President.

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

DOVER: I rise in support of AM1176 and LB319 for the simple reason is, I think that once someone commits a crime and they've been sentenced, that if they complete the sentence, that should be fine. Now, if you think that someone should suffer longer, increase the sentence then. But once someone goes to prison, whatever, whatever the restrictions may be, whatever their sentence too, once they fulfill their debt or their obligations to society for the crime they committed, I really believe that it should end there. It should not just go on and on and on. So again, I, I stand in support of AM1176 and LB319. Thank you.

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

HALLSTROM: Thank you, Mr. Speaker. I just wanted to observe another moment of silence. I had a question for Senator Rountree. Senator Rountree, I'm, I'm, I'm trying to look quickly through the amendment, and my understanding is that under the current law, if you're a three-time convicted felon of use, possession, or distribution that you're not eligible for SNAP benefits. And I believe that if you have less than three convictions, you have to have completed the, the treatment. Is that correct?

ARCH: Senator Rountree, will you yield to a question?

ROUNTREE: Yes, sir. I'll yield to a question.

HALLSTROM: And is that correct?

ROUNTREE: Is-- completed treatment or in the treatment process.

HALLSTROM: OK.

ROUNTREE: As long as you are--

HALLSTROM: As I'm reading through the amendment, the one thing I'm concerned about is that it only appears-- and, and correct me if I'm reading this wrong-- it only appears to require the treatment now after you've had three felony convictions for use or possession, and you're not requiring the treatment for first- and second-time felony offenders?

ROUNTREE: Those offenders would already be under what the current law would state. We're looking at the three-timers.

HALLSTROM: OK. But-- my understanding was the current law requires the treatment for first- and second-time offenders, if I'm not mistaken.

ROUNTREE: So as, as we look at it, a person convicted of a felony involving a possession or use of distribution of a controlled substance shall only be eligible for Supplemental Nutritional Assistance Program benefits under this subsection if such person has completed the person's sentence for such felony or is serving a term of parole, probation-- which you've read-- or postrelease supervision for the felony. So those would be our, our first-timers, second-timers. Unless a health care provider licensed under the credentials act, since they require-- since the date of the most recent conviction. Then that person with three or more-- so, yes. They're still in their process of their treatment while they're on parole, you know, first or second times. And that goes back to where Senator Bosn and I were with the judiciary mandating that treatment.

HALLSTROM: Yeah. And I appreciate that. I, I may just have to read the amendment a little more closely. My, my interest in approaching you to say can we make sure that the existing treatment requirements remain in place was the understanding that even the first- and second-time offenders would have had to have, have provided evidence of completion of that. I-- I'll review the amendment more closely and make sure I feel comfortable with it. Thank you for your effort, Senator Rountree.

ROUNTREE: All right. Thank you so much, sir.

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

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IBACH: Thank you very much, Mr. President. I wonder if Senator Rountree would yield to a question.

ARCH: Senator Rountree, will you yield?

ROUNTREE: I will.

IBACH: First of all, I think you've been very thoughtful with your approach to this bill, and I appreciate that. You've answered questions and you have been very thoughtful with your responses as well. Are there other programs that you know of that would help facilitate inmates when they get out of prison to-- that, that would work in lieu of this program?

ROUNTREE: There are programs that would assist the program. And back during the hearing for this particular bill, we had numerous individuals that came over and testified. During the previous hearing on the General File, Senator Andersen asked was I aware of RISE. RISE is one of the institutions. We have a lot of those faith-based in the community, community act-- action teams that are responsible for making-- when our inmates come out of the prison, that they are able to have a good transition, transition homes, help them to get to whatever treatment might be, help them with their parole, help them with their food. Yes. Help them to reintegrate to their families. So our faith-based community certainly works hand-in-hand. And-- so as we have talked about this bill, putting that process in place-- if it gets in the statute, gets back to DHHS, we have a core team that's out willing to help those that are identified to access the SNAP and also for those that may be coming out of incarceration to help them to transition.

IBACH: Well, I really appreciate what the folks over at RISE do. I've been able to tour one of their transitional houses, and they do, do amazing work in facilitating folks that get out of prison to help them be successful. So I'm-- I appreciate your, your response. And again, I appreciate your work on this bill. Thank you very much. Thank you, Mr. President.

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

DOVER: Thank you. One other thing I would like to stand up and say is, I-- if someone goes in and they serve their sentence, the last thing I want to do is have them be put out on the street, nothing to eat, hungry, and perhaps-- and then be tempted walking-- just walking by a car with a window down and maybe there's food on the seat or maybe there's a wallet or who knows what it might be. But I don't-- I think

once you serve your sentence, the-- it shouldn't go on forever. And, and I had a conversation with someone out in the Rotunda and they said, well, you know what? Anybody who wants to get something to eat can get something to eat. Well, a quick story about Norfolk is I think most of you have had kids in, in ba-- play basketball-- well, you know, into sports, whatever. And when we do basketball and football, before the game, we-- all the kids come in and we serve them. And we also-- we had a big night where we ser-- we're serving spaghetti and talking to the coach and stuff. And he came up to my wife and then he said, I want to thank you for giving a good, a good meal to these kids because I know that now all the kids at least got one good square meal today. And I was somewhat shocked by that. And, and because, I mean, it's so foreign to me to think that there's kids in Norfolk that are in sports that don't get food to eat or whatever and go hungry. And he said-- and I said, I can't believe that. He says, oh, yeah. He said, I used to keep a, a jar of peanut butter and a loaf of bread in my drawer in my desk. And he said, at least if the kids were hungry I told them, you know where it is. You need something to eat, get in my-- get in my desk drawer, have a pea-- have a peanut butter sandwich or whatever. And the kids did that. And, and luckily the school changed their rules and the-- and he could not put the peanut butter and the, and the loaf of bread in his drawer anymore. And he felt really bad because, you know, some kids don't have that to eat anymore. But anyway, I think it goes alo-- along the idea that people-- some people don't have food to eat, and I don't want to encourage someone to have to-- when you're hungry, you'll do things perhaps you shouldn't, and we shouldn't force those people into that. Thank you.

ARCH: Senator Andersen, you're recognized to speak. And this is your third opportunity.

ANDERSEN: Thank you, Mr. President. I'd like to see if Senator Dover would yield to a couple questions-- or, one question.

ARCH: Senator Dover, will you yield?

DOVER: Yes, I would.

ANDERSEN: Senator Dover, first, I apologize for putting you on the spot. That wasn't really my intent. I apologize if it's-- it's well-intended, but hopefully it's OK. So I agree with you that if somebody has a drug conviction and they go to jail, when they come out-- and then hopefully they're rehabilitated. And we should help them. They should get SNAP. They should qualify for these things. They should, they should be taken in by these houses that help them

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transition, the RISE program, inside prison, outside prison, help to get them on a good launch pad, a good trajectory to have a great life, right? That's what the hope is.

DOVER: Correct.

ANDERSEN: So we agree with that, but what happens when they, when they commit again, and then again and then again? How, how much-- how-- for how long and how many times are we obligated to keep, to keep doing that?

DOVER: They, they, they should-- whatever offense they committed, they need to go in front of a judge and, and be sentenced to whatever's appropriate, whatever society decides is appropriate payment for that, that-- the breaking of the law, whatever, whatever act they took. So if you break the law, here's what our society says: you go-- you serve the term. You get out. You paid, quote-- I think when you're in prison, I think it's a debt to society. You pay your debt. And you're out. And you come back again. And I-- and I'll say-- I'll be quite truthful: I am a conservative. I think if someone-- I am not for giving-- I'm not for rewarding bad behavior. I don't-- I mean, I was recently at-- I think it was an 18-day thing out by Sacramento on health, nutrition, those kind of things. Do you know when a person's brain is actually mature? And, and this was, this was told to me by one of the top brain specialists in the country-- Dr. Headley, if you want to look him up. But do you know when a person's brain is finally mature?

ANDERSEN: I have my own personal experience.

DOVER: It's 30. Your parietal lobe, which is in charge of morality, ethics, and common sense, is not mature until 30, which is a scary thing. And so if I see kids that are making stupid mistakes-- I don't know where you were when you were 16 and 17 and I don't know if everything you did was above board and, and smart, but I know I didn't. And so I just don't want to punish someone who's younger, make mistakes. But if they break the law, they need to-- they need to-- if it's go to jail, they need to go to jail.

ANDERSEN: I agree. I just think there needs to be a limit. At some point, you have to set a limit and say you're throwing good money after bad.

DOVER: I think there's a ti-- isn't-- I-- and I could be wrong with this because I'm speaking out of turn, but I thought if-- in the old days, it would have been called food stamps, that I remember. If there

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was food stamps, you could only apply for food stamps for so long. And I think SNAP might be that way also, is-- isn't-- it isn't forever. I think that you can get SNAP assistance for so long.

ANDERSEN: Yeah. Lot of good questions for Senator Rountree whether that clock resets or what.

DOVER: Thank you.

ANDERSEN: Thank you. Thanks for your time. Thank you, Mr. President.

ARCH: Seeing no one left in the queue. Senator Rountree, you're recognized to close.

ROUNTREE: Thank you, Mr. President. We've had a number of questions that have come forward as we have discussed this. So I thank everybody for their input on this particular bill. And as we get ready to move forward, I would appreciate a green vote on AM1176 to LB319. Thank you so much.

ARCH: Colleagues, the question before the body is the adoption of AM1176 to LB319. All those in favor vote aye; all those opposed vote nay. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 1 nay on the motion to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All members are now present. Colleagues, the question before the body is the advance-- or, the adoption of AM1176 to LB319. All those in favor vote aye; all those opposed vote, vote nay. Mr. Clerk, please record.

CLERK: 32 ayes, 14 nays on adoption of the amendment, Mr. President.

ARCH: AM1176 is adopted.

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

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that we advance LB319 to E&R for engrossing.

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ARCH: There has been a request for a machine vote. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 31 ayes, 14 nays on advancement of the bill, Mr. President.

ARCH: LB319 advances. Raise the call. Mr. Clerk, next item.

CLERK: Mr. President: Select File, LB383. First of all, Senator, there are E&R amendments.

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB383 be adopted.

ARCH: You've heard the motion. All those in favor say aye. Opposed, nay. E&R amendments are adopted.

CLERK: Mr. President, Senator Storer would move to amend the bill with AM1180.

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

STORER: Thank you, Mr. President. I-- I'm excited to bring everybody back up to speed on LB383. This is my priority bill. Parental rights in social media. As you know, there was an amendment made on General File which also brought in Senator Hardin's bill. So just for a brief, brief recap: the debate, again, on the effects of social media, on the mental health of our youth is no longer up for debate. That has not been an argument. I've not heard that as an argument. The evidence is, is very clear. And, and just as, as a high-level picture, Facebook acquired Instagram and became very popular in about 2012. Actually sort of officially was opened up to ages 13 and up in 2006. However, that age verification, as many of you know, is a simple type in your birthday. So it's interesting. We have a lot of-- for a long time, a lot of people that are now giving birthday notices that are much younger than Facebook says they are. But a study of indicators of poor mental health among U.S. girls between 2001 and 2018 indicated a marked increase in reports of unhappiness, depression, suicidal ideation. All starting in 2012. And it is suspected that that increased digital media use was a contributory-- contributory factor. So really, our key objectives in LB383, parental rights in social media, are two, two real-- main factors. It is to provide-- require for social media companies to age-verify any new users. So there is no retroactive nature to my bill. If you have an account today, this is not going to affect you. But for any new accounts that will be opened up, it will require age

verification. For those 17 and younger, it will require parental consent. And we can get into a lot more detail on, on how those different options of age verification-- I know there, there are some concerns that have been raised, and I'm certain that they'll probably come up in maybe some conversation here as we move forward, but-- some concerns about free speech. You'll hear some pushback there. However, LB383 does not prevent children from what-- it does not dictate what they say. It is simply a provision for how they access that platform. Parents should indeed be in the driver's seat when it comes to what their children consume online, just like they're in the driver's seat for what their children consume in the physical world. You may hear some concerns about user privacy regarding the age verification. Some of the critics may claim that requiring age verification threatens user privacy. But LB383 addresses this concern by mandating that social media companies and third-party age verifiers do not retain any data from age verification, and they can be sued for a failure to do so. Age verification can be done through a variety of methods where there is no personal information directly shared with the platform. And it is amazing when you start to learn about some of the new methodologies that do protect privacy. LB383 also may include a safeguard-- a key safeguard to age verification without identity disclosure, as I mentioned. It is interesting. I've heard some, some of the critics say, well, it should be up to the parents whether or not their children use social media platforms. And I, I agree. I agree with that. 100%. And that is actually exactly what LB383 does, is provides parents with the tools to make that decision. This is not a ban on anything. This is simply putting parents back in the driver's seat to have the ability to make the decision for their minor children as to whether or not they access social media and a provision to monitor those accounts. LB383 stops Big Tech from overreaching into our families' lives by preventing that unchecked access to our children that they currently have. This is not about restricting free speech. I'm going to say it again. It is entirely content neutral. And to that point, I do have an amendment that, that we'll get to here as a result of the discussion that we had on General File. And I certainly appreciate Senator DeBoer's concerns. And we listened to them. And we, as a result, filed this amendment. And so-- we'll get to that in a moment. And I, and I will talk about that more specifically. But in essence, we, we more narrowly tailored the bill. It is yet even more closely reflective of the Tennessee law, which is-- to, to date stood up to any legal challenges. And, and we'll get into more detail on that. I did see that Senator McKinney had filed an amendment. I'll speak to that in amendment-- in a moment. I was aware of that just as soon as you were aware of that. And it's interesting. Senator McKinney sits right in front of me and has not

spoken to me about his amendment, so I am taken by surprise that is not a friendly amendment. There's been plenty of opportunity for a discussion to take place. I expressed that I was willing to work with, with folks on their concerns. However, Senator McKinney did not come and speak to me about any of his concerns. I did reach out to Senator Dungan. We had a great conversation, and, and we-- he had the opportunity to provide some thoughts. And ultimately, knowing what the amendment that we made in response to Senator DeBoer's, he was in agreement with that, thought that was a positive move. So. Again, we, we can-- I'm happy to answer any questions about-- I know we're probably going to have some questions about other states and lawsuits that have been filed. Some states' social media laws and parental age verification laws have withstood that, some have not. And ours, again, is more closely tailored to the Tennessee social media laws, which have withstood those legal challenges. It is entirely content neutral. It isn't about what people say online but how kids get online. The Nebraska Attorney General stands firmly behind this bill. We have consulted with them between General and Select again to make certain that they were supportive of the amendments that we have filed here, and they are, and they agree that that further strengthens the bill. The same free speech arguments are being made against this bill were the same arguments made against Senator Murman's bill passed last year, by the way. And those arguments have proven to be unfounded. The U.S. Supreme Court heard oral arguments in a case about online age verification for pornography websites in January of this year. The consensus across the board from those arguments is that the court is poised to uphold laws requiring online age verification even for laws that regulate content, which LB383 does not. If we can pass laws requiring age verification based on content, then we can certainly pass laws requiring age verification that are content neutral, as is LB383. LB383 requires age verification to be done in a manner that preserves user privacy. If someone is creating a social media account, they are already giving away far more data and information about themselves than anything they would be required to provide for age verification. And that has always struck me as ironic when people push back a little bit. If you-- if they don't know what these social media platforms are collecting on them, I, I hope that they will educate themselves to understand that there is far more data collected on them than their age. Social media companies are currently com-- compiling and selling massive amounts of data and information about us, as adults and our kids. And if we're concerned about privacy, we should be concerned about Big Tech having unfettered access to our children. Finally, 8-- LB383 only applies to new accounts, as I stated before. This is not retroactive. And the same privacy arguments are being made against this

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bill were the same arguments, again, made by Senator-- against Senator Murman's bill, which have withstood-- whi-- which there has been no legal challenges to. I ask for your support on LB383. This is a-- this is a huge-- it's a positive move for our kids, for our families. I have had parents asking for help and I have-- honestly, I have had teenagers tell me that this bill is a good idea, that they have seen some of their peers and probably--

ARCH: Time, Senator.

STORER: --themselves fall victim to social media. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. And good afternoon, colleagues. I do rise today, I think, maybe in favor of AM1180 but still hesitant about LB383 with regards to the portion of the bill that is the age online verification act. I know there's other things contained in the bill that I think a lot of people have worked really hard to get in there, and I'm supportive of that. I think this also maybe had Senator Hardin's bill where I know he did a lot of work on that. So not entirely sure where I'm going to vote yet on the whole thing, but I did just want to raise a couple of points on the mic and on the record here to be clear about some of the concerns that myself and others I think have had on this bill that first-- on the first round of debate as well as here on Select File. I want to start by thanking Senator Storer. She, like Senator Bosn who have similar bills on this, have come to me, have talked to me about this as well as talked to other folks who have expressed concerns. And I appreciate the willingness to work on that. And Senator Storer right at the end of the last round of debate came up to me and essentially said, listen, if there's any amendments that we can work on or any modifications that can be made to fix the problems that you see here, let's talk about it. And so I, I thought about it, and I actually dug a little bit deeper into some of the case law as it pertains to similar statutes in other states. I know since the last round of debate, there was an Ohio social media law that was permanently enjoined or stopped by a judge. And so I've had a chance to sort of break down that opinion. And where I've wound up, colleagues, is I think this is just a very tricky situation where we find ourselves in kind of this Goldilocks situation, as it's been described by certain scholars who focus on this, where-- again, I think we all agree the goal of trying to ensure that minors are safe and are protected from harmful content and harmful social media, we all agreed that goal is laudable and something we should all seek to achieve. The problem is,

how do you achieve that goal in a way that is respectful of First Amendment rights-- which do pertain to youth and do pertain to online access-- while still achieving the underlying goal of making sure youth are kept safe? And what scholars who study this have found, I think, is this Goldilocks problem, again, where you have some laws that feel like they don't do enough and don't actually result in any kind of benefit. And then on the other hand, you have quite a few more that do too much, that seek to achieve a, a good outcome, but the way that they do that is overly exclusive in the content that they ultimately are, are, are trying to focus on. So to, to dig a little bit deeper into that-- obviously, what we're talking about here are First Amendment rights. And it is clear that on a number of these cases that have come up around the country-- surely, if this bill passes, I'm sure there'll be some challenge here in Nebraska as well. But First Amendment rights are implicated, and the reason for that is the bill is seeking to specifically prohibit speech by certain individuals if they are not permitted access to the social media website. So I know there's been some conversations about whether or not this is a contract issue, but the courts have been very clear that laws like this that target children specifically and are reasonably anticipated to target children as it pertains to socially interactive features, you are specifically talking about speech. And if you look at the, the bill that we're talking about here, page 57, the definition of social media-- social media company is a-- sorry-- social media company is a person-- I think-- company, person, whatever-- that is an interactive person, a computer service, and provides a social media platform. It specifically goes on to talk about how a social media platform enables account holders to communicate with other account holders and users through posts. In the Ohio case that just came out recently-- when faced with laws like this, they talk about how a website then is facing a certain dichotomy. Either minors secure parental consent and gain access to and use, use of all of that speech on the covered website, or minors do not secure parental content and are denied access to and the use of the covered website. Specifically then, the, the provisions at, at hand here seek to prohibit speech if the minor is not provided that parental access. And so the courts have gone on in multiple cases. The U.S. Supreme Court has talked about how the speech on social media websites contains protected speech, right? It contains political speech. It contains speech that is important-- and obviously something that we as a government want to protect, which is your ability to represent yourself. So at that first step, that first part of the equation, free speech is implicated by these laws. The question then becomes, is our restriction on that speech overly prohibitive? And I'll get to that to-- my next time on the mic.

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ARCH: Time, Senator.

DUNGAN: Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. Still looking through AM1180. And I did file an amendment. And I did file it last minute. And I did not talk to Senator Storer primarily because we're be-- we've been in a state of chaos for the past three weeks. And actually-- I for-- forgot I had the amendment and I forgot I got it drafted. Then I saw this on, on the agenda, and I filed it, but primarily because we've been in a state of chaos and I've just been going to issue to issue and it's been hard to think ahead. So that's on me. So-- I-- she probably dislikes what I did, but I-- honestly, it wasn't an intentional act to catch you off guard. We've just been in a state of chaos in the Legislature and I've been going from issue to issue, bill to bill, and I forgot I had the amendment. And-- but my amendment is an attempt to address a lot of the issues to fix, like, neutral titles, to avlo-- avoid implying minors have no rights or access, which is a problem in the original bill. It also makes the law narrowly tailored-- a key requirement for surviving strict scrutiny under the First Amendment. It also fixes the most unconstitutional aspects of the original bill: forced government mandate surveillance on minors' online speech. It avoids overblocking protected content while offering tools to protect youngsters-- younger users. This strikes a balance that the courts will likely uphold. And it also removes the risk of abusive lawsuits or chilling effect from massive fines, keep state in control of enforcement. So really, my amendment is trying to not make Senator Storer's bill end up in our Supreme Court. And, yes, I probably should have filed it sooner, but I honestly forgot I had it. And-- just going to issue to issue. I, I realized it was on the agenda, so I just filed it mainly to have the conversation. And, you know, it probably won't go nowhere, but I just did want to offer a more constitutional approach to this issue. And that's what it was for. Also, you know-- on the last bill, people had a lot of things to say. And it, it took a lot of me not to get on the mic and say a lot the things I wanted to say. So I'm kind of decompressed on what I really want to say and what I thought about, and that's probably good for everybody, especially the things that I deemed very, very-- hmm-- very-- what's the word for it? I don't think I have a word because that's how disgusted I was by the words. But this whole thing of criminalizing addiction and not understanding addiction that people-- if you talk to people in the, you know, drug treatment space, addiction space-- before most people get to where they need to be, they mess up. It's a part of it. And people realize that. And you would

realize that if you actually understood the issue. You know, we say a lot about we want people to do the right thing and we want them-- and, and we want them to do all these things, but we put every barrier in place to honestly set them up for failure. Yes, they are adults. Yes, they are adults, but people make mistakes. We all make mistakes, and I think at times there's a lack of humanity or a lack of understanding or a lack of empathy that many people have in this building, you know. Because if you really dug into the issue of who qualifies for SNAP and who doesn't, it's kind of funny that you have the positions you have. Because you, you could do some far worse things than sell some weed and still not be prohibited from getting SNAP. And I think everybody should. If you return home and you try to get back on the right, right foot, you should-- you should. And then once you able to get off of it, you get off of it. But I-- it's, it's very funny that drug distribution is the hill you die on. I would, I would think, according to some of the votes and conversations earlier this session, it would be other things. But that's neither here or there. And I'll leave it there. Thank you.

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

DUNGAN: Thank you, Mr. President. So just to finish up what I was saying there. So if you first understand that the law does implicate free speech, I guess, concerns, the next question is, is it content neutral or is it content based? And this is where Senator Storer and I, I think, maybe disagree. And the courts, I think, have had quite a bit to say about this, but I was again looking at some analysis of this Ohio law. And I'll be honest, the Ohio law is not 100% identical to what we're dealing with here. Every one of these bills is slightly different. But the question is, is the ban on the content-- or, is the ban on the speech applied unilaterally across the entire spectrum or does it pick and choose based on content? And I think that the general suggestion by proponents of this kind of legislation is that it's content neutral because it doesn't seek to specifically prevent youths from saying certain things or consuming certain things. The courts have taken a different analysis of this, though. What they look at is whether or not the applicability of the ban, the applicability of the law is based on content. And so the question is, does this apply across the entire spectrum of internet access for youth or does it apply to certain kinds of websites and not others? So specifically in the Ohio case, one of the things they talked about was how it was clear that it was not content neutral, which means it is content based. A good example in this is they have exceptions in the act for product review websites and widely recognized media outlets but not other websites being carved out. So it picks and chooses what kind of websites are

subject to the parental consent. And I understand that Senator Storer has an amendment here that seeks to, I think, get to a-- closer to a content-neutral concept, and I just had a chance to look at it here today because, a-- as Senator McKinney said, we've kind of been in a state of organized chaos for the last few weeks. And I think that it does seek to achieve that, and I appreciate her willingness to bring that amendment. But as I peruse the other definitions of what websites this does apply to and doesn't apply to, I still think we find ourself in a content-based discriminatory practice, and the reason for that is this seeks to require parental consent for social media. It then very specifically differentiates what is not social media and goes through-- and it delineates other kinds of websites that are not social media. Specifically on page 58, I think, of the amendment that we're looking at, says it doesn't include an email service, an internet service that consists primarily of content that's not generated by account holders, internet services that are interactive functionality which is incidental to the purpose of the content. Specifically exempts online shopping. If the interaction with other account holders is predominantly limited to the ability to send and receive or request funds. It exempts internet services that have to do with career development opportunities. It exempts online services where the interaction between users is predominantly for technical support. And it also specifically exempt peer-to-peer platform payments. All of those services allow for the interaction between minors and other individuals. They also allow for the minor to observe certain things. For example, let's look at an online shopping ad where a minor may log online and see a picture of an online shopping ad where this model is-- for example, an influencer who's incredibly thin and maybe has an unrealistic body type and has that negative impact that people are seeking to address with this bill. So again, in this circumstance, the analysis of what this applies to is based on content. So the courts have been pretty clear when you apply the parental consent to one kind of website and not the other and it's then content based, you have to then take the third and final step, which is apply strict scrutiny. And strict scrutiny is the constitutional framework where we look to see whether or not the law that we've implemented is, A, serving a compelling governmental interest and, B, narrowly tailored to fit that compelling governmental interest. So you get to this third step in the analysis: compelling governmental interest and narrowly tailored. I see my light's on. I'm gonna use my third time to talk about my third point, and then we will go from there.

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

WORDEKEMPER: Thank you, Mr. President. Colleagues, I have a few concerns about LB383. I support the goal of seeing Nebraska's children protected from the harmful aspects of participation in social media. I also appreciate how vital the First Amendment is to our form of government. Earlier this spring, the Arkansas law with substantially similar provisions to LB383 was declared unconstitutional by a court. Two weeks ago, the Ohio social media age verification law was stricken down on First Amendment grounds. And I-- I'm just reading some things here. And I know Senator Storer-- I appreciate what she's doing. And she's looked at these things and, and hopefully tightening up her, her legislation to avoid these issues. So I, I, I certainly appreciate that. Lawsuits to stop age verification on social media laws on First Amendment grounds are currently pending in Tennessee, Louisiana, Mississippi, and Utah. The courts that struck down the Arkansas and Ohio laws were not unsympathetic to those states' desire to protect minors online but still found that they had to strike down those laws. I'm not a lawyer. I am aware that litigation is very expensive and time-consuming. I'm concerned about the passing legislation that is substantially similar to legislation that has been challenged successfully in other states. I want the measures we take as a Legislature to provide the protections we hope to provide without impairing our citizens' constitutional rights. Colleagues, I understand the need for social media concerns with regards to minors and the need for Senator Storer's bill, but I'll-- but I also want us to move forward with these considerations in mind to hopefully minimize any potential litigation. I appreciate Senator Storer and the others that are trying to do the right things, as are other states and many attorneys trying to work together to get through the legalities that are being fought in other states and-- as I said, I understand this bill, and I think Senator Storer has done a good job trying to mitigate those concerns that have happened in other states. And I appreciate that. I yield the rest of my time, Mr. President. Thank you.

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

DUNGAN: Thank you, Mr. President. Senator Wordekemper, I thought you were going to yield me the remainder of your time because you were so excited to hear about strict scrutiny. Oh, they were-- OK. I see a little-- he's saying that I'm yapping on here. He's correct. I love talking about these things, so I apologize, colleagues. But I want to take my third time on the mic just to briefly talk about the application of strict scrutiny to these age verification bills. So again, as Senator Wordekemper just very, I think, helpfully pointed out, there's a number of pieces of legislation that have been challenged. And none of them are identical, but there has been a

continuing trend. And in talking with some folks I know who are scholars in this cyber law area, there seems to be also a continuing trend of these laws being enjoined or being stopped by virtue of this First Amendment challenge. So first, you determine if it's affecting free speech. We-- it is, according to most of the judges. Second, you determine whether or not it's content-neutral or content-based discrimination. I think it's clear by virtue that we're delineating out certain websites from others that it's a content-based discrimination. So then third, is it narrowly tailored and is there a compelling governmental interest? The compelling governmental interest that's been put forth in a lot of these cases-- and certainly seems to be put forth by Senator Storer-- is to protect kids. And I think what everybody's agreed on is that that is a very important and a compelling goal. So there's not really, I think, at least in my opinion, a question as to whether or not there is a compelling governmental interest in protecting the mental health and physical health of minors. I absolutely agree there is. And I think we'd be hard-pressed to find a court that says there's not. The question, though, then becomes, is it narrowly tailored enough to address those concerns? And where we start to run into problems is the courts take a really strict analysis of whether or not something is narrowly tailored, because the whole point of strict scrutiny is that you are implementing a law that violates a fundamental right: your right to free speech. So it's got to be a really narrowly tailored law to that really compelling interest. In this circumstance, I would argue that it's not narrowly tailored for two reasons. One, in all of the cases that have been argued before these trial courts, what they found is that the research showing the harmful effects specifically of social media on minors-- and Senator Conrad brought this up in the last round of debate-- the, the body of evidence, the body of research about the harm to minors is, as they put it, based on correlation, not evidence of causation. And the record also-- there's a quote-- the record also does not show that the full range of thousands of websites covered by these kind of acts cause harm to minors sufficient to suppress those minors' access to protected speech. So you talk to folks in here and they will say, of course social media's harmful. And I agree. I think social media is actually not great for a lot of reasons and definitely puts forth harmful things for youth and harmful things for kids. But the data has to be clear that there is the actual harm that we're seeking to protect being caused. And when they've brought forth experts who do this kind of work, my understanding from looking at a number of these cases and reading a number of these briefs is that the data is conflicting at best. And so for that reason alone I think it's hard to say that this is narrowly tailored to that compelling governmental interest, because

having a parent grant access to that doesn't prevent that harm. Finally, the other reason I think it fails to be narrowly tailored is a parent can grant you access and then a minor or a youth can have access to all of the harmful content that this bill seeks to protect from. So if the goal of this bill is to protect minors from the harmful content of the internet or social media in particular, you grant that minor access to social media, then they have access to all of that harmful content. And so to say our compelling governmental interest is to protect minors, I don't believe that the remedy or the cure that is sought in this bill-- which is parental consent-- actually addresses that concern. Instead, it would be my argument that we should continue as a-- frankly, as a society to, to continue to push social media and these websites to have robust toolkits that allow for privacy, that allow for content, personal decisions over content and how you receive it. I think parents should continue to have conversations with their kids and work to address these issues. And we need to address these issues upfront through education with kids as they get access to cell phones or the internet or tablets. It's our job. And we got to be good parents, obviously. We all want to protect our kids, but I just-- I think it's important that I lay those things out on the record. I imagine there will be a challenge to this law at some point if it's ultimately successful. And I want to be clear on the record that these are the concerns that I have and that they were raised at this stage of the debate. I want to-- I see my light's on. I want to once again thank Senator Storer for her hard work on this. I know she really does care about protecting youth. And she's shared that with me. And, you know, her and Senator Bosn and others who are working on this issue absolutely are working in good faith. I just have concerns that this kind of issue--

ARCH: Time, Senator.

DUNGAN: --is very difficult to address. Thank you, Mr. President.

ARCH: Seeing no one in the queue. Senator Storer, you're recognized to close on AM1180.

STORER: Thank you, Mr. President. Again, this amendment was drafted in response to the concerns that we discussed on General File. And again, I thank those who raised some of the concerns-- specifically Senator DeBoer-- on this particular amendment. And it, and it reflects a lot of the concern that Senator Dungan raised as well. What we're doing is removing the exception of content. So we're removing gaming and educational content. So therefore there is no specific content exception. We believe that that really cleans it up and does indeed

make it content neutral. These changes also-- it, it becomes more narrowly tailored, as some of the concerns that we've heard expressed. This, this gets us even further down the road with that concern. Again, some of those-- I knew, knew-- anticipated that we would have some questions about other states and the legal challenges and, quite frankly, you know-- yeah, I expect that this will be legally challenged because every other state that has passed legislation has been legally challenged. And-- but the law that we have drafted here is most closely aligned with Tennessee and Louisiana, the two states that have not been enjoined and to date are withstanding those legal challenges. Do keep in mind the, the companies that are filing these lawsuits are the companies that are profiting off our kids. They have a lot of motivation to go and try to thwart these efforts in, in states. This is, this is limiting Big Tech's access-- direct access to our children. So quite frankly, I think the fact that they are filing suit is, is validation that we're doing the right thing to protect our kids. So fear of a lawsuit should not be any reason that, that we shy away from passing legislation that we believe is constitutionally sound and meets our obligation as a state to protect children from harmful content, which has clearly been demonstrated to have a negative effect on the crisis of mental health, the escalating depression, anxiety, suicidal ideation. We have got to take some proactive moves to turn those statistics around. And I firmly believe that LB383 is a positive and proactive move to do that very thing. Again, you know, as a state, we do have a compelling interest, and this addresses that. And just in terms of this free speech, I'm going to swing back one more time and address that-- and address that concern. You know, while the First Amendment does protect free speech-- it's a precious right we have-- the courts have consistently recognized that the speech rights of minors can be subject to greater limitations, particularly when exercised under the supervision or authority of parents. It's worth confirming-- you know, there, there is a, a few cases out there that certainly set some precedence to establish those, those very limitations. You know, the parents' rights in terms of the free speech limitations of their children. With that, I will yield back the rest of my time. Before doing so, I guess I ask for your green vote on AM1180. And will yield back the rest of my time. Thank you.

ARCH: Colleagues, the question before the body is the adoption of AM1180 to LB383. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 33 ayes, 0 nays on adoption of the amendment, Mr. President.

ARCH: The amendment is adopted. Mr. Clerk.

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CLERK: Mr. President, Senator Storer, I have FA133 with a note that you would withdraw.

ARCH: So ordered.

CLERK: In that case, Mr. President, Senator McKinney would move to amend with AM1115.

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

McKINNEY: Thank you, Mr. President. Again, I brought AM1115 to address some issues. First, in Section 26, it rebrands this portion of this bill as the Parental Rights in Social Media Act. It fixes the neutral ti-- it, it, it fixes neutral ti-- the neutral title avoids implying minors have no rights or access, which was a problem in the original bill. Section 27 fixes: it clearly defines content harmful to minors using existing Nebraska legal standards, avoiding vague or overly broad terms that chill protected speech. It clarifies social media platform with carve-outs for services like job boards, cloud storage, and payment systems to avoid overreach. It makes the law narrowly tailored a key requirement for-- as Senator Dungan stated-- to survive strict scrutiny under the First Amendment. Section 28 fixes: makes all parental supervision tools optional, only activated with verified parental consent. Requires a clear and revocable authorization by the minors if the parent wants account access. It prohibits forced surveillance. Parents can't automatically view post or messages without the minor's consent. It prohibits platforms from restraining personal info and, and, and beyond what's needed for verification. It fixes the most unconstitutional aspects of the original bill: forced government mandate surveillance of minors' online speech. Section 29, it fixes-- makes content fillers optional and users controls-- and, and user control not mandatory. Allows opt out at 16 or, or upon emancipation, recognizing that older teens may have stronger privacy and speech rights. And requires filters to be narrowly tailored and not block constitutional protected speech unless truly harmful. It avoids overblocking protective content while offering tools to protect younger users. This strikes a [INAUDIBLE] that courts have likely-- that, that would likely uphold. Section 30, it fixes-- limits enforcement to the Attorney General only. No private lawsuits. Caps penalties at \$500 per violation, with higher penalties only for repeated, willful violations, allows for injunctive relief but not excessive damages, removes risk for-- of abusive lawsuits or chilling effect from massive fines, keeps states-- control enforcement. Overall, the amendment protects kids online without breaking the constitution. It gives parents tools to help protect their children from truly harmful content, like

pornography and predatory messaging, but doesn't violate privacy or free speech right. No government surveillance of teens. Parents can only access minor content if the minor says yes. Not forced spying. No big brother. Three, no blanket bans. Teens are not-- aren't blocked from social media entirely. This bill's-- gives families options instead of removing access. Four, it targets real harm, not normal teen use. The law only applies to content already defined under Nebraska law as harmful to minors, not normal teen conversations, memes, or news. Five, no surprise lawsuits. Only the Attorney General can enforce this. That means no flood of lawsuits or threats hanging over tech companies or users. Privacy protected. Platforms can't keep ID information after verifying age. So your private data stays private. Seven, freedom of speech preserved. No one's protected speech is blocked. Filters are optional, age appropriate, and easy to turn off for older adults. Eight, legal and defensible, un-- unlike similar laws in other states that got, that got struck down, this version is narrowly written and follows Supreme Court precedent. And that's why I brought this. And I know Senator Storer's going to oppose, which means the body is going to oppose this. But I wanted to offer an option, a less-- a, a more constitutional option to this bill. And then, you know-- we don't care about lawsuits, but I sit on the Business and Labor Committee and we just voted out a claim suit, and that was, like, \$4 million-plus of claims that the state has settled or whatever. But, you know, the taxpayers have to pay for lawsuits, so I don't think we should just say we don't care if we get sued, because the taxpayers are gonna pay. And last I heard, people care about taxpayer dollars in this place. Unless we don't. But I just wanted to offer a, a more constitutional option. I know Senator Storer's going to get up and say I didn't give it to her. I didn't, and that's my apology. Mainly because we've been in a state of chaos for, like, the past two weeks and I forgot I had the amendment. And I should have remembered I had that amendment, but once I remembered it and I saw this on the agenda, I just filed it because-- and then I had to run somewhere ov-- over lunch, so I couldn't talk to you. So that's on me. So that's my fault. My bad there. But it's not to catch you off guard, honestly. And I just wanted to offer an option, you know. I stood up on the General File and talked about my issues and about the, the constitutionality of this bill. So I wanted to offer a more constitutional option. I-- so, I mean, the-- here it is. And hopefully we can have a decent conversation about it, you know? I think we should think about protecting kids online without breaking their constitutional rights. We shouldn't increase government surveillance of kids. We shouldn't have blanket bans. We should target real harm and not normal teen usage of social media. We shouldn't just get surprise lawsuits that our Attorney General is gonna have to deal with, which

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means taxpayers are gonna have to pay for it. We should protect privacy. And we should preserve the freedom of speech. And we should make sure whatever we pass is legal and defensible under the law. And that's why I brought this. It-- not going nowhere, most likely, because-- it's probably not because it's-- one, it's from me and, two, Senator Storer said it's unfriendly, and she probably feels that way because it got introduced last minute. But I'm really trying to offer a constitutional option to this. So if you want to look at it, it, it actually isn't as unfriendly as, as it's going to be perceived, but that's neither here or there. And with that, I'll get off and get back in and listen to Sir-- Senator Storer's opposition into this and-- thank you.

ARCH: Mr. Clerk for an announcement.

CLERK: Mr. President, the Judiciary Committee will meet in executive session now in Room 2022. Judiciary Committee, now, Room 2022.

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

STORER: Thank you, Mr. President. I do sincerely appreciate Senator McKinney's time that he's put in. Clearly, he's put a lot of thought into his amendment. And, and can appreciate the sort of chaotic environment we've been in for a few days, maybe for a few months. But we, we have spent hours pouring over LB383, the amendments that we have offered and have now been included, primarily really working hard to fo-- to, to make it as constitutionally sound. The AG's Office is firmly behind it. We have taken a hard look at some of those other states and what they've done. And so I, I-- while I thank Senator McKinney for his time and his thought into this, I would ask for a "no" vote on AM1115. I yield the rest of my time.

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

McKINNEY: Thank you. I probably shouldn't have got on because nobody wa-- was else in the queue, so it is what it is. But as I stated, we could just get to a vote. Again, this was act-- if you actually read the amendment, it improves the bill and it lessens the likelihood that our taxpayers are going to be paying for, you know, defending this bill. So that's kind of where I'm at with it. But we can move to a vote on this amendment and call it a day on this and we can move on to the next agenda item. And I'll waive my close. Thank you.

ARCH: Seeing no one left in the queue. The question before the body is the adoption of AM1115. All those in favor vote aye; all those opposed

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

CLERK: 30 ayes, 1 nay to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All members are now present. Question before the body is the adoption-- there was, there was a vote open. Senator McKinney, will you accept call-ins? Mr. Clerk.

CLERK: Senator Dungan voting yes. Senator John Cavanaugh voting yes. Senator Hunt voting yes. Senator Machaela Cavanaugh voting yes. Senator Guereca voting yes. Senator Rountree voting yes. Senator Spivey voting yes. Senator Juarez voting yes. Senator DeBoer voting yes. Senator Conrad voting yes.

ARCH: Mr. Clerk, please record.

CLERK: 12 ayes, 5 [SIC-- 33] nays, Mr. President, on the adoption of the amon-- amendment.

ARCH: Mr. Clerk, please call the roll.

CLERK: Senator Andersen voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Bosn voting no. Senator Bostar not voting. Senator Brandt voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting yes. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKeon voting-- Senator-- no. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop not voting. Senator Quick not voting. Senator Raybould not voting. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von

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Gillern voting no. Senator Wordekemper voting no. The vote is 12 ayes, 33 nays on the adoption of the amendment, Mr. President.

ARCH: The amendment is not adopted.

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

ARCH: Senator Guereca for a motion. Senator Guereca for a motion.

GUERECA: Mr. Pres-- Mr. President, I move that LB383 advance to E&R for engrossing.

ARCH: This is a debatable motion. Senator John Cavanaugh, you're recognized. I raise the call.

J. CAVANAUGH: Thank you, Mr. President. I just punched in because I thought it'd be a good time to talk about some rules. One, these are debatable motions, so you can punch in and talk on them. And two, I'm just wondering if people were confused there and thought that that bill was going to pass with 12 votes because-- that's not how the rules work on this. There, there are specific rules about something that-- it prevails if it's a majority of those voting. But the advancement of an amendment or a bill or a resolution requires a majority of those in the body voting in the affirmative for it to be adopted, at the least. So-- I don't know if the booing was people wanting to be specifically registered as opposed to Senator McKinney's amendment or if people misunderstand fundamentally how we adopt amendments. So that's all I really wanted to say. Thank you, Mr. President.

ARCH: There was a request for a machine vote. Question is the advancement of LB383 to E&R for engrossing. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 38 ayes, 4 nays on advancement of the bill, Mr. President.

ARCH: LB383 does advance. Mr. Clerk, next item.

CLERK: Mr. President: Select File, LB649. First of all, Senator, there are E-- there are E&R amendments.

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB649 be adopted.

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

CLERK: Mr. President, Senator von Gillern would move to amend with AM1210.

ARCH: Senator von Gillern, you are recognized to open.

von GILLERN: Thank you, Mr. President. And good afternoon, collede-- colleagues. The-- I rise in support of LB649 as amended by the amendment, AM1210. AM1210 is a very simple amendment. It, it actually does what I committed to do when we have the conversation on General File, and that is to add a stricter definition of what defense contractor means and require that the bill only apply for new jobs that come to the state of Nebraska. And so it, it accurately identifies that. The Defense Efforts Workforce Act is a means to attract businesses to locate their workforces in Nebraska and support military and defense jobs here. It is a nonrefundable tax credit. I've run some numbers on that if people want to look at it, and it affirms what I shared in the numbers on General File. And-- this is approximately a two to one return on investment for the state. The state parts with no money unless-- in incentives unless the jobs are created and the salaries are paid for. And the state pays out those dollars a year later in the form of a tax credit to the employer. So the state cash-- it's, it's a constant positive cash-flow scenario for the state. This is Senator Sanders' priority bill. And so I'd like to ask Senator Sanders if she's got a question-- or, if she would yield to a question.

ARCH: Senator Sanders, 8 minute, 30.

SANDERS: Thank you.

von GILLERN: Thank you. Would you like to share a little bit about the bill?

SANDERS: I will. Thank you. And good afternoon, Mr. President and members of the Legislature in Nebraska. LB649 is my priority bill. Also known as the Defense Efforts Workforce Act. Thank you, Senator von Gillern, for your partnership and support on this bill. As a refresh of the Defense Efforts Act, a critical opportunity to enhance our nation's defense capabilities while driving economic growth in the Bellevue metro area across the state of Nebraska. This legislation offers tax incentive on the back end to companies supporting military defense efforts in aerospace and national security, which already has a strong presence in Nebraska. To qualify for these incentives, companies must

meet several requirements: employ at least ten full-time employees dedicated to the Offutt Air Force Base missions, maintain a workforce at least equal to the prior year's level, with wages at 102% of the prior year's level, confirm with all-- that all employees are work eligible throughout the performance period. The wage credit offers 5% credit on compensation for employees earning at least 150% of the Nebraska statewide average hourly wage. Companies should receive up to \$4 million per year, with a total cap of \$40 million over ten years, creating an \$800 million revenue source. This initiative also supports Nebraska's critical military installations like Offutt Air Force Base and the ICM-- ICBM sites, enhancing national security and defense readiness. ICMB sites, missile silos in Kimball County, these are parts of the 90th Missile Wing, which operates and maintains ICBMs as part of the U.S. nuclear deterrent strategy. The silos are scattered throughout the western part of Nebraska, including in areas like Kimball County, where they form a cru-- a critical part of the nation's strategic defense. In addition, Nebraska's role in cybersecurity and electromagnetic spectrum operation is expanding, offering significant potential for future growth. LB649 addresses Nebraska's brain drain by offering 5% wage credit to employees who retain and grow civilian jobs at Offutt Air Force Base and across the defense industry. This investment will generate \$50 million in disposable income annually, boosting the state's economy. With bipartisan support and unanimous approval from the Revenue Committee, I urge you to vote green for LB649, ensuring Nebraska's future in defense, technology, and national security. And as a final note, AM1210 has been added to LB649 that clarifies certain language within the bill to ensure its intent is clear and its provisions are effecti-- effectively implemented. Thank you, Mr. President.

von GILLERN: Thank you, Senator Sanders, for responding to the question, sharing a little bit about the bill. I've got a financial analysis that is being copied and passed out. I was a little behind in getting that to the page to get passed out, but that'll illustrate the impact return on investment of approximately \$80 million just in tax revenue back to the state and local areas between income tax, property tax earned, and sales tax earned based on the additional approximately 889 employees that would be required in order to maximize the incentive. So with that, I would ask for your green vote on AM1210. Thank you, Mr. President.

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

BRANDT: Thank you, Mr. President. I voted for this on, on the first round. And the more I thought about this, I'm having second thoughts. I

don't want to call it buyer's remorse, but I'm looking at, at several things. And I, I talked briefly to Senator von Gillern about this. I apologize, Senator Sanders. I did not talk to you about this yet. So i-- if I'm understanding this correctly, this potentially could cost us \$40 million over ten years in nonrefundable tax credits. I think that's what Senator von Gillern told me. And I'm looking at an industry that's highly specialized here. My understanding is these, these defense people are-- we're trying to lure them to Nebraska. I'm not opposed to that. But from a very technical standpoint, what these people do are very specialized. And if they're working on airframes or missiles, I wouldn't think there's a lot of people that are qualified to do that that-- if these jobs are here in Nebraska, I guess I would-- I, I still don't understand why these people aren't coming here anyway, that they would need this, this, this-- I don't wanna call it a pittance, but \$4 million a year is gonna make the difference on whether an outstanding company that rebuilds engines or works on airframe stresses or, or puts missiles in the ground that that would be the deciding factor. And I do know our Department of, of Economic Development has other programs that can lure people here. When Senator Friesen was here, we always called this the where-but-for, you know. And basically what that means, is this enough of a deciding factor where-but-for they're not going to come here? Or this is just gravy, that if they come here and we can just say, yeah, if you come here, here's some more money for you? So we're in a situation now where we found out last Friday that we're \$190 million short on the current fiscal year. That, that hole's going to be filled by the Reserve Fund. And that'll get us to July 1. And this is a budget we're going to start debate on next week. And we're \$190 million short on that. And I believe Appropriations is gonna break that out to \$90 million on year one and \$100 million on year two. And I just-- I-- it just, it just doesn't seem right that, that we're trying to create a program that's going to cost the state money in light of that. Particularly, when we look at LB81 with what we did in the special session last summer on LB34, we created a situation of a gap year where people that paid their real estate taxes late lost a refundable state income tax credit, and it would take an enormous amount of money to backfill that. That would take \$300 or \$400 million. I doubt that's going to see the light of day. So these are kind of my concerns at the moment. And today, I am going to vote red on AM1210 and LB649 unless I can hear a compelling reason on why not to. Thank you.

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

HARDIN: Thank you, Mr. President. Would Senator von Gillern respond to a question or two?

ARCH: Senator von Gillern, will you yield?

von GILLERN: I will.

HARDIN: Did you say a little bit ago that there's a \$2 to \$1 return on this?

von GILLERN: Yes. And I'm sorry. I've got the math coming around. Would you like me to run through that quickly?

HARDIN: Please do.

von GILLERN: Sure. So in order to achieve the maximum of the finan-- of the credit, the firms would have to spend \$800 million in payroll. They get a 5% credit on that. So the maximum credit that can be earned over ten years is \$40 million. If you divide that into the required salary-- and they've got to pay at least 150% of the average salary in the state of Nebraska-- and so that's \$90,000. So that generates 889 employees. So I ran the math on payroll tax-- or-- excuse me-- income tax on the, the salaries. I ran the, the number-- which is about \$24 million-- the property tax that they would pay on homes they would occupy-- which is around \$62 million-- the sales tax generated on their remaining income, both local and state-- which is \$22 million and \$12 million-- so it's \$34 million. So the total impact is around \$120 million at a cost to the state of \$40 million, which would net \$80 million. A lot of numbers. Sorry. I don't have the sheet passed out yet. It should be coming around now.

HARDIN: We do have it.

von GILLERN: Oh, you got it. OK. Great. Great.

HARDIN: Thank you. So-- appreciate that clarification. That's good. Out in Kimball and Banner County, where these missiles are located, the good news is, just to give you a little bit of an update, the Air Force came out, oh, hmm, two weeks ago, and said that the Sentinel project is no longer on pause. Basically, the Biden administration paused it in about July of last year. And the Air Force basically has confirmed that things will start moving forward again. We'll have surveyors out in 2026 and things will get up to ramming speed over 2027. It will probably be 2030 before we will have an encampment of, who knows, 600, 650 people or so just outside of Kimball who will be living there full time. And those people will transition in, transition out. Again, big picture for everyone, this is the intercontinental ballistic missile capability that our country has had for more than a half a century. And we're replacing it. And there is a big field of those that goes from

western Nebraska into northern Colorado and over into southeastern Wyoming. That is known as the Kimball Field. And there are two other major fields in North Dakota and in Montana. And so all three of those essentially will be worked on simultaneously. And so that project is moving forward. And we're very excited about this. And so I very much am enthusiastic for AM1210 and LB649. Thank you, Mr. President.

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

ANDERSEN: Thank you, Mr. President. I rise in support of AM1210 and LB649. I thank both Senator von Gillern and Senator Sanders for bringing it. I need-- we-- I think we need to keep in mind-- people keep talking about cash being cash tight and upside-down by \$200 million. This doesn't actually take money out of the cash-- out of the General fund. It simply means that when they bring jobs here that they get a 5%-- and they pay 5% less in tax. So guess what? If they don't bring jobs here, if they don't perform, if they don't do what we think they're gonna do, there's no damage. No money has left the General Fund. So there's no expense. But it is a big incentive for defense contractors to be able to relocate more and more people here. And think about the world we live in today with the, the stat of-- status of the internet, the infrastructure. You can bring defense contractors in many different cases. ICBM is probably-- is the exception to that. But there's a lot of places they can take and expand their business. This simply provides an incentive for them to do it here. When you look at the return on the investment-- I think Senator von Gillern did a good job talking about the return on investment, so I won't belabor that. I think it's a smart option. I think it's great for workforce development. It's one of the challenges we have in the state. Workforce development leads to economic development. So I'm a staunch supporter of AM1210 and would urge you to vote green on that and LB649. I yield the rest of my time.

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

RIEPE: Thank you, Mr. President. I wanted to comment because at the same time that we're talking about creating a business incentive, we're also in the process, as stated, that we are in the bus-- budget process of cutting back on incentives or simply eliminating some incentives, I assume, as we go through the budget. I, for one, do not like specialized and-- no pun intended-- but siloed types of economic development. I would want to see the economic development for the state of Nebraska. If the military one is the best one, then I would be 100% behind it. If it's not, then I will be whatever is the best return on investment and the long-term future of the state of Nebraska. So I,

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along with Senator Brandt, have some reservations. And I thank you for the opportunity.

ARCH: Senator Conrad, you're recognized to speak. Seeing no one in the queue. Senator von Gillern, you are recognized to close.

von GILLERN: Thank you, Mr. President. Just a few brief comments. And I hope everybody did have a chance to look at the return on investment analysis that was passed out. Just, just a quick comment: the-- this is an-- this is an active industry that i-- they are actively at this very moment considering relocation out of the D.C. area, pe-- companies moving out of Northern Virginia and Maryland and D.C. They are asking themselves, where can we go that we can do business better, we can-- that's got a good work environment, and that is tax friendly? And there are 49 other states that are rolling out incentives. And we can not like incentives and, and we can talk about, you know, incentives that have come and gone and-- of course, I stood here the other day and we helped eliminate a, a handful of cent-- of incentives. And most of those we cut back because they weren't working or they weren't being utilized. So this is one that costs us nothing to throw out the welcome mat. And if the companies come, if they create new jobs-- which the AM1210 requires-- and they meet the requirements, then they get a nonrefundable credit back that, that will come back to the state in, in, in, in a vast multiplier. So I ask for your green vote on AM1210. And then we'll vote on LB649 after that. Thank you, Mr. President.

ARCH: Question before the body is the adoption of AM1210 to LB649. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 35 ayes, 1 nay on adoption of the amendment, Mr. President.

ARCH: The amendment is adopted.

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

ARCH: Senator Guereca for a motion.

GUERECA: Mr. Pre-- Mr. President, I move that LB649 advance to E&R for engrossing.

ARCH: This is a debatable motion. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I just wanted to make more of a global comment that I'm seeing a pattern happening this year of people

committing their votes to colleagues and then changing your votes without telling your colleagues. And my first year, if you did that, you would basically never get anybody's support ever again. That was a huge, huge, huge faux pas. And now I'm seeing it happen over and over and over again. Bills that have the votes to get out of committee, then they exec on it, and they don't get the votes to get it out of committee because people changed their votes and didn't tell the introducer. Not cool. And this isn't just happening to Democrats. It's happening to Republicans too. That's not, that's not how we operate. Your word is your bond. If you change your word, there's no trust. None. How are we supposed to-- effective policy when we can't trust each other to say how we're going to vote? Just be straight with people. Stand up and have a backbone and tell a person, I'm not going to vote for it. It's not that hard. If you can't handle telling your colleagues yes or no on how you're gonna vote on something, you shouldn't be here. And if you're going to lie to people about how you're going to vote, you shouldn't be here. Work your bills. Work with your colleagues. But if you change your vote, if you change your vote here and you don't tell your colleagues-- like happened last week. Late night. Not a Democrat's bill. And people changed their votes and they didn't tell the introducer who they had committed to. It's not OK. And it's been happening very rampantly. It's happened in Appropriations Committee. I've seen it. It's probably happening in everybody else's committees. I'm hearing about it and I am witnessing it on the floor. It is so bad for this institution and it is bad for public policy and it is bad for Nebraska. Tell people what you're going to do. If you committed to a senator and you said, I'm going to vote for something, and you change your mind, go have the, the respect of your colleague to go tell them to their face. I told you I was going to go this way, but I wanted to let you know that I'm actually not going to anymore. Give them the opportunity to work on their bill. Don't just sink it. It's not OK. Freshmen, this is not OK. You would hate it if we all started doing it to you. Don't do it to others. Thank you, Mr. President.

ARCH: Colleagues, there is a motion for the advancement of E&R Engrossing. There was a request for a machine vote. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 40 ayes, 4 nays on advancement of the bill, Mr. President.

ARCH: LB649 does advance. Mr. Clerk for items.

CLERK: Thank you, Mr. President. Your Committee on Business and Labor, chaired by Senator Kauth, reports LB534 to General File with committee amendments. Additionally, your Committee on Enrollment and Review

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reports LB183, LB635, LB519, LB419 to Select File, some having E&R amendments. New LR: LR142 from Senator Machaela Cavanaugh. That will be laid over. That's all I have at this time, Mr. President.

ARCH: Mr. Clerk, please proceed to the next item on the agenda.

CLERK: Mr. President: General File, LB530, introduced by Senator Kauth. It's a bill for an act relating to motor vehicles. It amends several sections of Chapter 28 and 60; changes provisions relating to motor vehicle homicide, motor vehicle homicide of an unborn child, speed limit violations, and passing a stopped vehicle; defines a term; redefines reckless driving under the Nebraska Rules of the Road; provides for a requirement for the motor vehicle operators who are approaching and passing vulnerable road users; provides and changes fines and penalties; harmonize provisions; repeals the original section. Bill was read for the first time on January 22 of this year and referred to the Judiciary Committee. When the Legislature left the bill, Mr. President, pending was a division of the prior committee amendment, AM1218 being the first division, consisting of portions of Senator Bostar's LB684, as well as a motion from Senator Bosn to withdraw the first amendment to that first division, AM1182, and sub AM1230.

ARCH: Senator Kauth, you are recognized for a two-minute refresher.

KAUTH: Thank you, Mr. President. LB530 is a bill about public safety. We're trying to make sure that the excessive speeding, the reckless driving are curbed-- no pun intended-- by increasing the penalties on them. We also added vulnerable road user as a definition and gave quite a lot of bit of specifications about what vulnerable road users are. I worked very closely with Bike Walk Nebraska on this bill. And we had several people who have been hit by cars while they were on bikes come and testify in front of the committee. It was very, very impactful. Some of them had family members who had been hit and killed. There's a lot of concern with how we are driving, how we are handling our roadways right now. I spoke last night about the young woman, Ellie Cole, who was killed right outside Millard West High School by someone who ran a red light speeding through a traffic stop and another young woman who was going over 100 miles per hour on Q Street. That's extraordinarily-- it-- it's just crazy. She actually tried to go between two cars and wound up flipping one, and that driver, I believe, is not-- no longer in critical condition. But we, we have a problem and we need to put some more penalties on this, make sure that the police have a way to remove dangerous drivers from the-- from being able to drive. So this increases the definition for reckless driving. If you're

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going more than double the speed limit, it is by definition reckless driving. Thank you, Mr. President.

ARCH: Senator Bosn, you are recognized for a two-minute refresher on the committee amendment.

BOSN: Thank you, Mr. President. So I know we spoke a little bit about this yesterday. There's been a request to divide so that we can take separate votes on the first portions of the committee amendment. There are a number of bills in there. One of them is LB684, which was brought by Senator Bostar. It contains portions of Senator Riepe's bill, LB556. Additionally, we have Senator Holdcroft's bill, LB124, dealing with motor vehicle homicide of an unborn child. It also pertains to Senator Barry DeKay's bill, which is LB395, dealing with the unsealing of records so that law enforcement can access when someone who has a adjudication as a juvenile wishes to purchase a firearm. The bill also contains Senator Hallstrom's LB404, which deals with paternity actions, as well as my bill, LB6, dealing with fentanyl poisoning. I went through those quickly. I hope I did not forget any. Senator DeBoer's also has a portion included in Senator Kauth's bill, LB600, which deals with essentially the slow down, move over and the variable speeds. So that's a quick refresh on what the committee amendment does, but what we are on right now is the motion to withdraw and substitute for AM1230. Those are some modifications requested by probation and the court-- Supreme Court. And I would ask for your green vote on those items. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. And good evening, colleagues. I'll use the-- oh, let me punch in. Really quick, I'll use the first part of my time to also kind of resituate us because it's been a long, heavy day with lots of robust conversation. And so I asked the question to be divided with LB530, which is the vehicle for a number of Judiciary bills and specifically for us to pull out and talk about first LB684 and the amendments to it. There are a number of issues with LB684. I think the approach in which is listed by the introducer is regressive. It does not align to what we have seen to actually work in juvenile justice reform. It's-- it tries to really create in statute what should be happening inside of an agency, which you cannot regulate agency operations in that same way to be successful, and it creates disproportionate harm to specifically youth of color within our system. And so that is why I have asked the question to be divided out so we can have clear, intentional conversation about each portion of that package, specifically starting with LB684. I really believe in

transparency. I think I, I came into this body a little bit more idealistic because of all the conversations around preserving the institution, how you work with your colleagues. And so I would like to give an update to our colleagues on the floor listening that myself, Senator Dungan, Senator McKinney, Senator Bosn had a conversation earlier today. I am still waiting on follow-up from that conversation, as well as the, the legal for the Governor's Office around this bill. And we do not have any updates. And so we are willing to have conversations. And I say we-- folks that are in opposition of this bill. We have-- we-- the folks that are in opposition of this bill have talked to some of the community advocates that also have grave concerns and brought some of those amendments, which are also reflected on the amendments that are filed for this portion of the bill. So I just want to be clear and kind of set the context again of why the division of the question, the issues with the bill, and the conversations that happen today. And so yesterday, I talked a little bit about some of the key provisions that cause me some heartburn and that I think do not align to best practices within the juvenile space. But I, I wanted to start with-- and we adjourned yesterday. If Senator Bostar would yield to some questions. Would Senator Bostar yield to some questions?

ARCH: Senator Bostar, will you yield?

BOSTAR: Yes.

SPIVEY: Thank you, Senator. I was hoping if you could give me some insight into-- as you pivoted from LB684 and the, and the original subject matter to this, you mentioned-- or, Senator Bosn mentioned that you worked with community-- or, you worked partners to put this together. Would you please tell me what partners that you sought feedback on for what is proposed in this bill?

BOSTAR: Yeah. The, the underlying bill, which was to move--

SPIVEY: So not LB684. For what is presented. Could you just give me a list of what partners you consulted? Like, just give me the names.

BOSTAR: It was fundamentally negotiation between the courts and law enforcement.

SPIVEY: So did you work with any people on the front lines that are working within the probation space and juveniles?

BOSTAR: With, with probation as the administration, yes.

SPIVEY: So no, like, communities-- no nonprofit (c)(3) organization that is on the front lines doing this work did you consult in this process is my question.

BOSTAR: No.

SPIVEY: OK. Thank you. Could you also provide any insight to your experience specifically in this subject matter? Have you gone to visit the juvenile system? Have you spent more time, like, reading? Do you have a, a academic experience? Like, help me just understand, like, your framing to this issue.

BOSTAR: Well, my framing to this particular issue is trying to resolve what folks have brought to me are challenges within the juvenile probation system and bringing folks together related to law enforcement and the courts and probation and seeing if there was a path forward that in this case didn't involve moving it to a different branch of government, which was my initial proposal.

SPIVEY: Thank you, Senator. I see I'm almost out of time. I appreciate you answering those questions. And we'll get back on the mic to talk about just that conversation. And I do still have a few follow-ups, as well as some data, evidence-based models, and, again, revisiting the true issues with this bill. And I hope colleagues really engage in this conversation because it is very important what we are deciding and what is proposing and the harm that it's going to cause. Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. Rising on this bill again and back on this topic of what is being proposed, I believe, in AM1218, and my current opposition to that. You know, we have a lot of conversations about what to do and what's going on in the world and how do we change things and how do we fix things. I'm just trying to wrap my head around that while I'm struggling with a lot of the conversations on this bill. And I'm just curious as to why wouldn't all stakeholders, especially in the juvenile justice sys-- like, realm, be brought to the table to have the conversation about how to address this. Why, why was it just the courts and law enforcement if we are really trying to pass something that works for the youth? Because the youth is the ones that matter the most in this situation, because it's their lives that are going to be more impacted than any of us in here, or any of the law enforcement or any of the courts. It's the youth are-- who will have to live through what is probably passed with this. And the people that work with them

and the advocates that work with them should have been brought to the table for a discussion about this to see if there was a path forward that don't have people scrambling and trying to find ways to mitigate the harm or just, you know, like, struggling with it. What's going on with the Legislature? We're doing a bunch of things that people deem harmful in our communities, honestly speaking. Hopefully we could find a solution that doesn't harm the youth any further than they already been harmed. And I say harmed because these systems that are supposed to bring them in are the ones that are failing them the most. And it's not just probation. I'm-- because I don't think probation-- the courts should have been just at the table. I don't think law enforcement should have been at the table. I don't think even community advocates should have just been at the table. Why isn't anybody talking about why the Department of "Hell and Harm and Suffering" is not being brought to the table on these issues? Why is DHHS just getting away with failing and dropping the ball as well? If we actually care about improving the system, then they should be brought to the table as well. But essentially, they don't need to because the final ye-- yea or nay on this comes from their bosses. And they'll do as they please. But the ones that will be most affected and most harmed if this goes forward is the youth because this doesn't currently as drafted mandate that probation does its job in a better way, doesn't mandate that DHHS stop dropping the ball and failing kids and losing kids to the system. It does none of that. It does-- it has no protections for the kids. It's just supposed to make society feel better. And what's more frustrating about this is there's a high probability none of these kids will be in any of your neighborhoods. But they'll be in mines. And I'm telling you that everybody, if we actually care, should be at the table. These kids will be in Senator Juarez's district. They'll be in Senators Spivey's district. They'll be in Senator Hunt's district. They'll be in Senator Dungan's district. But it's a high probability majority of the senators in here these kids won't be in your districts. Just looking at the numbers, raw numbers. And we're the ones saying, hold up. We need to do better. We, we have to find better solutions. We're not crazy. The system is crazy. And it's working how I assume it's supposed to work, because kids been being failed since I was a infant--

ARCH: Time, Senator.

McKINNEY: --in '90. Thank you.

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

DeKAY: Thank you, Mr. President. I rise in support of my bill, LB395, which was amended into LB530 in the committee amendment. I want to

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first thank the Administrative Office of the Courts of Probation for bringing me the bill, Senator Kauth as well as Senator Bosn and members of the Judiciary Committee for choosing to include LB395 as part of this package by an 8-0 vote. LB395 seeks to address conflicts with the language in juvenile sealed record statutes related to the offense of possession of a firearm by a prohibited juvenile. This offense was created by LB990 in 2018, which was a bill brought by Senator Wayne. LB990 provided that a person who both possesses a firearm between the ages of 19 and 25 years old and was previously convicted of a felony or misdemeanor domestic violence could be charged with the offense of a possession of a firearm by a prohibited juvenile offender. Essentially what happened after the passage of LB990 is that the Administrative Office of the Courts and Probation learned from judges that the original language conflicted with the juvenile sealed record statutes. There were then multiple years of back and forth among the courts, the Attorney General's Office, law enforcement, and the federal government regarding this conflict in statute. In that time, law enforcement across the state began seeing cases where prohibited juveniles have been able to go out and purchase firearms or firearm permits, whether it be for themselves or on behalf of other ineligible felons. Law enforcement cannot look at the sealed record to see whether someone is prohibited juvenile when that person shows up to try to get a firearm or a firearm permit. The bill seeks to create a fix for LB990 by making sealed juvenile record information readily available to the local law enforcement agencies for the narrow purpose of determining prior adjudications for firearm background check purposes, meaning checking to see if the purchaser is a prohibited juvenile. This bill clarifies that the offense of the possession of a firearm by the prohibited juvenile offender includes an offense for which a juvenile record has been sealed upon termination of probation and provides that when the court orders a juvenile record's sealed the juvenile be informed that he or she is prohibited from possessing a firearm-- firearm under Section 28-1204.05. In committee, I presented an amendment, AM795, on behalf of the State Patrol. Their concern is that LB395 as initially drafted would not allow for sharing the Nebraska firearm, prohibiting juvenile information with the FBI. This is important because the FBI conducts long gun checks on behalf of the state of Nebraska. Without being allowed to share this information with the FBI, it could be possible that a prohibited juvenile offender is appropriately denied a handgun-related permit but then be erroneously allowed to purchase a long gun such as a rifle. This amendment addresses the State Patrol's concerns as well as should zero out the fiscal note from them. I would again like to thank Senator Bosn and Judiciary Committee for working with me on this bill. There were no opponents to this bill at the

public hearing, and the Judiciary Committee voted to add LB395 to this package by an 8-0 vote. I would appreciate your support on LB530 and the committee amendment. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. Speaker, members. I had an opportunity to briefly talk about my portion of, I think, is-- what is divided question four, the balance or remainder of the amendments to LB530. But I'd like to refresh your memory. LB404 would modify a portion of the Nebraska Probation Administration Act to allow for sentencing courts upon a joint application of an individual on probation and a probation officer to extend a term of probation established by the court at the time of sentencing beyond its original scheduled expiration date. Historically, when an individual's probation term was nearing an end but there were outstanding conditions to complete, the probationer and the probation officer could approach the sentencing court with a joint request to extend the term of probation to allow additional time for the probationer to complete the terms of their sentence without having to face a return to court or revocation proceedings. Additionally, if a probationer was already in violation status and involved in the court process regarding a motion to revoke, probation could continue working with the probationer and/or provide supervision services and financial assistance for things like mental health and substance use treatment while the court process played out. In November of 2003, the Nebraska Supreme Court ruled in the case of State v. Simons that when an originally imposed term of probation has ended, it ended, and any programming, services, or financial assistance being offered by the probation office must cease. The late-- the intent of this bill is to codify an avenue through which the probationer and the probation officer may continue to collaborate on needed rehabilitative services that will enable the probationer an opportunity to complete their probation successfully. A couple of things to note. This bill does not allow for a term of probation to be extended beyond statutory limits established under Nebraska Revised Statute 29-2263(1). These limits are set at up to five years for a felony or second offense misdemeanor conviction or two years for a first offense misdemeanor. Additionally, the joint application provision of the bill does not preclude the involvement of counsel in the development of the extension. Further, the sentencing court may also conduct a hearing to assist in determining the need for the extension. This bill was advanced by the Judiciary Committee on a vote of 7-0. Prior to advancing the bill, it was amended with a portion of the provisions of LB24, legislation introduced by Senator John Cavanaugh. The portions of the bill that were added to LB404 allow for waiver of fees under certain

circumstances and also allow following the entry of a motion to revoke probation for the probationer and prosecutor to agree to extend the term of probation. And with that, those are the provisions of LB404, which we'll take up a little bit later. And I rise in support of the motion to withdraw and support AM1230 for AM1182. I will be voting for the balance of the divided question amendments and for the advancement of the committee amendment and the bill itself. Thank you.

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

CONRAD: Thank you, Mr. President. I'd yield my time to Senator DeBoer if she would so desire.

ARCH: Senator DeBoer, 4 minutes, 50.

DeBOER: Thank you, Mr. President. Thank you, Senator Conrad. So colleagues, I think some of the nuances of this issue-- and it is, I will admit, a complicated issue. And I know we're all getting hungry for dinner and maybe not everyone is in here, but I want to kind of outline some of the issues that I think folks are seeing on this portion of the bill. And when we talk about whether or not to put a 11-year-old or a 12-year-old into custody, into a placement, part of the problem is it's not that-- at least for me-- and I can't speak for everyone-- that I would say I don't want them to go overnight somewhere and have a-- have them in custody to deal with an acute situation and get them regulated and all of that sort of thing. I do have questions, like, will they be processed in the same way as an adult? Are they strip-searched? Have a little problem with that. What are the processes for getting them into custody? So if you are going to put them in custody overnight, that doesn't-- that pause-- we talked about that in the hearing. Senator Riepe might rem-- remember I talked about a pause. And I understand that pause piece. The problem is that after that pause, the next day, if they go before a judge, the judge doesn't have any place to put them. They don't have a place to, to put a child like that. Are you gonna put a 12-year-old with a 17-year-old? Are you going to put an 11-year-old with a 16-year-old so then they end up in solitary confinement? And is that good for an 11-year-old? It's, it's a much more complicated question. The other issue is, do we have a place that will take them? One of the reasons I have heard as a justification for these two levels of pre-- juvenile probation and that higher risk, folks have told me it's because those higher risk kids, they won't, they won't take them at Boys Town. They won't take them at any of these other programs. So what we have done, in my understanding, as a state is we have failed these kids. Because if we don't have a place to put them and we don't create a program that is appropriate for children and

we don't do that because we don't have the money or the resources for the in-- kind of intensive, staff-secure program where staff are with them, helping them, interacting with them-- if we don't have that and we're not willing to put that in and our solution instead is we're just going to put them in some kind of a juvenile facility, depending on what that looks like-- which is already-- if you're talking about Douglas County, already completely overwhelmed. I think Senator McKinney spoke to that issue. So it isn't just as simple as, well, we don't want to lock up kids. There's a whole big part of that that is also part of the, the question here. But it gets more complex when you figure out that you can't just put a kid in a facility. You've got to figure out what that's-- effect that's going to have on the child, what security level that's going to have. Is there someone willing to take them? Is staff secure the appropriate situation or should the kid be back with their family because that's gonna help them more? In some cases, maybe that won't. OK. These are much more complicated questions than the binaries that I think we're talking about them here in the Chamber. So I would ask us to really dig deep into these questions a little bit more instead of just going to our corners on, oh, well, we need to do something about the problem. I think everybody in here agrees that if there's an 11-year-old killing people, which-- I haven't seen any evidence of that yet. They say there's a 11-year-old who, by the way, was not competent--

ARCH: Time, Senator.

DeBOER: --to stand trial who got into a case and found not competent. Thank you, Mr. President.

ARCH: Colleagues, the body will now stand at ease until 6:05.

[EASE]

DORN: The Legislature will now resume. Senator Holdcroft, you're recognized to speak.

HOLDCROFT: Thank you, Mr. President. Just like Senator DeKay and Senator Hallstrom, my bill is actually in the fourth division of this LB530. And as they have already given previews on their bills, I would like to do the same in case someone would like to ask questions later in the evening. So my bill is LB124. It's intended to harmonize the penalty for motor vehicle homicide of an unborn child while driving under the influence with the penalty for motor vehicle homicide of any other person while driving under the influence. Under existing law, the penalty for motor vehicle homicide of an unborn child while driving

under the influence is a Class IIIA felony, which carries a maximum sentence of only three years. The current penalty for motor vehicle homicide of any other person while driving under the influence is up to 20 years. So 3 years for an unborn child, 20 years for a born person. And, and it's also a Class IIA felony. Additionally, both laws currently provide for an enhanced penalty if the defendant has previously been convicted of a DUI. As it now-- as it sits now, there is a great discrepancy in potential penalties across two similar laws that both apply to fatal crimes committed while operating a motor vehicle while intoxicated. LB124 would address the inconsistency. The penalties for other fatal crimes having match-- ha-- have matching penalties regardless of whether the victim was an unborn baby or any other person. These crimes include first-degree murder of an unborn child, second-degree murder of an unborn child, manslaughter of an unborn child, and motor vehicle homicide not while driving under the influence. In all these instances, Nebraska law recognizes the dignity of the life of the preborn baby by conferring the same penalty classifications as that for, for cases for any other victim. Unfortunately, motor vehicle homicide of an unborn child while driving under the influence is a crime that has occurred with some frequency in Nebraska. And given the loss of life-- human life in the course of that crime, the current penalty limiting incarceration to no more than three years is simply inadequate. It is unfair to the victim and the victim's family. This bill would offer greater latitude for judges in determining the most appropriate sentence without imposing such restrictions-- restrictive sentencing limitations. I would like to thank the members of the Judiciary Committee who voted LB124 to General File on February the 21st by a vote of 7-1 and then subsequently voted unanimously to include it in the LB530 committee package. Colleagues, this bill is not about increasing penalties. It is simply about harmonizing state statute. I would appreciate your green vote when it comes on LB124. Thank you, Mr. President.

DORN: Thank you, Senator Holdcroft. Senator Bostar would like to recognize some people underneath the south balcony: former state senator from District 29, Kate Bolz; and her son, Michael Bolz Flowerday. Welcome. Senator Bosn, you're recognized to speak.

BOSN: Thank you, Mr. President. I would-- I'm rising in support of the motions and the amendments, but I also, as some of the others have done, want to take a moment to talk about my portion of LB530, that being LB6. A little bit of history for those who were not in the body when I joined the Legislature in the middle of 2023. My predecessor, Suzanne Geist, had brought LB6 in its form at that point. And this was based on conversations that she had had with parents who had lost their

children to fentanyl poisonings. And colleagues, I can tell you those stories were horrendous-- not only because she shared them-- and they were horrendous-- but I brought the bill again in 2024. Senator Holdcroft prioritized it. And we heard those same stories again. And now I'm bringing it a third time. And those stories were told again. And they are horrendous. And they are tragic and sad. And their children were very-- they were the most typical children and individuals in our state. I mean, they represented all of us. They were kids who made mistakes, who chose to do something that they probably regretted, even at the time that they were doing it. And the drugs that they took were laced with fentanyl. And because fentanyl is as powerful as it is, they lost their children. And this bill is in direct response to that. The concern that we have with fentanyl and how it is a different and more potent drug than any other drug is that it takes such a small quantity of fentanyl to create such a drastic and horrendous effect. A lethal dose of fentanyl is essentially the equivalent of two grains of sugar. And that can easily be mixed into any narcotic. And that's what drug dealers are doing, because they want to increase your addiction. They want to make more money. And when someone dies along the way, they don't care. This bill allows for the enhanced penalty of those dealings when the impact is the loss of life or a serious bodily injury on the individual who was using those drugs. We can all be mad that people are using drugs and that there are drug addicts out there. That is wrong. But the reality here is when someone's life is lost, full stop, we are no longer willing to say this is just a drug deal. Someone died. I want-- I have printed a numb-- in the last three years, I've saved countless articles, and one of them that I'd like to read is from February 26 of this year, which resulted-- this was a federal case where an individual was distributing fentanyl that resulted in death and for sex trafficking of a minor. This was an incident-- stemmed from an incident in March of 2022 in Douglas County. Law enforcement arrived in response to an unresponsive four-year-old. The four-year-old was-- they began CPR. They took the child to Children's Hospital. The child was later pronounced dead due to fentanyl toxicity. The investigation went on-- and the article goes on to talk about how the defendant in this case had sold a fentanyl pill and it somehow wound up in the hands of someone's child, a four-year-old. This was a life sentence for distributing fentanyl resulting in death and is the first one in the district of Nebraska in the federal court system. This was a four-year-old. Then we go to an article-- I have numbers of articles here-- and I know I'm running out of time-- but-- from February of this year, where someone in O-- goes on to talk about the concerns it will kill them. Sheriff warns new, more powerful fentanyl compound has made its way to Omaha. When someone

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in Omaha would overdose on fentanyl, it would typically take one dose of Narcan to block the effects of opiates on the brain and restore breathing. Douglas County Sheriff Aaron Hanson says it's now taking two sometimes even up to four or five doses of Narcan to save a life. That's because they're increasing the amount of fentanyl they're putting into these drugs. Colleagues, I beg you to support this package of bills if for no other reason than LB6. Thank you, Mr. President.

DORN: Thank you, Senator Bosn. Senator Dungan, you're recognized to speak.

DUNGAN: Question.

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

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

DORN: Debate does cease. Senator Bosn, you're recognized to close.

BOSN: Colleagues, I ask for your green vote on the motion to withdraw and substitute for AM1230. By just quick refresher, this is the amendment that was proposed by probation and the courts. So I am asking for your support on these changes. Thank you, Mr. President.

DORN: Colleagues, the question before the body is the-- to withdraw and substitute AM1230 for AM1182. All those in favor vote aye; all those opposed, nay. Mr. Clerk, record.

CLERK: 31 ayes, 1 nay on the motion, Mr. President.

DORN: The ma-- the motion is successful. Senator Bosn, you're recognized to open on your amendment.

BOSN: Can I ask a quick question? Is this the portion that's the first, first divide? Or are we on the second divide now?

CLERK: Senator Bosn, this wa-- you had previously made the motion to withdraw and substitute for AM1230. That was successful. You are now opening on AM1230 being in front of the Legislature.

BOSN: OK. So this is the amendment. Then I would ask for your green vote on the amendment. Thank you, Mr. President.

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DORN: Returning to the queue. Senator Rountree, you're recognized to speak.

ROUNTREE: Good evening, colleagues. And I won't be before you long. Thank you, Mr. President, colleagues. I just rise-- as we have had a lot of discussion today, I just wanted to share an experience. I listened to Senator Bosn talking about the fentanyl. And, you know, a couple years ago, I had one of my parishioners had a accidental overdose of fentanyl. It was a very disheartening situation, but-- a lot of stress on the family. But we had an opportunity to have a nice funeral, a nice memorial, and be able to minister to the family, take care of the needs. So the fentanyl is a, a great issue that is out there. And I just stand and just share that experience with the body tonight. Thank you so much, Mr. President. I yield back the time.

DORN: Thank you, Senator Rountree. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. Senator Conrad and I had made a deal that she gave me her time, and so I was going to give her mine. But I don't see her. I'll give her a second to see if she's coming up. But I will say thank you to those who provided dinner for us. And that was the best cookie I've ever eaten in my life. If any of you tried the cookies, they were amazing. I do not see Senator Conrad, so I will take-- I will yield my time to Senator Spivey.

DORN: Senator Spivey, you're yielded 4:20.

SPIVEY: Thank you, Mr. President. So I kind of just want to give a, a little bit of context of why we are all chuckling that Senator Dungan called the question. So the, the whole point of the division is for us to have intentional, substantive conversations about each part of this bill. I, I want to make sure-- and hopefully we can get to some sort of resolve around that. As I mentioned earlier, we had conversations with Senator Bosn and some other folks and are waiting on that follow-up. So the goal is to address the true concerns of this bill that I have. It's not to just take time. And so with us dividing the question, we need to be able to get to the amendments of specifically LB684 so we can discuss those and, again, have votes around them. And so while I appreciate people that are a part of the division kind of in that subsection (4) from that handout that was given out yesterday, the conversation currently that's in front of us are not about those bills. We are trying to center the conversation and have intentional, thoughtful debate around LB684. And so in order to do that, our-- the amendments that I have filed, the amendments that Senator Dungan have

filed get to some of those concerns. And so we thought it would be best as we're-- it's getting late and folks are getting restless that we can get votes and talk through them as each amendment is up. So hopefully it feels more linear in how the conversation is happening. And so I just wanted to provide that question of, of why we are here and why we had the vote for that piece. I, I wanted to kind of pick back up and, and talk a little bit about the, the conversation that I had with Senator Bostar and the, and the intention behind that because I think that's important. And again, as we get to the amendments, I will bring up some data around evidence-based models, the impact, and some other pieces. But a lot of times, people that are not directly impacted, do not have the expertise are trying to solve for in-a-vacuum solutions that have not been vetted by the people who need to navigate it. It has-- does not have their insight, it does not have their input. And we are experts in our own lives. I talked about on the mic before that my father who was incarcerated came out of prison and created a program for youth because he understood what that was like going from the child welfare system and the prison pipeline that followed that and how he can make a difference. He was the best person to create that change because he can speak to the experiences that those young people were navigating. He understood the impacts and could really make a difference. And so while I appreciate that some of the institutional partners were at the table, it was not a robust approach to understand the comprehensive nature and impact of the issue that we are talking about for juveniles that are facing stronger penalties and sentences, especially around those felony charges that could be considered violent. And so there needs to be a reset, and that's what this conversation is around, is, how do we reset to truly solve for the issue that's in front of us or that young people are having opportunities and experience to create and engage in potentially violent offenses? And what happens when they're on probation? How do we service them? What, what type of wraparound support are they getting? What does that look like for family integration? How are we addressing the trauma and mental health side? And so I think that is very important as we talk about this legislation and that the amendments, again, that will be in front of you will start to unpack some of the issues that are in this bill around the super predator language that it's using around detaining ten-year-olds, which, again, it was like, that's my son who was here, to ca-- that came and visited. Like, we, we cannot take this lightly. We cannot rush through this. And we have to do this in a way that's intentional and uses the data-driven, evidence-based models that actually exist to really create solid legislation that supports the people on the front lines as well as our institutions in addressing this. And currently, LB684 in front of us

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does not do that. And so for this amendment, I rise in opposition to AM1230 because a lot of that was already handled in LB50. And I did pass out through the pages some documentation around the language that was in LB50 as a refresher. Thank you, Mr. President.

DORN: Thank you, Senator Spivey and Senator DeBoer. Senator Juarez, you're recognized to speak.

JUAREZ: Good evening, everyone. Good evening to everyone online who is sti-- who are still with us. I-- yesterday, if you recall, I mentioned about how I was going to try to get some research done con-- on this issue. And to my surprise, I had already asked for research. I just hadn't had a chance to read it yet. So I was proud of myself that I was a little ahead of the game here. And I wanted to share some information that our wonderful research department provided to me. And they showed me here the minimum age of juvenile court jurisdiction. Excuse me. In Nebraska, it's age 11. In Colorado, it's 10. Kansas, it's 10. And South Dakota is 10. Iowa and Missouri and Wyoming, they hadn't gotten their data back to us timely. Then I have the minimum age of juveniles to adult court. And it says Nebraska is 14. Colorado is 12. Iowa is 10. Excuse me. I know the music's good, but I apologize. And Kansas is 14. Missouri is 12. South Dakota is 16. And Wyoming is 14. And then I also have data on the Nebraska cases transferred to adult court, and I have it from 2017 to 2023. And in 2023, they broke it up in a-- by ages. 14 to 15, age 16 and 17. And it was traffic misdemeanor and felonies. And 2023 actually had 225 cases. And-- let's see. The next highest after that-- oh. I take that back. 2017, they had 265 cases. And then I also have the juveniles that were tri-- tried in adult courts in the other states also. And that went from 2018 to 2024. For example, Indiana had 302. Iowa had 1-- 122. And that was just data until October of 2024. Kansas had 27. And it says it's highlighted preliminary results. And then South Dakota had 299 cases. So I just wanted to-- if someone would like to look at this data, I'm willing to share it with you, of course. And I'd like to yield the rest of my time to Senator Spivey.

DORN: Thank you, Senator Juarez. Senator Spivey, you're recognized to speak.

SPIVEY: How many-- how long do I have? She yielded my-- her time. How much time do I have?

DORN: At 1 minute, 35.

SPIVEY: Thank you. I thought you were going to give me 40 seconds, Senator Juarez. But it's your birthday, so you are able to do whatever

you want to do today. It is your birthday. Thank you, Senator Juarez and Mr. President. So I kind of wanted to pick back up ar-- and, and why I rise in opposition to AM1230. So I handed out a piece of paper that had some different sections from LB50. If you recall, LB50 just had the Supreme Court's opinion come out-- maybe it's been a week and a half ago now-- which was a lot of work done by Senator McKinney and Senator Wayne at the helm negotiating with a lot of folks to really start to address our justice reform. And so within that, there was a compromise that was put into LB50 around access to information and that listserv for both adults and juveniles on probation. And so there is not a need to create new statutory language around that because there is already language in place where law enforcement can access that information from those entities. If you look at-- of what I passed out for juvenile cases, it's Section 43-2108, page 40, lines 18 to 27. And it says specifically that for a juvenile, what needs to happen for that to-- for that juvenile and electronic device where that law enforcement would be able to make a request to the correct party-- which will be probation-- and that they would be to give them the information that is requested. And so, again, this part of the, the bill is, one, unnecessary and duplicative, and there's already a process that was in place that this body put forward with LB50. So I ask for your red vote on AM1230. Thank you, Mr. President.

DORN: Thank you, Senator Spivey and Senator Juarez. And Senator Spivey, you're next in the queue, so you're recognized to speak.

SPIVEY: Thank you, Mr. President. I didn't even realize that. OK. See how it worked out, Senator Juarez. All because you're the birthday girl. So, yeah. So I ask for your red vote on AM1230 as we move through this conversation. A couple of things that I wanted to pick back up and just talk to you around just data in this process as you're considering this. Again, we will talk about it more with each amendment, but I wanna make sure that I'm giving you context and, and time to be able to deliberate and form thoughts and opinions that this bill in itself and all of the amendments that are currently on the board for LB640 are an antiquated approach that have been proven not to work. And so that is my key opposition to this bill and what does it look like. And so according to data provided by Justice Funke, we know that recidivism rate is at a all-time low for juveniles at 17%. So while that can always continue to be improved, what we have put in place around juvenile justice reform is actually working. The kids that are on probation, that are coming out of being system impacted or that was their actual sentence, was supervision, that they are not recidivizing and they're not continuing to commit more violations but are able to successfully compete their-- complete their programming and then

integrate back into community and hopefully live young, fabulous lives and, and continue to explore who they are and themselves. And so in 2009, there were 15,195 arrests. So that is a huge number. In 2023, there were 7,864 youth that were arrests. So you can start to see the difference. Again, when we talked about changing systemic issues, things that are at the systemic level, that it takes time and we see that impact over time. And so I think those data points really show you that what we have started to put in place and the reforms are working. Out of those 7,864 youth that were arrested, 29% of those arrests were property crimes, 1.3% of those arrests were weapons charges, 2.2% were violent offenses. And so again, for context, when we talked about creating this type of blanket legislation around the types of offenses that we are seeing, it is not the majority. It's a smaller, finite scope within the arrests that are happening for young people that are-- fit into those violent offenses and felony categories or arrests with weapons. Out of all of those 7,864 arrests, 24% of those arrested were black youth while only making up 6% of the population between 10 and 17 years old. And this is really important to remember. As I talked about yesterday, the language around and then-- and the undertones narrative around super predators. This super predator category that we have deemed in this legislation as at-risk juvenile folks mirrors the supredor-- super predator language that we saw in the '90s. And we already see without that language that black youth are disproportionately impacted and arrested in our, in our juvenile system. And we make up-- black youth make up only 6% of the population yet 24% of those arrests. 39% of black youth are in detention, 25.7% are prosecuted in adult court, and 39% make up the population in our YRTC's. So we have an issue at hand. So, yes, we are specifically talking about LB684, and the implications of LB684 play into and perpetuate the larger issue around how we are criminalizing and detaining young people, especially disproportionately impacting black youth. And so I think that's really important again in this conversation around what we do and the impacts of legislation not only for justice reform in general for juveniles but the disproportionate impacts that our decisions have here now on a specific piece of our population. So again, I rise in opposition to AM1230. It is already in statute and legislation through LB50. It is unnecessary. And as we keep moving through the amendments, I will continue to bring more pieces of data around how we can-- I mean, I don't want this-- you can't make a terrible bill better-- that are things that I could potentially live with that reduce the harm. But LB84 in itself is harmful. And I, I ask for your red votes on all pieces of those amendments. Thank you, Mr. President.

DORN: Thank you, Senator Spivey. Senator Quick, you're recognized to speak.

QUICK: Thank you, Mr. President. I'm going to talk a little bit about my, my experience in working with juvenile justice. My first four years when I served from 2017 to 2021, I helped-- or, I served on a committee for-- it was called JDAI, which is Juvenile Detention, Detention Alternatives Initiatives. And so we were trying to find preventative measures to help keep kids out of detention, help find any type of measures we could to reduce that, that detention population. And so during that time, I also reached out to Hall County. I talked to our judges, our head of probation for District 9 to see their interest in becoming a part of that statewide collaborative. And then during my next four years while I was-- was out of the Legislature, Hall County decided they wanted to become part of that collaborative. So Hall County now is part of JDAI, the statewide JDAI. And I can tell you that, that they're doing some great work there. Our, our coordinator for our-- our JDI coordinator for Hall County is doing some great work. And he's building a collaborative in Hall County that actually works on preventative measures for juvenile justice and helping kids and their families in our area. I can tell you that collaborative is, is made up of, of our county judges, our county attorney, county sheriff, Grand Island police chief, of course the coordinator for JDAI. DHHS is in some of those meetings, probation, juvenile diversion. Region 3 has been in some of those meetings, the Grand Island Public Schools, guardian ad litem, some of our providers in the area. And then, of course, our Central Council on Alcoholism and Drug Addiction is also in part of those meetings. And I'm probably missing some. I've also attended some of our-- Through the Eyes of a Child. They also address some of those issues. And I know-- through those meetings, I've learned a lot about restorative justice and how we keep kids out of the court system and finding ways that, that, that they can have better outcomes for themselves. I've always talked about investing children at the-- at, at early ages and at, at the front end. It seems like we're always talking about things after they happen. So we're talking about, you know, kids who commit serious offenses and going to court. And I think we should be trying to help some of these kids before this happens to them. So if we can address those measures-- whether it's mental health, behavioral health-- there's probably-- within their families, there could be cycles of drug addiction, abuse in the home, cycles of poverty-- and helping, helping those families get out of those, those, those type of situations. And I think if we help those families that-- and those-- when those kids are early and, and-- we can, we can really change their lives. We always talk about how we want to reduce the cost

of everything. Well, cost of in-- incarceration is high, cost of detention is high. But the cost we could put in at the front end will save all those costs and then actually create a great, great outcome for those children and for their families. With that, I'll yield the rest of my time. Thank you, Mr. President.

DORN: Thank you, Senator Quick. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you. Thanks, Mr. President. So I thought it was interesting. Senator Spivey handed out some provisions from LB50 that address some of the issues that are being proposed in AM1218 that our law currently-- why it's not working, I think that's a departmental issue why it's not working, or people not following the law. But remember, guys-- remember I said this: sometimes you pass laws and agencies do not follow them. I, I, I did say this. Sometimes you pass laws and agencies elect not to listen to the Legislature. And it's not just a Senator McKinney issue. It will be one of your issues one day. Just wait on the bill and just wait on the implementation and you will be very frustrated that a, a state agency or department is supposed to be doing something according to the law that we passed as a body, and then you're fe-- then you'll figure out, why ain't they doing it? And there's no-- and there's never a clear answer as to why it's not happening. But there will be times you pass something and agencies will not do it or delay implementation. I don't know. And this one that was in LB50, I know it wasn't a part of the court case-- and I don't even think it was the pro-- the provisions that were being challenged-- so it should be already a process since September of '23. So I'm, I'm really wondering what's going on at probation or what's going on with law enforcement or who's not asking the right questions or who doesn't know that they supposed to share some things or they can ask for these things to be shared. But it's already in LB50. That was actually ruled constitutional a couple weeks ago, which is great. I'm also happy Senator Spivey handed out this average daily population of DHHS wards, which-- interesting is the eastern service area is almost, almost half of the state's population. That is-- that should be alarming to everybody. I know population size of-- you know, is Lincoln considered in the eastern? I don't know. Maybe it is. But either-- even so, I know based on population of our state, a lot of-- more people are on the eastern side. So it sort of makes sense, but it still should be an issue that we should just look at. And I know sometimes when I bring up Douglas County, people ask me, why are you always bringing up Douglas County or why are you bringing up Omaha all the time? You should post a thing about the rest of the state. I, I care about the rest of this state, but based on the populations of these youth in these systems,

there's a disproportionate amount of them coming from the part of the state where I represent. So I do care. And I don't think it's wrong to advocate or advocate for or advocate against things that affect your population. I think that's what we're all supposed to do, and I do so. I'm hopeful that before we get to whatever on this that we can come to some conclusion on the proposed changes that we had proposed earlier. So I'm excited or I'm hopeful to see what's going to happen with that. But overall, we have to do something, but we should do something that's smart and doesn't perpetuate harm and potentially will have negative impacts. You know, Douglas County is supposed to open a new-- well, they have a new facility that they can't open, but they want to open it. And if they ever was to close that, it's gonna be a issue because, last week, there were 94, 94 youth in the DCYC. The new facility only holds about 62 or 64 youth. So if they ever close down DCYC-- which they're-- they have been supposed to close it down. Like, they're, like, delayed a couple years or more. It's going to be a issue that we can't sweep under the rug. Thank you.

DORN: Thank you, Senator McKinney. Senator Conrad, you're recognized to speak. Senator Hallstrom, you're recognized to speak. Senator Hallstrom? Senator Hallstrom waives. Senator McKinney, you're recognized to speak again.

McKINNEY: Guess who's back? Well, back on my soliloquy. Again, we should not be passing things to perpetuate harm. So just to educate the body: in about 2017, 2018, the Douglas, Douglas County decided to build a new justice center-- is what they're calling it-- to replace the current Douglas County Youth Correctional Center and also do some stuff with-- do some stuff with judges in downtown Omaha. It's like-- it was, like, a \$120-million project. And I opposed it and I protested it because I thought it wasn't the solution because we should be focused on programming. And just like the new prison this-- our state is building, I do not believe in building buildings to lock people up. So I, I was opposing the youth first before I got to the Legislature as far as locking people up. So I'm very consistent, as you see. But anyway, they built that facility, right? And it has been sitting empty for probably two to three years or more. Actually, it might be more. I could be wrong. And if they were ever to open that facility-- it only has 64 beds, I believe. The average daily population is about 87 youth. Some are youth from probation who are just sitting because they can't get placement, which is actually against the law. If you read the law, a kid cannot sit in detention due to a lack of placement. But currently, we have a bunch of kids in DCYC that are sitting because of lack of placement. Very interesting. Remember, I said agencies don't always follow the law. But what I'm saying is, if DC-- if, if Douglas

County chooses to open up the new center and shut down the current DCYC-- because I think they have some big plans for that-- maybe for the VA or the golf course over there-- but they do have plans. I can't-- I don't know exactly what it is, but they definitely have some plans in the works. So that-- that's not gonna be available sometime soon down-- in the future. So we're going to have a youth justice center or-- I say a youth jail because that's what it is-- downtown Omaha with only 64 beds. We have a average daily population of 87 youth. Last week, we actually had 94. Where are they going to go? Where are they going to go? This is going to be a issue. It is already a issue, and it's just being, like, Band-Aided by the fact that I don't think Douglas County can open that center for whatever reason. Or they're choosing not to. It's-- I don't know the exact reason why. I haven't got a clear answer. One time I heard it was due to a lack of lighting or something or it wasn't built to standards that makes it adequate to house youth. I heard that. It might be true. I don't know for sure, but that's what I heard. I'm just saying what I heard. But we have a issue that we need to address, and this Legislature is going to have to address it. We're gonna have to put more resources in probation, which we're not doing this year. We're going to have to fix the Department of "Hell, Harm, and Suffering" sometime, because that is a problem. That is a complex problem, because it's not just with juveniles. It's with childs and families. It's with a lot of people. So we're going to have to do something, and this isn't the solution. It is going to perpetuate the problem and exacerbate it and make it worse. Allowing for more kids to be detained without space makes no sense. Because although people say it won't be used-- I don't have any comfortability that it won't be used disproportionately. That's my issue. I'm being asked to have trust that the system won't be harmful. But for the past 30 years of my life, the system has been harmful to people like myself and kids that come up from communities like mines. That is the issue. I can't be trustful with that.

DORN: Time, Senator. Thank you, Senator McKinney. And you are the next one in the queue, so you are recognized to speak.

McKINNEY: I can't be trustful because-- I just can't. I, I, I can't find a bone in my body to trust the system. So-- and you know why also I can't trust the system? My, my priority bill-- LB48, right? It deals with giving families resources and doing a juvenile assessment. And it was killed. I introduced it to, to try to implement some preventative things in the communities to help families and youth in the-- that might end up in a juvenile se-- justice system. And now I don't have a priority bill no more. Y'all shut it down. But thankfully, just thankfully, it got attached to LB382. And there's a amendment to try to

strike my bill back out of it. So how can I trust the system when even when I try to do right to improve the system and try to help families and kids the system or people keep working against it? That is my problem. That's why I don't have trust. That's why people don't have trust in the system. That's why people feel hopeless. That's why people don't care. That's how people end up in the streets. Because systems perpetuate harm and the solution is always a pinu-- a, a punitive measure instead of a preventative measure. It's always, these kids are bad; lock them up. Has anybody examined the data on what locking kids up does to them? It's not great. Has anyone done a survey-- I think we should-- and I might do an interim study on that. Actually, that is a good idea, to do an interim study to survey our criminal justice system, all state institutions, about-- and ask this fundamental question: how many of you that are currently incarcerated had system involvement as a youth? That's the one question I might just put in it. How many individuals in our, in our prison population had system involvement as a youth? I guarantee it's going to be high. I almost-- I'm almost sure it's gonna be high. And you know what else is true about that if it is high? They were failed by the system you're telling me to trust. So how can I? Because the solution to that population is let's continue to build prisons. Let's continue to put more money into prisons. And then when Senator Rountree wants to help people returning home from incarceration, people are standing up asking random questions about why should people who have drug addiction be allowed to get food stamps or, or, or SNAP. OK. Like, they're, they're not gonna eat. You know-- people-- most people-- a lot of people that return home from our institutions leave out with a \$100 check and, and, and being told, go figure it out. That's the problem. Then they'll be back and say, oh, why you keep getting in trouble? I mean, I don't think people-- I-- I've grew up around a lot of people who ended up in the prison. I got family in there right now, and they call me and tell me about the conditions. I got family going. I got family in federal. I got family in state. I'm very, you know, ade-- adept to what's going on. So if you're not gonna help people, you're not gonna help make, make-- meet-- be-- basic people's needs, then what do you expect? Seriously. Especially for youth, kids who, to no fault of they own, end up in situations. And no, it's not excusing behavior, but there's context to behavior that you can't leave out and you can't forget about. And just like you want to hold the kids accountable, who's holding the systems accountable? Who's holding the Department of "Hell, Harm, and Suffering" accountable? Who's holding probation accountable? Who's holding the Legislature accountable? Who's holding Douglas County accountable? Who's holding the city of Omaha accountable? And I can keep going. OPS. Thank you.

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DORN: That was your third time. Thank you, Senator McKinney. Seeing no one else in the queue. Senator Bosn, you're recognized to close on your amendment.

BOSN: Thank you, colleagues. And I apologize. I was visiting with Senator Spivey. I'm closing on AM1230. I would ask for your green vote on this amendment. Once again, this is the proposed language from probation and the courts that was worked out. I think it's a good fix, and I would ask for your green vote. Thank you.

DORN: Colleagues, the question before the body is the adoption of AM1230. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 5 nays on adoption of the amendment, Mr. President.

DORN: AM1230 is adopted. Mr. Clerk for items.

CLERK: Next amendment, Mr. President: Senator Dungan would move to amend with FA145. Excuse me-- FA154. Apologies. FA154. FA154.

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

DUNGAN: Thank you, Mr. President. So this is AM154, correct? Colleagues, I'm here today to open on AM154, which does make, in fact, a substantive change to this bill. And it's going to take me a little bit of time to explain what this does. And so if you could stick with me, I'd really appreciate people paying attention because this gets a little bit complicated. This strikes Section 19 of the underlying portion of this division, which is AM1218. And Section 19 is a provision that I don't believe was originally contained in Senator Bostar's bill. I would have to go back and double-check. I was not at that hearing. But this is a specific provision that I think was actually heard at the hearing. So it's something that I was playing catch-up on when we ultimately got this committee amendment and we were kind of going through what exactly it did. Section 19 of this proposal requires that, at least 14 calendar days before the expiration of a juvenile's term of probation, the probation officer shall send a progress report to the county attorney and to the juvenile's attorney of record. That progress report has to include all court orders relating to such terms of probation, information on all conditions of probation, and information regarding the juvenile's compliance with or violations of such conditions. Then if the county attorney determines that that revocation is appropriate, the county attorney may file a motion to revoke probation of the juvenile. So colleagues, to put that

more simply, a kid gets placed on probation. And when that kid gets place on probation, they're given a term of probation. For all intents and purposes, that is the length of time they have to be on probation. At any point in time during that probation term, if the probation officer believes or has good cause essentially to believe, probable cause, that that juvenile has committed a violation of their probation order, they can file-- and generally do file-- a motion to revo-- or, a recommendation for a motion to revoke that juvenile's probation. They can also implement things called sanctions where, you know, a kid messes up and so they implement a small sanction. And then if the kid does better, they don't file an actual recommendation for revocation. But by any-- [INAUDIBLE]. At the end of this term of probation, the juvenile is ultimately discharged from probation. This section implements a new requirement for probation to send a progress report to the county attorney's office that isn't just a current update as to how the kid's doing but contains in it a entire history, it sounds like, of all of the different violations and a history of the entirety of the compliance that that juvenile has had with probation. My concern with this is this: if a juvenile is given, let's say, 18 months probation. And for the first 6 months of their probation, they're struggling. And they, you know, maybe test positive for marijuana or they don't go to school or they're not home by curfew and they have a number of violations that their probation officer never believes rises to the level of a need to have their probation revoked. But they implement sanctions. And so that juvenile works their way through, you know, those issues. And then the last 12 months of their probation, they do a great job. Everything is going swimmingly. But then they're about to get off probation-- 18 months are up-- and 14 days before they're about to be done after doing a good job, this report with all of the things they may have done or messed up gets sent to the county attorney's office. My concern is that a motion to revoke their probation based on the things they had done 6 months into their probation gets filed that does not take into consideration the good behavior they've had for the last 12 months. My concern essentially is that this invites a revocation to be filed by virtue of this being sent right before they're about to be termed out of probation. Now, let me be very clear about a couple of things. My understanding is currently probation officers can file a vi-- or, they can recommend a violation be filed by the county attorney at any point in time. Additional to that, the county attorney can, of course, always go back and talk to the probation office and ask how they've been doing and look at the file. So it's not like this information is not currently being shared. But the concern that I have is this is going to ultimately result in this invitation for additional filings of revocations of probations despite

the fact that juveniles have been doing a good job. And the reason this is problematic is, one, we know from data and we know from looking at the studies when it comes to punishments on-- in probation or in the juvenile justice system there is a direct correlation between the time in which the offense happens and how quickly the punishment happens in order for it to have some effect on actually changing the behavior of the child or rehabilitating them. You want a punishment to be swift immediately after a violation or else there's not always a correlation that's drawn between those two. And then second, if probation is revoked a very long-- excuse me-- a very long period of time after an offense happens, that juvenile is going to completely check out. If you revoke their probation and you keep them on probation for a longer period of time even though they've been doing a great job for 12 months prior to that filing, that juvenile is gonna completely check out and is never gonna work with probation again. So that's my concern. Now, I had a chance to speak with some of the stakeholders here. I've spoken with our representatives from law enforcement about the issue. And my understanding is that there have been, I guess, at least a couple of times, or at least a few times-- I don't want to say a couple-- I don't know how many-- where a county attorney has reviewed the file of a juvenile upon the proposed termination date and found that there were a number of serious violations of probation that had never been reported to them. And it's been represented that those juvenile county attorneys have said that they would have filed a revocation had they have known about it. That may be true. I don't know for sure whether or not that's a circumstance that happens often, but I will tell you again, having worked in the juvenile justice system, having literally been in countless numbers of these cases, any violation of a juvenile's probation that is serious enough to result in a revocation is being reported in the circumstances that I've seen. And if that's not happening in some cases, then, to Senator McKinney's point, the problem is with implementation, not with the law. And so in the conversations that I had with those representatives, I said if there was some way that we could craft this legislation to address some of those concerns, to potentially address, you know, ongoing bad behavior right up until the point of discharge from probation that did not result in the possibility of a revocation happening for behavior that has been addressed or behavior that took place a long time ago, I'd be open to that. We haven't had a chance, obviously, to work out any language on that. And so, for the time being, this Section 19 that's completely new law I think is simply unnecessary. And so colleagues, I'm encouraging your green vote on FA154, which ultimately removes just this very simple section. It does not in any way, shape, or form prevent the county attorney from getting access to files. It does not prevent a

juvenile from having their probation revoked if they are doing a bad job. It does not in any way, shape, or form prevent probation from reaching out to the county attorney or law enforcement if they need to. This changes nothing to remove this, but I think it fixes a potential issue that has, I think, unintentionally been worked into this bill of these revocations being brought for behavior that, without context, you're not going to understand if it's necessarily been worked through. Let's say, for example, the county attorney receives in this 14 days-- or, I guess 30 days maybe under the amendment we just adopted. Let's say the county attorney gets this progress report and it's a poorly written progress report and they don't understand some of the steps that have been taken to address the issues that happened early on in probation. Then it's entirely possible a revocation could be filed based on information that is old or based on a lack of actual context. So I think the real discrepancy here, colleagues, comes into play with who are we trusting to provide the county attorney with their information. I've spoken with representatives from the courts, I've spoken with representatives from probation, I believe that they're doing their best to try to get this information to the county attorney in the event of violations. And again, in my personal, professional experience in this world, I have never seen a juvenile commit a violation of their probation order that should probably result in a revocation and them being taken back and have them readdress probation that didn't get sent to the county attorney's office if need be and didn't get filed. So colleagues, I think that Section 19 of the bill is unnecessary. I think that Section 19 of the bill presents a problem that is sort of, you know, maybe unintentional. It invites an issue that I think was not previously being invited. And if we can come up with language to address these very rare circumstances where somebody is maybe not reporting certain violations to the county attorney, I'm happy to look at that. But as it stands right now, Section 19 of the bill is a hammer looking for a nail. And I think that, you know, we need more of a scalpel in these circumstances. So colleagues, I would encourage your green vote on FA154. I do have another amendment coming up after this that I think people will also be interested in and hopefully maybe engage in a little bit, but please vote green on the amendment. Thank you, Mr. President.

DORN: Thank you, Senator Dungan. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. I rise in support of FA154. And I rise in support of it for many reasons. One, I really want to know, is the arguments that youth are being discharged and having all these infractions, is it really happening? And I ask this question because it

might be possible. But you know what is being left out? Context. A kid could have-- yeah, maybe some infractions. They're kids. They mess up. It's a process. That's, that's what probation is for, right? So my-- hi-- the kid's first year, gets in trouble, gets some infractions, yeah, but didn't get violated. Then after the first year, there's some improvement. Stopped getting in more trouble or getting infractions, right? So then at the end of this, it's gonna show at-- in the first year, there was some trouble. Then for the last period of it, it wasn't. Is the kid going to get dinged for his first year? That is a fair question to ask. Imagine if the kid-- let's say it's law enforcement, right? And the kid get-- kid has been involved in a-- let's say, a gang, right? Imagine if the kid doesn't have a, a great relation-- well, most likely won't. But let's say this kid cussed a officer out at a time and period and never had a great relationship, right? Because targeting happens. We have data to show that, right? So let's say one of those officers-- one of those officers is looking at this file, and is like, oh, it's, it's Victor. I don't like Victor. Victor cussed me out. Like-- his-- hi-- his probation should be revoked? See, we hope that systems don't have biases, but they do. History has proved that in too many occasions. Humans make errors. It's why the world is messed up, because of humans. You know-- and that's my issue. And that's why I support this, because I don't trust the system. And I went on about not trusting the system. And I think I'm valid and, and fair in saying why I don't trust the system. Then people are working out in the Rotunda, you know, probably trying to stop this. But I haven't been given any real great arguments as to why this is needed besides-- supposedly, in Douglas County, youth are getting discharged and they have high-- like, high files or something. I guess the, the, the next question would be, so law enforcement doesn't trust probation. Law enforcement doesn't trust the courts. Think about that. Because if you're saying you don't trust probation, it's saying you do not trust the courts. And you're, you're saying you don't trust the courts is going to make a right decision to discharge a kid from probation. That is what that is saying. Law enforcement don't trust the courts. Maybe they need to mend their relationship. Maybe we need-- they need some therapy or some time out or a retreat together. I don't know. But I always thought law enforcement did trust the courts. But I, I do think this FA154 is a good amendment. There are some other things in AM1218 that I also believe need to be changed, you know, especially detaining 11-year-olds. Because I hate it. And hate is a strong word, especially coming from me. I don't hate a lot of things, but I do hate even the mention of detaining 11-year-olds because I know those outcomes. I know what those systems do to kids, and it's not great because they're not

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helpful. And the language in it currently doesn't, you know, motivate me to believe that.

DORN: Time.

McKINNEY: Thank you.

DORN: Thank you, Senator McKinney. Senator Bosn, you're recognized to speak.

BOSN: Sorry about that. Thank you, Mr. President. I rise in opposition at this point to FA154. Here's what I can tell you. There are two amendments from Senator Dungan. I, I have seen them. We have had those conversations. I have committed and I am committing now on the record to everyone to continuing the conversation between General and Select in good faith. But at this juncture, I haven't even had a chance to really speak with anyone about what those may or may not do, certainly not the introducer of those bills, and have those conversations, so my position is that I would ask for your red vote on FA154. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. Good evening again, colleagues. And so, again, our hope is to get to votes on each of the amendments for the pieces of LB684, and those each address a concern. I appreciate Senator Dungan bringing up some of his concerns with the reporting. And again, had conversations earlier around what does that actually look like. And that, for me, you cannot legislate agency operations. So when you think about if a youth has an infraction or as they're navigating probation and they are working their program, we know that folks are going to fail forward. So there's going to be places where there's mistakes, realignment continued forward, say, in an 18-month probationary period, that it can't be used, that in those first three months if they were not as successful but were able to really turn that corner use against them in a way that does allow for them to graduate successfully out of that probation and again reintegrate into community without the supervision stipulations. And so I am suppor-- in support of FA154 by Senator Dungan. I think he gave some really great examples from his work within the system. And again, if there is an issue with agency operations, that's a very different approach for us as a Legislature to provide insight and oversight. We actually have an IG's Office that can help us with that and other tools in our tool belt besides trying to legislate it here in a way that doesn't make sense.

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So again, I rise in support of FA154 and the changes and would ask for your green vote. Thank you, Mr. President.

DORN: Thank you, Senator Spivey. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, I pushed in because I heard Senator Dungan talk about this Section 19 of AM1218, which I think is maybe the division and not the underlying AM. But the committee amendment saying it didn't have a hearing-- and I talked about this now I guess it was a day or two ago on another bill. And I'm trying to remember which one it was. It was, I think, the inheritance tax bill. And there was an argument that maybe Senator Bostar's portion or one of his portions hadn't had a hearing. And I talked about in my past where I'd brought something that had been brought up at the committee level at the hearing level and, and-- but not had a hearing itself. So something that was discussed at the hearing, and this was-- in my experience, it was on the casino bill, which we didn't get to talk about-- or, I didn't get to talk about today-- but the regulations of the casino that we've passed in the ballot initiative by voters. And then the, the proponents of that asked the Legislature to help create a more regulatory structure-- more robust regulatory structure there. And so we had a bill to regulate the casinos. And when we had the hearing on that, some folks came in and said, how can we help-- you know, Ralston was going to be adversely affected because of the casino in Omaha that was gonna be right down the street from them. And I said, well, how could we help you? They said, we would love mobile platform ki-- kino. And I said, OK. So then when we got to the, the committee level-- or, the hear-- to put the bill together, I said, well, why don't we put that in there? They brought it up. Bill gets all the way to the floor, gets to Select File, and then somebody objected to that portion that hadn't had a hearing. So the Speaker required the General Affairs Committee at that point in time to go back and have a hearing on that portion of the bill, and we did, and then we went back to the floor. And then ultimately, we got to Final Reading and then moved that bill back from Final Reading to strip out that part because, with that part, there was not enough consensus and the bill didn't have 33 votes. So we had to, to do that, that anyway. But we did have a hearing on it. And the rule is-- and I was just trying to pull it up here. And I had my rules out, but I might look it up and talk another time because I couldn't find it immediately. But the rule is that once there-- a bill-- an amendment is adopted that so substantially changes the bill that is, is so substantially different that it requires a hearing, then the Speaker can order it to be returned to committee for a hearing. So if, if this amendment-- or, this portion of the amendment has not had a

hearing and we adopt it here-- because it hasn't been adopted by the Legislature yet-- moving forward to Select-- it would be in order of the rules for the Speaker to request the Judiciary Committee to hold a hearing specifically on this portion. And so, you know, there's a requirement that all bills have a hearing, that there's a seven-day notice, that people have an opportunity to comment. All of that is required. And then if there is such a substantial change as to mean it is a new subject, then the Speaker can order that a bill be-- at least that portion of the bill-- have its own standalone hearing. So that would be the remedy here. If this whole AM gets amend-- if, if Senator Dungan's portion-- amendment gets adopted, then we wouldn't be required to have that additional hearing. But if Senator Dungan's amendment doesn't get adopted and the portion remains in here, then the right remedy would be for the Judiciary Committee to have that subsequent hearing on this new portion that has not previously had a hearing. And I tell you all that to say, someone raising it in a hearing does not satisfy the requirement. Someone raising it in discussion in Ju-- in, in the committee level does not satisfy that. And it is our pattern in practice and history that when there is a new subject adopted in that way to require a new hearing. So that-- that's there. I also-- I agree with Senator Dungan's amendment, FA154, aside from all of that. So thank you, Mr. President.

DORN: Thank you, Senator John Cavanaugh. Senator Riepe, you're recognized to speak.

RIEPE: Thank you, Mr. President. I want to rise in opposition to FA154. With all due respect for Senator Dugan [SIC], I want to remind all of you that he is a defense attorney and this is a, a bill that was developed around a 40-year-old-- or, 40-year serving prosecuting attorney. And there's a great difference between the two. What the bill tries to do is to not reform the entire delivery-- reform process, which I admit is a proce-- a problem. What we're looking at is for the right here and now. And I don't appreciate nor do I respect the fact that it's a Johnny-come-lately with no notice, no identification that this was going to be dropped. And so I take personal offense at that. And I go to basic of what we're trying to do, and I quote Senator Bosn-- Chairman Bosn when she said the other day, and I quote, when we don't have an option, what are we to do? And that is the bottom line. The bill that we have in front of you resolves that, addresses it, and I think it deter-- de-- de-- it deserves to be forwarded on. And thank you very much. I yield my time.

DORN: Thank you, Senator Riepe. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you. I take personal offense to Senator Riepe's statement. I do. I take very personal offense to it, primarily because it's a empa-- unempathetic statement. Because a 40-year-old-- 40-year prosecuting attorney told him that it was a good idea. Where's the research? Where's that data? Go look at it. It-- all the data shows this, this-- what you're trying to do is, is the wrong route. You know, I take personal offense to it because-- Senator Riepe, right? He says, what do we do? How do we fix these things? He voted against my priority bill, which would give fam-- help give families resources and do juvenile assessments in the community. I take personal offense for you to act like you care. Because you don't. You don't care. And you know you don't care. I take personal offense to that. I do. Because these kids ain't living in your community. When you go inside, you don't see these kids and-- you don't care. You act like you care. This, this is not a solution. This is gonna perpetuate a problem and perpetuate systematic oppression and racism. That's what it's going to do. That's what this does. That's what it will do. And that's why Senator Dungan is trying to take it out. So I take offense to that. You don't care. Cause you-- oh, we need something to do. We need to help. We need to make our community safe. Family resources and making sure kids get juvenile assessments makes our community safe. But you voted against it. So don't talk about you care about the community. You don't. Then you're going to say, OK. Can't the philanthropic community do something? Why can't the state of Nebraska do something, Senator Riepe? Why can't you step up as a senator and do something? Why do you got to wait on philanthropy to do something? So I take offense, real offense. Because his 40 years of prosecuting has nothing on my 34 years as a black man in America. So I take offense. This, this bill is harmful. And y'all could ignore us and tell us we tripping. It is what it is. I'm used to it. I'm always tripping in this place. But I'm here. I come here every day. I wake up smiling and I go to sleep smiling. Because you're not gonna break my spirit. And I'm gonna continue to come here and fight for the things that I feel is important and fight against things I deem as offensive. Just like Senator Riepe's bill. He wants to lock up 11-year-olds and detain them. He wants them to be basically GPS monitored and, and tracked in a community like they-- like-- it's just fu-- and-- you have to smile in these things. Like, I've taught myself-- like, in chaos, smile. You know why-- you know why you smile in chaos? Cause you don't let people break your spirit. You-- not even just in chaos. You smile when people say things offensive and bad things happen. I smile. And-- because you have to decompress. Because if you don't, it will, it will frustrate you even more. But it's real annoying when people stand up and say they care and they take real offense and they care about the safety of our communities but voted

against a bill for family resources and juvenile assessments that helps this very issue to try to keep kids out the juvenile justice system. You voted against it, and then you said, why can't the philanthropic community do something? Why can't the state of Nebraska do something? Why can he do something as a senator besides try to push bills to lock these kids up? I take offense to that. That's what I take offense to, not a 40-year-old prosecutor who's responsible for most of the black men being in, in prison for long-term sentences. I don't care about him. That's what I take offense to. So next time you say you take offense, remember I will get up and tell you why I take offense. Thank you.

DORN: Thank you, Senator McKinney. Seeing no one else in the queue. Senator Dungan, you're recognized to close on your floor amendment.

DUNGAN: Thank you, Mr. President. Colleagues, I just want to clarify a couple of things. First of all, I appreciate Senator McKinney's comments here. I think that he brings a unique perspective to this conversation that many of us in this room don't have. So I think that it's important that we listen to him when he talks, along with a number of our other colleagues about these issues. Second of all, I've had questions from a number of folks of, you know, why are you doing this? Why are you taking time? Why are these amendments up? I want to be clear about a couple of things on that. One, these are substantive amendments. This is not me or friends of mine in the body wasting time. This is not some coordinated, intentional filibuster. These are amendments that upon reading a bill-- that I had a relatively short period of time to read-- identified as problematic, and these floor amendments represent proposed solutions to those problems. There are also conversations happening right now. I literally right before I got on the mic was chatting with Senator Spivey, and my understanding is there are conversations around both this amendment but also the other floor amendments that have been introduced with regards to potential changes that could be made. And colleagues, if we can make a change, I would like to see a change done on General File. I know there's this tendency in this body to move things from General to Select, saying we can work on it. But if there is a change that we can agree to and if there's a change that actually does make something substantively better that maybe people object to, I would love to have an amendment offered that we could change for some of these. So I just want to be clear: this is not to waste time. We're on maybe hour four of a bill that has a ton of issues in it, on a bill that has a lot of objections from a lot of different angles. And so I think this is a full and hopefully fair debate surrounding a lot of this. And so I appreciate the dialogue we've had around FA154. I have another amendment after this that I'm

going to be speaking to. But colleagues, to reiterate one more time, I'd encourage your green vote. FA154 removes Section 19 of the original proposed committee amendment which creates this new obligation for probation to send, essentially, the entirety of a file to a county attorney prior to discharge. And my concern is that, without further guardrails or without further conversations about what could result from that, what we're going to see is we're gonna see revocations being filed on juveniles who have been conducting themselves in a manner that is pursuant to their probation order and ultimately not have a rehabilitative effect and certainly I think have a detrimental impact on that juvenile's ability and willingness to keep working through probation if it's revoked. So I would encourage a green vote on FA154. If we can't get to an agreement at this stage, I do look forward to Senator Bosn and I and others continuing to work on this. I think we can have a conversation if this moves forward to Select. But if there are solutions that others have, I-- I'm open to them now. Thank you, Mr. President.

DORN: Thank you, Senator Dungan. Colleagues, the question before the body is the, the passage of FA154. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 12 ayes, 26 nays on adoption of the amendment, Mr. President.

DORN: FA154 does not advance. Mr. Clerk for items.

CLERK: Mr. President, next amendment: Senator Dungan would move to amend with FA153.

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

DUNGAN: Thank you, Mr. President. Colleagues, this AM is simple. On page 30, line 21, we are striking the word "ten" and reinstating the word "twelve." So when Senator Riepe's bill came up before the Judiciary Committee, I would say this is one of the issues that was the most contentious. Certainly, if you log on to the Uninet and look at the letters that were sent in on this bill, I think it's 5 proponents and 128 opponents. This is the issue that I heard the most about from members of my community. This is about detaining kids who are younger than frankly we should be. This changes it so you can't be detained if you're 10 or under. It's currently you can be detained if you're 12 or under. So colleagues, the question of this issue is, do you think we should betai-- detaining kids that are 12 under-- or-- I'm sorry-- 11 or under? And so I guess you can think about whether that's something you care about or not. You can think whether or not that's important to

you, but I will say this: the data shows that detention is not a timeout. Detention is not simply taking a pause. Detention is not pulling somebody aside and making them sit in a corner for five minutes. This is tantamount to jail. The laws don't allow you to take a juvenile and put them into an adult facility, so in the event that a juvenile commits a law violation, they are detained. Detention is like jail. The studies are very clear that when somebody spends even one day in custody, it has a detrimental effect not just on their physical health, not just on their emotional health, but on their mental health as well. We know that juvenile brains, as Senator Dover actually earlier today spoke about very eloquently, juvenile brain development does not stop until your mid-20s and, in some parts of your brain, even your 30s. And time in custody results in that development being upended, and it can have long-term side effects on a juvenile, causing great harm. And this is not me saying this; this is what the data supports. We also know that time in custody has a direct causal relationship to further incarceration and increased recidivism over not just a juvenile's time as a juvenile but once they age into adulthood as well. There have been studies over decades that have been done that demonstrate if a juvenile is arrested and placed into custody, when you compare it to other groups, their likelihood to reoffend and commit serious offenses goes up. And that happens even for a short period of time. And so we keep hearing a juvenile needs detention because it's like a timeout. And I'm telling you-- I've been in the juvenile detention facility. I have visited children there. It is not timeout. It is like jail. In addition to that, colleagues, there are simply not enough, I guess, reasons for us to change the law in this way. I know we've heard a lot about a story with an 11-year-old that I think ultimately was found not competent who happened to be present when a shooting happened. Besides that, I certainly cannot think in my time of any circumstances where there was a necessity for an 11-year-old or a 10-year-old or anybody younger than that to be detained. In the event that there is-- I have talked with a number of practitioners both on the prosecution side of things and on the defense side of things and in the courts. There is currently a system in place, colleagues, to detain or to hold temporarily a juvenile under the age of 12 or 13. Under our current statutes, we have Nebraska Revised Statute 43-248, which is the statute that talks about the temporary custody of a juvenile without a warrant. And it delineates the different times that you're allowed to take a juvenile into custody. Number (8) on that subparagraph is that the officer believes the juvenile to be mentally ill and dangerous as defined in Section 71-908 and that the harm described in that section is likely to occur before proceedings may be instituted before the juvenile court. So colleagues, I brought up this horrible sounding

example when I was on the mic the other day, but let's pretend a 10-year-old commits a murder. Horrible circumstance. Or they're accused of committing a murder. It is preposterous to think that that 10-year-old is going to get contacted by law enforcement and law enforcement's gonna say, I really wish I could hold you. But you're 10. Can't do anything. Let's leave you out in the community. That's not what happens. If a 10-year-old commits a murder or some other very serious offense, they can be taken into custody and they can be held or placed into the custody of the Department of Health and Human Services pending an evaluation and pending further placement in a temporary capacity in the least restrictive manner possible but still restrictive if necessary in order to assess the situation. What we're talking about with this bill as well is temporary placement. We are not talking about the long-term placement of individuals who have either behavioral needs or psychiatric needs. We could have an entire eight-hour discussion about whether or not we have sufficient resources in our juvenile system to handle the continuum of care between home placement and the YRTC in Kearney. And the answer is we don't. The re-- we need more levels of care and more access to care. But what we are talking about with this proposal is the easy button. It's detaining people in the short period of time who need help and analysis and hopefully intervention but instead using juvenile detention facilities as that placement. So colleagues, I understand that there's a line in the sand that is drawn somewhere. There's a lot of data that we can get into. I'm not trying to take too much time tonight, but there's a lot of data we can get into about at what age this tends to have the most negative effects. But certainly, if a line in the sand has currently been drawn at 12 or under, to cross out 12 and to make it 10 is a step in the wrong direction. And it's a step in a direction that I know objective studies that have been done of Nebraska say we should not go in. This state has paid multiple times to bring in third-party, nonpartisan analysis of what our state needs to do to better our justice system. And I will promise you it has never recommended locking people up at younger ages. It has never recommended lowering the age of detention. And I do not anticipate that it will ever recommend walking back a number of the steps that we've made in the state of Nebraska to reduce the incarceration of juveniles and instead make sure that they're getting the treatment and the care that they need. So those are a bivy of my concerns. We could talk about this for a very long time. But colleagues, my hope is that we can get votes on these floor amendments. As I said in my, my closing of the last one, this is not intended to be a filibuster. This is not me trying to waste time. But if you paid attention to this issue as it got introduced by Senator Riepe, if you paid attention to the hearing, you'll know that this floor amendment,

FA153, addresses one of the major concerns of both your constituents who are worried about children in the community who need help as well as experts in this field who know that this part of this bill is moving in the wrong direction. I absolutely understand we need safe communities and I absolutely want to continue to work on implementing the upfront investments on things like mental health care, on substance use treatment, those kind of things that we know actually help reduce juvenile crime. And our state's actually done a pretty good job. The Lancaster County Attorney's Office since I started working in this justice system has done a fantastic job, I think, of addressing issues like truancy. They've done a fantastic job of implementing diversionary programs. They've done a fantastic job of working with kids in the community to try to divert them away from being taken into custody. And I appreciate that. We need to not make decisions that fly in the face of those efforts, that fly in the face of the direction that we tend to go in here simply because there are a handful of cases which, while serious, could be addressed through other changes and systemic reforms within those institutions, like probation, like the courts. But it does not require us locking up kids at a younger age. So colleagues, I would encourage your green vote on FA153. It's very simple. It changes the word "ten" back to "twelve." Thank you, Mr. President.

DORN: Thank you, Senator Dungan. Senator Riepe, you're recognized to speak.

RIEPE: Thank you, Mr. President and colleagues. I rise in opposition to FA153, the agreement-- the amendment that would keep the minimum detention age at 13. That change would gut one of the most necessary provisions of LB530. This language, which comes from my priority bill, LB556, was developed alongside law enforcement, prosecutors, and juvenile justice leaders, who are seeing a rise in serious violent offenses committed by the very young juveniles. In Douglas County alone, over 400 juvenile felonies were filed in 2024. And, yes, there were 12-year-olds charged with armed robbery and other violent felonies. Under current law, they must be released and-- even if they're a danger to others or themselves. As Sheriff Aaron Hanson testified, and I quote, we were painted into the corner of providing a long, around-the-clock surveillance of an 11-year-old who could not be detained. That is not sustainable and it's not safe. LB530 doesn't mandate detention. It simply allows a judge in consultation with probation officers to authorize short-term detention in rare but serious cases. That's not overreach. That's accountability and early intervention. The goal here is not to punish. It is to intercept a cycle, to step in before it is too late, and to give courts the authority to act when public safety and the youth's safety demands it.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate April 30, 2025

I urge you to reject the amendment and protect the integrity of this carefully crafted bill. Thank you, Mr. President and colleagues.

DORN: Thank you, Senator Riepe. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. I rise in support of FA153 because I don't think we should be rolling back what doesn't need to happen, you know. Nobody has given me a legitimate reason to lock up 11-year-olds. If you look at all the data from the past few years, crime is down in Omaha. The mayor is running on it right now. She's running for reelection and saying that she's decreased crime in the city and it's a-- it's, it's a super safe city and people should follow the Omaha model. There seems to be some disconnect then. If the mayor is running on that crime is down, things are good, and people should follow the Omaha model, if they're going to D.C. with the chief of police and others getting awards because they brought down crime and those type of things, where is the disconnect? I'm lost. I'm trying to understand it. And then gut necessary provisions. Locking up 11-year-olds is a necessary provision? Just think about that. Locking up 11-year-olds is a necessary provision of law. Think about that. Roll that through your head. And think about the logic of that statement and if it makes sense when every data statistic shows that crime is down as well. And then to step in before it's too late. That's real novel to say when you vote against a family resource and juvenile assessment center bill to make sure they never end up in the system. Step in before it's too late because I don't support families getting resources and juveniles getting assessments before they ever enter the system. That's what he should say. Because he voted against it. And he don't feel like the state should pay for it. So he's saying step in too late. He should say, step in, step in before it's too late. I don't support family resource centers and juvenile assessments before they get into the system. That's what he should say. I wish he would. It would make me feel so much better. I would sit here and smile and say, yes. You're living your truth. That's what, that's what he should say. But he won't. I'm assuming he won't. Maybe he will. It'll make me better if people just lived their truths and don't act as if they're allies or doing some saving grace or some godsend to the city of Omaha. It's crazy. But we shouldn't lock up 11-year-olds. We shouldn't. I can't think of a reason. Maybe they do need some help and those type of things. Yes, they probably do. I work with kids from all different backgrounds-- kids with two parents in the household, te-- two par-- kids with one, kids that's living with other family members, those type things, kids in the foster care system, child welfare system. I work with kids. And even when I talk to youth and kids in the community that

are involved with, with the system, the number one thing they say they need is what? Resources, not detention. We would rather spend more money on resour-- on detention than prevention. I got a statistic that I got from LRO. If we were to pass my family resource bill and keep just 44 kids out of DCYC, we would save a million dollars. Then if we was to pass my bill, it is cheaper to pass my family resource bill than to lock up the, the, the average daily population of 87 kids. It's cheaper to give them resources. It's cheaper to give resources so they never end up in the system. But no, you got to step in before it's too late. Because-- don't support giving kids resources. Just want to step in before it's too late and detain them. That's what he should say. I would be proud if he said it. I would clap. I promise you I would clap. I'd be like, finally. You're finally living your truth. I would love to hear it and I would love to see it because then I would know you're being who you are and not a fake ally and not somebody that's trying to act like you're trying to, you know, keep our community safe because just locking people up won't do it.

DORN: That's time. Thank you, Senator McKinney. Senator Hallstrom, you're recognized to speak.

HALLSTROM: Thank you, Mr. President, members. I rise in opposition to FA153. I'm aware that Senator Bosn earlier had suggested her opposition to both FA154, which we previously defeated, and would encourage you to do the same thing with FA153. I understand that there are some discussions going on so that we're hoping to, to spend some time on the mic in hopes that good works are being done behind the scenes and bringing forth something that may be a comprehensive amendment to address some of the concerns that have been expressed on the floor of the Legislature this evening. I will get back in the queue if we need to discuss a little bit further while that work is going on. And would return my remaining time to the chair. Thank you.

DORN: Thank you, Senator Hallstrom. Senator Juarez, you're recognized to speak.

JUAREZ: Thank you very much. I just wanted to voice my opinion that I don't think it's the right direction for us to take to lower the age for youth to be sitting in, in our jails. And I have a report here from the NCSL Principles of Effective Juvenile Justice Policy. And it says, in 45 states, for most offenses, the maximum age of juvenile court jurisdictions is 17. And then it says here, all states, however, have waiver or transfor-- or transfer laws that allow or require youth to be prosecuted as adults for more serious off-- offenses even when they're under age 18. So I guess I'm ju-- a little confused why we think we

have to put in statute this age of 10. It says, in the past decade, states have increasingly modified the age of juvenile court jurisdiction and transfer laws. The change in approach has been spurred by a growing body of research that recognizes the relationship between delinquency and youth's psychosocial immaturity, as well as Supreme Court law that finds these characteristics of adolescents render young people less culpable for their actions. Research has shown that understanding the implications of one actions is an ability that evolves during the slow process of brain development, which is not complete for young people. It also indicates that the ability to control impulses, consider consequences and alternative points of view, and take responsibility for one actions is still developing in adolescence. And serving in my first term here, I think it's still developing for a lot of us yet. It's-- the age and scope of juvenile court jurisdiction should take into account research and evidence about youth development. 21 states by statute set a minimum age of juvenile court jurisdictions. Ten states and one territory-- American Samoa, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Pennsylvania, South Dakota, Texas, Vermont, and Wisconsin-- set the minimum age at 10. Case law in Minnesota sets the minimum age at 10 for delinquency adjudications. In Arizona, Nevada, and Washington, the minimum age is 8, if you can believe that one. In Connecticut, Maryland, Massachusetts, New York, and North Dakota, it is 7. North Carolina's minimum age is 6. In 2016, Nebraska passed legislation establishing the minimum age at 11. In 29 states, there is no statutory minimum. I repeat, 29 states, no statutory minimum, which means there is nothing legally preventing a state from cross-- prosecuting a child at any age. Thank you. And I will yield the rest of my time-- John Cavanaugh, Senator Cavanaugh, would you like to speak?

J. CAVANAUGH: Sure.

ARCH: Senator Cavanaugh, 1 minute, 10.

JUAREZ: Thank you.

J. CAVANAUGH: Thank you, Senator Juarez. I am in the queue later, but I, I was going to start talking about-- since this section is about lowering the age, I thought it would be a good time to talk about my bill, LB407, which I brought at a similar hearing or same-- the companion hearing right before the bill was heard on lowering the ages. And I'm going to run out of time, obviously, but I-- already in the queue. So LB407 was-- is my attempt to-- sort of a compromise between folks who want to charge younger kids and those who want to provide more services. So LB407 creates original jurisdiction for kids who are

charged with a crime in juvenile court, meaning that all charges for adult-level offenses have original jurisdiction in juvenile court. And that they have an opportunity at juvenile court before they are then-- could be transferred to adult court. So it's, it's sort of a different approach to what we do right now. I've brought several bills on the topic before, and I'll use my five minutes to talk a little bit more about that. Thank you, Mr. President.

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

GUERECA: Thank you, Mr. President. Good evening, colleagues. Good evening, Nebraskans and anyone else. I don't know why you'd be tuning in to the Nebraska Legislature at 8 p.m. if you're not a Nebraskan, but hey. More than right. I stand in support of FA153. You know, I'm not an attorney. I'm not a prosecutor. I'm not a child welfare specialist. Not a judge. Just a Nebraska state senator. I, in the course of my campaign, never once heard, hey, let's lock up little kids. If you would have brought this bill to me, gut check, gut reaction, hey, let's lock up ten-year-olds, I-- doesn't seem right. Seems off. Been perusing through this book, the 2024 Kids Count in Nebraska report, circulated by Voices for Children Nebraska-- colleagues, if you haven't read through this book, there is a lot of great information. For those of you who have looked through this book, know that there's a great section on juvenile justice. In the year 2009, there was 15,195 youth arrests. This-- two years ago in 2023, the number was 7,864. A tremendous downward slope. Exactly the direction we want to be going. So again, that is definitely a compliment to community advocates, to our justice system for being intentional about, you know, working with these children and working with the community to prevent factors that would lead to youth arrests. So again, I guess my question is, why do we want to insist on lo-- locking up younger children that-- if there's a downward trajectory in youth arrests, why would we want to increase that number? I think us as a society we want to make-- keep that number on the downward trajectory. So I guess that's, that's the part that confuses me, colleagues. Further on, disproportionate minority contact. Latino youth make up 15.6% of all youth interactions with the criminal justice system, but only 3.6% of those get referred to a diversion program. That number jumped out at me and is very disappointing, and it's something that I definitely will be looking into. A child is a child and deserves every opportunity to grow. Senator Dover pointed out that brain development does not stop until 30. So why do we want to keep locking up younger and younger children instead of investing in programs that help our children grow? Access to counsel. Juvenile access to counsel. Having an attorney present during proceedings in the juvenile justice system is not only important for youth but a

guaranteed constitutional right. The right to counsel is also enshrined in Nebraska Statute 43-272, Section 1. That means the law is meant to protect children at every stage of legal proceedings and requires the court to advise youth, along with their parents, of the right to an attorney. And that legal counsel can be provided at no cost if they're unable to afford it. Folks, 76.8% of children in juvenile court have an attorney. That's only three-quarters of our kids that are in juvenile courts have an attorney present looking out for their best interests. But an even more staggering number is 45.6% of children in adult criminal court had an attorney. Over half of the kids that we-- younger and younger we want to send to adult criminal court, less than half had access to an attorney. Think we've got our priorities wrong, folks. Thank you, Mr. President.

DORN: Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. So before I return to talking about my bill, I did want to go back on the previous amendment. Senator Dungan was moving to strike Section 19. And one of the things he did say was that Section 19 had not had a hearing. And-- so I told the story about how in a previous time I had brought a bill-- or, brought an amendment to the committee that had not a hearing, it got adopted, and then moved forward and was required to have a hearing. And I mentioned the sections of the rules that require this. So it's-- Section 3, 13, and 14 have the requirement of a public hearing. So Section 3, 14, 13-- 13, chairperson of a committee shall set a hearing on all bills and resolutions referred to the committee. And then Section 14 requires public notice of hearings so people have an opportunity to be heard, which of course is the purpose of public hearings, is that people bring bills, then people have notice and then opportunity to comment on them. And so that's the whole process, and then we integrate those comments. So when there is a change to a bill that is so substantial as to merit a-- essentially a new idea that should have had a hearing, we have an opportunity to go back and have a hearing. So that is Rule 6(3)(g): in the event a bill has become so substantially new and different bill by reason of amendment being-- having been adopted, the Speaker may refer said bill to the Reference Committee, who must refer said bill to proper committee for public hearing, provided the majority of the elected members may override the decision. So if we adopt this AM with this part that hasn't had a hearing, the correct-- correct remedy would be for the Speaker to ask the Judiciary Committee to give seven days notice, have a hearing on that portion of the bill that was-- that is the subject of Section 19. So that's the correct remedy. Obviously, we didn't adopt Senator Dungan's amendment, so Section 19's still in there. And if we adopt

AM18 [SIC] and then move LB530 forward with AM-- sorry-- AM1218 with-- and move it forward, then the correct remedy would be for the Speaker to ask the, the chair of the Judiciary Committee to have a hearing on that section. So that's that. I wanted to talk ultimately about my bill, LB4-- LB407, which is my attempt to address the same problem that is presented or is attempting to be addressed, I think, in FA-- or, well, in the section that FA153 is attempting address, which is lowering an age for detention, if I remember right. So my bill allows for a lower age of one year for being able to charge a, a kid, a juvenile with adult crimes. But it requires that all charges of kids under 16 be originating in juvenile court. So right now, there's basically coextensive jurisdiction for most of these offenses, and that, that means that the county attorney or prosecutor can choose to file either in juvenile court or adult court and that if it's filed in juvenile court then of course it would probably proceed through there. It could then still be removed to adult court. But if they file in adult court, then the kid and their attorney would be able to file to remove it from adult court to juvenile court and then try to be subject to the jur-- juvenile court jurisdiction. There's a whole other process for that. I had a bill on it last year that we all passed that I think helps make that process work a little bit better. But-- so what my bill would do, LB407, would say that all of these kids under the age of 16, if they're charged with these adult offenses, would start in juvenile court. And so then that is a place where, as everybody's talking about, what we wanna do is figure out how to get these kids the help that they need so that they don't reoffend, that they don't commit another crime, don't spend the rest of their life in the system. And we can all agree that juvenile court system is set up for-- to-- intending to deliver those services and that the adult court system is set up for punitive punishment. And so if our goal is to get services, then my proposal of starting original jurisdiction in juvenile court is, is a better proposal. There-- people have an issue with that, which I can go on to talk about in the next-- my next time on the mic. But-- so there are people who disagree with starting original jurisdiction in, in juvenile court with a removal to adult court, which is actually a bill I brought last year as well. And the opposition to that was that people think-- well, I'm not going to go into it because I'm going to run out of time and it's too nuanced to explain at this point in time. So-- but suffice it to say, people have issues with both my proposals of LB407 and whatever bill I brought last year that started with the original jurisdiction with the removal to adult court. My bill this year starts with original jurisdiction in juvenile court and then required services first. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, just a brief update, my understanding is that there are still conversations happening amongst various stakeholders on this on both sides, still being discussed in good faith. And so there's gonna be a few more people that are talking here tonight about this amendment because I do think that this amendment gets to the crux of what a lot of the issue is. But if there's a way that we can come together and address a number of issues at once and have it be done and then move forward, I think that is probably the most efficient use of our time, and certainly I think it is demonstrative of good faith negotiations, which is what we should be doing in this body. So I just want to be very clear to those paying attention, listening, that that's where we currently are. I wanted to talk a little bit more about the impact of age on so-call-- so-called delinquent behavior. There's been a lot of conversation around brain development-- and Senator Holdcroft actually held a really amazing symposium earlier this year. I think it was right before session started, maybe right after session had begun. I can't remember the exact date. But it was to talk a little bit more about some of the science behind brain development and it was to talk about sort of the issues that youth run into in the criminal justice system. And we always say the brain is not fully developed until somebody's in their early 20s. But what's interesting is it's a lot more complicated than that, and I think it actually, when you dig into the science, explains some of the questions that people have, right? Because people always say things like, oh, you know, my kid's 13. My kid knows the difference between right and wrong. You know, I think a 13-year-old knows the difference between right and wrong and we should hold them accountable. But it's more complicated than that simple discussion when you start to look at how the brain development, development works and what the different parts of the brain are. So at a younger age, kids-- and this has been studied for decades-- younger kids can understand the impact of right and wrong. So they understand what is maybe morally right or wrong or they understand that society that they live in has a right or a wrong. Like, for example, a kid knows if they sneak in and they steal a cookie from the cookie jar they could get in trouble, right? They know stealing a cookie from the cookie jar is wrong. But the brain develops in sort of a sequential nature. It doesn't happen all at once. And I found that fascinating. I didn't know that actually until Senator Holdcroft's symposium. And they showed a diagram of the brain. And I think if I remember correctly-- for any brain-- neuroscientists at home, correct me if I'm wrong-- it develops from the back to the front. And so it develops and it matures throughout the, the physical brain.

And it-- in each different part of your brain, it affects sort of different ways that you think about things. So at a younger age, starting at a different part of your brain, you are able to appreciate right from wrong. But what you're not able to appreciate yet is the long-term consequences of your actions. And I found, I found that really fascinating because it explains that sort of disconnect that we have scientifically when we say, well, this 14-year-old did a thing-- you know, they stole something from the store. They should know right from wrong. But what the science has proven is they don't have a full appreciation or understanding for the impact that their violation of the law-- which is very serious-- could ultimately have on their future. And this explains why you see younger people making what I think a lot of us in here would say are dumb decisions. You know, how, how could you possibly have done that, right? Why, why didn't you think about the impact that would have on your parents if you got in trouble? Or, why don't you think about the impact that your criminal justice record is gonna have on you trying to apply for jobs? And it's not just that kids are ignorant. It's not just that kids are, are ignoring these truths. It's because the brain is actually slowly developing in a way that they ultimately don't appreciate those actions. What's also interesting is the data is very clear that by the time they get to a certain age, juvenile-- I, I might talk about this the next time in the mic because I found this really fascinating too-- juveniles tend to-- people in general-- tend to age out of delinquent behavior. And so they've done a bunch of studies where they've done side-by-side comparisons of kids. And kids who commit similar-- we'll call them law offenses, or do bad things, when they're not involved in the system, when they don't become system-involved youth, they actually tend to precipitously drop off the amount of law violations or delinquent behavior as they get older. And so there's a lot of theory out there that's proven by data and science that demonstrates if we simply intervene from a more societal or parental level and don't get involved in the justice system, the vast majority of kids are not going to continue to offend.

ARCH: Time, Senator.

DUNGAN: Thank you, Mr. President.

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

ROUNTREE: Good evening. Thank you, Mr. President. Good evening, colleagues and those that are still online with us tonight. I just want to read a-- one of the testimonies we got online concerning the original bill of LB556. As I sat in the Judiciary Committee and we

listened to all the testimonies coming in, one of things that I always posed a question about was funding for wraparound services. A lot of the individuals came in, a lot of the organizations came in and they really wanted to have funds so they can reach out and help to kind of solve these issues at the root level versus having to have our judiciary system deal with these things. So a lot of the legislation we've done in here has been, as we talk about it, preventative, preventative. And so that's what I want to look at tonight. But this letter is from one Ms. Ashley Brown. And it says, my name is Ashley Brown. I'm the president of KVC Nebraska, a nonprofit organization providing a wide array of services to individuals and families across the state. I also serve as the president of the Children and Family Coalition of Nebraska, otherwise known as CAFCON, the role in which I am acting and with this online comment. CAFCON is a nonprofit provider association comprised of 11 organizations that provide child welfare and juvenile justice services, as well as many other services, to Nebraskans in all 93 counties. I am writing on behalf of CAFCON in opposition to LB556, specifically lowering the age a youth can be detained from 13 to 11 and lowering the age a youth can be tried as an adult from 14 to 12. CAFCON agencies provide direct services to children from birth to adulthood and know firsthand these youth do not have the capacity to fully understand the legal implications of their impulsive actions. Research has shown the brain is not fully developed-- as Senator Dungan was just talking about-- this young age-- young in age, and lack the reasoning part of the brain. We also know from extensive research that detention is not the answer, nor does detention produce better outcomes for these youth. The Nebraska Juvenile Code is designed as a rehabilitative system to give youths services and supports needed to be successful. Youth placed in adult courts and detention increases the likelihood of recidivism, and it has the potential to impact their future success in education and employment, thus decreasing overall ability of becoming healthy, productive, taxpaying citizens. It increases exposure to trauma and abuse and contradicts adolescent development research. Reform of the youth justice system has come a long way over the past decade in Nebraska. We ask the committee to not reverse such progress, rather look at alternatives to detention and establishing a continuum of prevention services to address the issue. We will be more successful with our youth if we have the necessary interventions tailored to the individual needs and circumstances of the youth with intentional design to ease the impact of childhood trauma and cost. CAFCON member agencies are committed to being a part of a solution to ensure community safety while also ensuring services and interventions are effective in addressing the safety, permanency, and well-being of youth and

families. And they agree this is not the right solution. Now, who are these CAFCON member agencies? Those are KVC Nebraska, Nebraska Children's Home Society, NOVA, Bethany, Heartland Family Services, Omaha Home for Boys, Boys Town, Child Saving Institute, Lutheran Family Services, Epworth Family Resources, and Eastern Nebraska Community Action. And so if we can reach this problem and attack it from the root and begin to wrap these families in at an early age, provide the services that are needed to help them to grow together to be profitable, sustainable, we can probably help to alleviate a lot of the issues that we will encounter and be able to help our youth stay out of the juvenile system. So with that, Mr. President, I thank you for this opportunity and yield any time that is remaining.

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

HALLSTROM: Mr. Speaker, members, I understand there's still work going on with a possible amendment. I would hope that if that amendment doesn't come to fruition tonight that we would continue to work in the next 50 minutes or so, that perhaps we're going to stay in session and try and work our way through by agreement of the parties to get this bill moved and then hopefully have some continuing discussions and maybe something beneficial comes in Select File. I don't have much more to say about the bill, but they asked me to take some time, so. Just-- comment. It-- a lot of times, it, it may look to folks that are watching in that we fight like cats and dogs on the floor of the Legislature. And it's good when we have our evening meal to take 30 minutes away and just forget completely about anything related to legislation and get to know one another a little better. The first night we had dinner this week, I was sitting with Senator Spivey and McKinney and Armendariz, among others. And Senator McKinney happened to make a reference to Father Flanagan School in Omaha. It was a school that was in existence, and it was an alternative educational facility for troubled youth that was founded, I believe, by Father Flanagan, as the name would denote, and was in existence for about 15 years in the '80s and the '90s. And our discussions moved on. And Senator Armendariz made a mention of Omaha North wrestler, Curlee Alexander. And there was Curlee Alexander Sr. and Curlee Alexander Jr. The senior was an All-American wrestler back in the late '60s or '70s, as I-- early '70s, as I recall, and then went on to a, a fabled coaching career at Omaha Tech and Omaha North. He had over 50 individual wrestling champions, including our very own Senator McKinney, who I think had two wrestling championships to his name. The younger Alexander had three championships, I believe, in the mid-90s. 1995, he was a Class A 112-pound champion. And then Senator Spivey ended things up making a reference to Omaha Tech. And her parents, I believe, had gone to Omaha

Tech. I happened to mention something about the late 1960s. And Senator Spivey rubbed it in by suggesting that she obviously wasn't born in 1969. And in fact, her mother was only three years old at the time. I asked her if she was familiar with a guy named Neal Mosser, who was a famed coach at Omaha Tech. She obviously was not. Neal Mosser, for the record, coached Bob Boozer, Bob Gibson, and Fred Hare. Bob Boozer went on to a college career at Kansas State. I think he was an Olympic basketball player. Bob Gibson played for the St. Louis Cardinals. 1968, he had a 1.12 unheard of earned run average, completed 28 of his 34 starts that year. And the Cardinals lost to my Detroit Tigers in the 1968 World Series, which also happened to be the year that Denny McLain was the last 30-game winner in Major League Baseball, only to be suspended indefinitely from baseball three years later for gambling activities. The most valuable player of that particular World Series was Mickey Lolich, a portly left-hander who won three complete games to beat the Cardinals that year. And finally, Fred Hare. Fred Hare in 1964 threw the ball over his head into the basket to beat the number one Michigan Wolverines who were headed by Cazzie Russell and a guy named Bill Buntin. The next year, the Huskers were 20-5 but did not make the NCAA. You might recall earlier I talked about the Texas Western Miners who won the national championship in 1965. The Huskers in '65 with a 20-game winning season had no starter over 6 foot 5, which was their center, Willie Campbell. They had a forward, Nate Branch, who went on to play with the Harlem Globetrotters. Another sharpshooter, Tom Bach [PHONETIC], from Fort Wayne, Indiana, who was later an assistant coach at UNL. And their guards were Stu Lantz and Grant Simmons. Grant Simmons was a Benson Bunny. And-- no relation, Ron Simmons was from the town of Sumner, Senator Ibach's hometown. And I think I'm about done. I doubt that anybody wants to give me more time to spend on what my wife would refer to as useless sports trivia. But I hope if we're having an amendment forthcoming that I've bought some time to allow the parties to do some magic and-- thank you.

ARCH: Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Senator Hallstrom, I think you just, like, blew my 2023 topics out of the water. That was, that was impressive years and numbers thrown out there. I too am speaking to help facilitate a compromise coming with this bill and amendment and to let those that are working on it work on it. This is not an uncommon thing to do. So-- just looking through the budget. But I will be honest, it's 8:16. And 12-- less than 12 hours from now we'll be back here for a budget briefing. So, yeah. You're welcome, everybody. That's happening in the morning. So I'm just kind of going through the budget, looking at things, and then not really taking in any of the information

anymore because my, my brain is, is tired. My brain is tired. So I'm going to talk about something that is interesting to me instead. I started watching a new show on Netflix-- I think it's on Netflix-- called North of the North. Don't know if you've heard of it. It's a fictional village in-- I think in Canada or maybe Alaska, but I think in Canada. And it's fictional because-- I, I listened to this whole story of the creator of it-- because they couldn't find enough Indigenous actors of a certain tri-- not tribe-- Eskimo-- it's, like, an Eskimo tribe. I can't remember. But they couldn't find enough actors of the same group, so they've created a fictional village so that it wouldn't be inauthentic to that culture. And therefore, it has all different cultures brought in. And it's a really interesting show. It's really funny and smart and looks really, really, really, really cold. And-- yeah. So it's just kind of a, a cool show that I highly recommend. It's about this young woman who got ma-- got pregnant and married to her high school sweetheart and kind of having a, a, a conflict of-- or, identity crisis. She doesn't work. She just takes care of her husband and her child and she wants to contribute to her community and her culture and-- so, yeah. It's very sweet and funny. I highly recommend it. North of the North. I'm not describing it very well because, you know, tired. I'm tired. I could, I could go on to talk about my hobbies. I've been crocheting lately. Got my crocheting here on the, the desk. I've actually been too tired today to crochet, so it's just sitting there sort of taunting me as a mother because I'm making it for one of my kids. And I'm like, ooh, every time I sit down behind Senator Hallstrom and I don't pick up the crocheting, I feel guilty. But today I'm just so tired that I'm like, I just-- I can't. I can't crochet. I'm too tired even for that. So that's one of my hobbies. And another one of my hobbies is doing laundry. It's not really a hobby I enjoy, but it's one that I-- when I am not here on our days off, that is pretty much what I am doing, is a week's worth of laundry for five people. I don't do it alone. My husband and I, you know, sit and talk and fold socks together. It's kind of our time to talk, which is nice. And-- yeah. I don't know. I don't-- I wish I had sports-- sports-- I call it the sports balls-- to talk about. I wish that we got an option. We get season tickets to the Husker football, but what I would like is season tickets to the Husker volleyball. And so, you know, I've been angling for that option since pretty much day one here. I mean, I do say the sports balls, but I am a volleyball fan. And I'm not a fair weather fan just because our volleyball team is so amazing. I went to watch my niece's girlfriend play volleyball at George Washington last year because I just happened to be in town and she had a game and it was really, really fun. She got a bloody nose and still was out for a few minutes and then came back and just dominated.

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It was amazing. And she's an Omaha native. So that's a little shout-out to MC there. And I'm just about out of time. I will get back in the queue and I'm sure come up with something very delightful and scintillating to discuss on my next turn. So I'm just waiting for that red light to go. How much time do I have, Mr. President?

ARCH: 4 seconds.

M. CAVANAUGH: OK. Great. Well, thank you, Mr. President.

ARCH: Senator Juarez, you are recognized to speak.

JUAREZ: Good evening, everyone. And thank you for those who are still listening. I have some more information that I want to, want to read here from the report I was looking at earlier. But I did want to discuss one email that I received today, and it says-- the subject says, this is Douglas County pro-- County's problem, not the state of Nebraska. And it says, I've worked most of my career with Douglas County juvenile justice programs and served as a member of the Nebraska Crime Commission juvenile justice committee. Now, the law that she cites is different than what's on the board, but it still relates. Maybe it's buried in there, I don't know. It's-- this says, LB556 will take us back 50 years, allowing youth as young as 11 to be detained for running away or at risk of suicide. I used to work in DCYC-- Douglas County Youth Center-- in 1971, where runaway kids were detained. It was so wrong because you had to wonder if there was a serious problem in the home that caused the youth to run away for its own protection. Sad but really good point. Family counseling and mental health care are needed for these issues. What's worse than passing a law to deal with the problem of one 11-year-old that is not competent to stand trial? Commissioner Rodgers from Douglas County disagreed with this bill. The only person that was promoting this bill was Don Kleine, a Douglas County prosecutor, and the Douglas County sheriff. It's time to call on Douglas County to resolve this problem with best practices and smart justice, not a knee-jerk response. So then I wanted to mention information again from this report on principles of effective juvenile justice policy. It's actually really good. I can tell that there's gonna be a lot of good quality that I'm gonna find from continuing to read this. And this is on principle number 11, which of course-- this has been brought up this evening from people who have dealt closely in the system. And it says, system-involved youth, families, and crime victims and survivors impacted by the juvenile justice system should play a central role in informing the development of juvenile justice policy and finding solutions to hold youth accountable in age-appropriate ways. And this is something that's already been

mentioned by our-- some of our senators, you know, having knowledge with what's needed. The juvenile justice system should respond to the law-violating behaviors of youth in a manner that protects the community, holds youth accountable, and improves a youth's ability to live responsibly in the community. Victims, survivors, families and guardians, and youths themselves should be involved in crafting solution to hold young people accountable. It says, to implement policies that provide restorative responses to crime that seeks to address the needs of the victim, the community, and responsible youth. In the juvenile justice system, restorative justice can address the needs of the victim community and responsible youth through practices that hold the youth accountable and repair the harm caused. Restorative justice models give people who have been harmed the opportunity to be heard, ask questions, and seek restoration, allow those responsible for crimes to apologize and make amends, and involve family members and the community in discussion around accountability, reparations, and rehabilitation. In 2015, the Office of Juvenile Justice and Delinquency Prevention and George Mason University conducted a study that evaluated the effectiveness, effectiveness of these programs and practices. The analysis found that the programs moderately reduced future delinquent behavior and increased victim satisfaction and perception of fairness in the justice system. The re-- the research also revealed certain--

ARCH: Time, Senator.

JUAREZ: --types of restorative justice programs. Thank you.

ARCH: Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Thank you for that, Senator Juarez. That was interesting to hear about restorative justice. I think that is a really important topic to talk about. So I talk a lot-- when we're talking about justice-- the justice system is what our goals are. And I've always come at it from an approach-- I know we all want to reduce crime. And so I always try to figure out, when I'm bringing a bill, looking at something and say, how can we reduce crime? And some people might want to bring increased penalties, which is-- I admittedly have brought increased penalties myself. But that's not-- I don't think that is a, a great way to go about it. I do think addressing the root causes of crime is one of the more effective ways. And so, you know, I've talked about access to mental health care. So I brought a, a bill that makes sure that everybody, when they leave custody, has access to health care when they get out, making sure that everybody who's eligible for Medicaid when they get released from custody gets their Medicaid card so they can go and continue on the program and treatment

that they have. Housing stability. I've worked on bills, brought bills that particularly protected victims of domestic violence in housing situations. And just things like-- well, Senator Rountree's bill today, I think that was making sure people have access to food so that people don't have some sort of-- their life getting upended as a result of a lack of access to food. And so taking care of those sort of fundamental things, those are ways to decrease crime, tho-- im-- improve outcomes, improve people's lives, and decrease crime. And so by doing all of those things, if we decrease crime, at the end of that, it-- result of that is that fewer people are the victims of crime. So-- which that is our real goal in all of this, is to make sure that fewer people end up being the victims of crime. And so stepping back from that, we worked to decrease what is the reason somebody may commit a crime is the ultimate goal, and then addressing those issues. And so, you know, you can certainly focus on the after-the-fact or post hoc solutions, which is locking people up to punish them, but that doesn't get to the root cause or stop the crime from happening originally. And then, of course, once somebody's locked up, we work on recidivism or repeat offenses. And so-- and the-- that is where we focus on a lot of these services, connecting people with services, and connecting people to housing, with food, with education, with drug and alcohol treatment, with mental health treatment, all of those sorts of things. And-- so that's really what the-- we're talking about when we're taking about getting people services, is to make sure that they get out of a cycle. And so my bill, LB407, was a bill that I brought to try to get original jurisdiction in juvenile court, which is a service-based system to try to make sure we're re-- rehabilitating these kids who have committed some sort of offense or at least get charged with some sort of offense. And so I think we should start with original jurisdiction in juvenile court with a potential to transfer to adult court for the ones that-- these one-offs. Everybody's talking about all the, the-- you know, we-- we've talked a lot this last couple weeks about "anecdotal." So we've talked a lot about these particular "anecdotal" points where there are maybe some-- somebody who is particularly bad and that's the reason we should change the law this way. I'm proposing that we take a different approach where we start-- we assume that every kid that is-- has committed or is charged with an offense is-- should be treated like a kid. And then we have a system approach to then remove those ones that, that are those one-offs and-- to adult court and allow that to happen so that we have the people who are familiar with all of these mental health things and all of the services that, that are actually-- know these things are the first-- the court of first impression, and they make a determination about whether or not that, that kid or child should be put into adult court and treated as an adult. So right now,

we do it the opposite where we put kids into adult court and we fit, fit them into that system. And then we say, OK. Well, now you have to argue that they should be treated like a child. I think we should reverse that and say, they're a child. They should be treated like a child unless there are some extenuating circumstances to be treated like an adult. So that's what I'm attempting when I brought this bill and a previous bill, is to say, let's address services, let's address treatment, and let's address 99% of the kids like kids and then have an es-- escape valve or release valve for the 1% of these kids who belong in the, in the adult system. Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I'm still rising in support of FA153. It's definitely been a long day, interesting day. Good conversation and, you know, Senator Lippincott was watching my high school wrestling matches. It was good, you know, good conversations we've been having today. Whether people disagree or not, you know, I think conversations like these need to be had from time to time and I think late nights always produce interesting content for the Legislature. You know, things happen at night in the Legislature as well. I've seen a lot of good things happen at night. So maybe we should start going late every day. How would y'all like that? We go late every day. Probably won't be fun for some people, but might get some more things done because time is not on our side. We are on day 72. So that means we have limited time to get things done. And then we have to get to the budget, which is going to take us a while, and that's going to be contentuou-- contentious for sure every round of debate, especially with the cuts and the new proposed cuts that I saw today. It's-- I'm telling y'all. I know I sound like a broken record, but we have to reevaluate our priorities. Cause I saw something like cutting money from, like, the Water Sustainability Fund or something or, like, water-- something dealing with water, like water safety or something. I don't know if we should be cutting money for water safety. What are the unintended consequences of cutting water safety money? I don't know. I'm not on Natural Resources, so I'm not well-versed in that, but I think we should think about that. Water safety should be important, you know. Because if our water supply gets tainted or something like that, probably won't be good for a lot of people. It definitely won't be good for agriculture in the state if our water gets tainted because we-- because of the need for more funding in the budget, we cut water sustainability funding or water safety funding. We should think about unintended consequences. That's all I'm saying. I don't know if I'm right. I'm not on Natural Resources and I'm not a farmer. And I'm not-- I don't spend a lot of time in western Nebraska,

so I'm not particularly sure. But I hope our water supplies stay safe everywhere-- north, south, east, and west Nebraska. So if we're cutting water safety money in the budget, I think we should have a full detail of what those consequences may or may not be. Like, I know we got fiscal notes, but I think for the budget, especially when you're cutting things, there should be, like, a, a impact analysis or impact study on if we cut certain programs or if we cut certain funding. I think we should see that on the budget. Maybe-- that's another interim study idea too. Interim study to study whether or not the Nebraska Legislature should implement impact analysis when we cut things from the budget, when we add things to the budget just so we can forecast to see what's gonna happen and what might happen. I think that will be good for us to see. That's a good idea. I think somebody should take that up. I don't know if I will, but a overall impact analysis of raising funding for something, cutting funding for something. Because I would love to see a impact analysis of cutting water from the Water Sustainability Fund or cutting wa-- cutting funding for-- cutting water, that's crazy-- you know it's getting late-- but cutting funding from the Water Sustainability Fund or cutting funding from the Water Safety Fund. What does that impact look like? How's that-- how does that affect the overall state? How does that affect our industries? I, I think that would be good to see. Cause I know we had that-- well, Mead had that thing a, a few years ago when their soil got tainted-- I think it was their soil. It might have been the water or something like that with-- at AltEn, I believe it was, but I do think there should be some sustainability impact--

ARCH: Time, Senator.

McKINNEY: --studies. Thank you.

ARCH: Senator Dungan, you are recognized to speak. And this is your third opportunity.

DUNGAN: Thank you, Mr. President. Sorry. I was out speaking with a couple of the folks about these ongoing negotiations. So as has been stated, there's a lot of moving parts happening right now. This is actually kind of where it gets fun, where, you know, it's getting a little dark in here and there's a lot of people negotiating. And this is actually, I think, very substantive, and I, I very much appreciate all of the stakeholders coming together on this to see if there's some agreement we can reach. At this juncture, I don't know if we're going to get there. Obviously, there's a lot of question marks and there's a lot of people that have to be talked to because we want to make sure we get the input from people from all of the different areas that are

touched by this. I know we're speaking with law enforcement folks, I know we're speaking with county attorneys, I know we're speaking with the defense attorneys, and I certainly want to talk to the courts too to make sure we understand how probation fits into all of this. But my belief is that there are some really good conversations happening. So colleagues, thank you to everybody else who's been engaging in this ongoing debate, because I do think the issues we're talking about are important. In addition to that, I want to thank Senator Hallstrom for his sports trivia. That was always very engaging. And I want to thank, as I said earlier, Senator Spivey and Senator McKinney as well for their leadership on this. I think this has been a really helpful path we've gone down. FA153, as I stated before, is probably the issue of this part of the division that had the most contention. And I understand. I understand that there are probably a limited number of circumstances where we're able to point towards a problem that happened a few times-- not diminishing the severity of it at all-- and say that this is a problem that needs to be addressed. But one of the things that I noticed when I came into the Legislature, specifically in dealing with a lot of the issues that are-- surround the criminal justice system, is I think that we unfortunately from time to time make decisions based a little bit more on anecdote than data. And we've used the portmanteau of "anecdota" a lot this session. Want to thank my mentee, Senator John Cavanaugh, for introducing me to that, that phrase. But I think when we start to legislate based too much on stories that we hear, we end up with results that are problematic. And the reason for that is you have this pendulum swing so far in the other direction-- like, let's say you've taken eight steps forward on an issue to address it based on data and based on studies that have been done and ba-- based on a lot of information from all around the country but then something bad happens and you take five steps back. It doesn't mean you can't find ways to address the bad thing that happened because, clearly, we have to be nimble and we have to continue to address a lot of these issues as they come up. But we need to be sure that when we hear things that are frightening or when we hear things that are scary to us as, as people who do care about a, a safe community in a civilized society, that we don't overreact. And I have sat down with a number of folks in law enforcement and heard their concerns, specifically as it surrounds juvenile issues. And I understand there's a lot of law enforcement out there who feels right now as though not enough is being done. And I want to make sure that we as a Legislature obviously continue to work with those folks to always achieve those goals. Same with our friends in both the defense attorney world and the county attorney world. We want to make sure we take into account a lot of the different considerations here. But we cannot-- or,

we should not-- we can-- we should not take a step in the wrong direction that flies in the face of information and data that we know to be true. And what we know to be true is that detaining juveniles at a very young age has an incredibly negative side effect on them in a number of different areas. I think-- you know, in talking with Senator Riepe about this-- we, we had a good conversation off the mic. I think that this comes from a good place. But in my conversations with practitioners who have dealt with some of these more serious and severe issues, I will tell you the system is equipped, colleagues. The system is currently equipped as a whole to address a number of these problems that we're hearing. And if there are certain circumstances where individual actors maybe are not living up to their responsibility or maybe there are unique circumstances that fall outside what is currently understood to be the rules and parameters around you-- youth detention, then I think we can address those with things like what Senator McKinney talked about earlier, which is policy changes internally amongst probation or, or definitions or clarifications that we get from the court system to make sure we fully understand how to properly effectuate the laws that currently exist. And if you do a deep dive into our juvenile detention statutes, they're very confusing. And you can tell that a number of people have part-- pieced them together over a number years. But what I will tell you as well is they currently exist in such a way that they cover every issue that I believe you could be dealing with.

ARCH: Time, Senator.

DUNGAN: And so I don't think we have to change it at this time. Thank you, Mr. President.

ARCH: Senator Machaela Cavanaugh, you are recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I am going to shift my topic now to one of my favorite subjects, the subject index to bills and constitutional amendment resolutions introduced, compiled by our very own Carol. And I've talked about this before when I got my signed copy when the index came out. I wait for this. I wait for this every year for the index to come out. And it hadn't come out yet. And thank you. Senator, Senator Brandt was over here talking with a group of us, and he's like, is there a way to find out, like, other bills that are this-- and I was like, there is. And my nerd antenna went way up, and I was like, the index. Oh, sorry. No props. That's here. I did, though-- however, just realize that the index is very close in color to the cosmic blue of-- yeah, the budget. So I think this year is maybe cosmic blue for the Legislature. In 2023, I very clearly remember the cover of

the Appropriations report being Martian green. And I remember this because I just started shorthand calling it Martian and not even the budget book. And a bunch of people were like, why are you talking about that book, The Martian, so much? It's like, I-- I'm not. I haven't actually read it. I did see the movie eventually, but I've never read The Martian-- or, Martians. Anyways, he makes potatoes-- it's interesting. He never wanted to eat a potato again. It's fiction, but anyways. So, so the index-- the subject index. Carol, I am trying to have this like-- yeah, at this moment-- in this moment. Thank you. And you're just being too modest. OK. Did you all know that there is a section for elevators? And it's the Con-- Conveyance Safety Act: change provisions relating to exempted conveyances and not exempted conveyances, alternative inspections, applications for elevator mechanics licenses and elevator contract licenses and the method for requesting inspections. This is Senator Wordekemper's bill and it is on-- oh, it's LB435. See? It's-- and then-- oh. Landscape architects, that's Raybould's bill. Law enforcement, no surprise, has multiple bills. Law enforcement and criminal justice, another subsection. The Legislature. There's a whole section on the Legislature. It's actually kind of long. Transfer funds-- oh, that's-- oh. That's the budget bill. I guess the Speaker's budget bill that was introduced is technically the Legislature. It's really the whole state. Liability, we have a whole section on liability. Licenses and permits. I believe this is available online for those who are watching at home. If you go to the Legislature's website, you ca-- you too can nerd out on the subject index. And I've mentioned this before, but we have our Clerk and we have our Deputy Clerk. I actually do not know Mike's official title. Deputy Clerk? Assistant Clerk? Junior Clerk. I, I prefer junior. So we have our Clerk, we have our Assistant Clerk. Then we have our Journal Clerk, Jenni; and then we have our Index Clerk, Carol; and our Amenden-- Amendments Clerk, Morgan. And then we ha-- of course, have our wonderful pages. And I appreciate you all for being here so late at night. I can't wait to see everybody in 11 hours, because that's when we'll be back to do the budget. So with that, everybody enjoy your index. Thank you, Carol, as always. I yield my time.

ARCH: Seeing no one in the queue. Senator Dungan, you are recognized to close on your floor amendment.

DUNGAN: Thank you, Mr. President. Colleagues, I would encourage your green vote on FA153. Yet again to remind you, this is the part of the bill that changed it from "twelve" to "ten" with regards to being able to detain younger kids. I absolutely hope we continue to have this discussion. Please vote green if you want to go ahead and have this added into the, the bill. But it sounds like there's going to be

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ongoing discussions overnight tonight. And I look forward to continuing some negotiations into tomorrow morning. I'd like to remind people that LB530 was a Bike Walk Nebraska bill. And so I keep getting emails from folks from the biking community who are like, I'm a cyclist and I support this bill. What else is going on? And, you know, they'll have to play catchup a little bit as they read the paper to see what else is in here. To my biking friends from Bike Walk, Nebraska, I am very supportive of the biking community. We're gonna have to wait and see what all ends up in this bill before we determine, I think, the support level from others. But I do appreciate all the work that's happened tonight from various stakeholders. I know Senator Bosn's been working really hard to keep up with a lot of moving parts. And again, I wanna thank the leadership of Senator McKinney and Senator Spivey for dealing with a lot of these issues. I know that things are coming fast, but, colleagues, I appreciate your patience as well. This is the, the rare kind of night where we are, I guess, technically filibustering insofar as we're taking a lot of time, but it's because a real substantive conversation is happening behind the scenes. So bear with us. We will continue to work on this bill. And I appreciate the hard work from everybody. Please vote green on FA153. Thank you, Mr. President.

ARCH: Colleagues, the question before the body is the adoption of FA153. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 13 ayes, 29 nays on adoption of the amendment, Mr. President.

ARCH: The amendment is not adopted. Mr. Clerk for items.

CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB215, LR19CA, LB36A, LB80A to Select File, some having E&R amendments. Additionally, your Committee on Enrollment and Review reports LB246 as correctly reengrossed and placed on Final Reading Second. New LR: LR143, from Senator Machaela Cavanaugh. That will be laid over. Name adds: Senator Holdcroft, name added to LB39-- LB693; and Senator Guereca, name withdrawn from LB684. Finally, Mr. President, a priority motion: Senator Hughes would move to adjourn the body until Thursday, May 1 at 9:00 a.m.

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