

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 21, 2025

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-third day of the One Hundred Ninth Legislature, First Session. Our chaplain today, from Senator Clement's district, is Pastor Raymond Wicks, First Baptist Church, Plattsmouth. Please rise.

RAYMOND WICKS: Would you join me in prayer today as we go to the Lord? Father and God, we are so thankful for a beautiful day here in Nebraska. We're thankful for our wonderful state. I pray that you give, again, wisdom to our Governor. And, Father, as this body is meeting today, I pray you give wisdom to this group. Solomon asked for it, he needed it, and thank you that you give it when we ask for it, and I pray you give wisdom. Thank you that you've given us your word. I pray that people be conscientious of your word, even as they make decisions today. And may not our will be done, but may your will be today and all that happens in this body. And I pray that you'd help each of the senators have their own personal needs. I pray that you bless their families, just whatever personal needs they might have. I pray that you would help ease their minds of those things today and just help them to focus today on what is at hand and help them to have guidance from you. And we thank you that Proverbs 3, 5, and 6 reminds us that if we trust in you and lean out to our own understanding and always acknowledge you that you will direct our paths. And thank you, Father, that you're a wonderful God. And I pray that you bless this body. Thank you again for our state. Thank you for the many blessings we enjoy here. And we ask your guidance upon this group now. We ask it in Jesus name. Amen.

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

JACOBSON: Thank you, Mr. President. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

KELLY: I call to order the eighty-third 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.

KELLY: Are there any corrections for the Journal?

CLERK: There are no corrections this morning, sir.

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KELLY: Are there any messages, reports, or announcements? There are, Mr. President.

CLERK: Communication from the Governor: Engrossed LB36, LB36A, LB78, LB78A, LB80, LB80A, LB133e, LB140e, LB166, LB198, LB246, LB257, LB311e, LB332e, LB364, LB368 [SIC--LB383], LB399, LB453, LB474, LB570-- LB526, LB559, LB641, LB660e, and LB704 received in my office on May 14, 2025 and signed on May 20, 2025. These bills were delivered to the Secretary of State on May 20, 2025. Signed Sincerely, Jim Pillen, Governor. An additional communication: Dear Mr. President, Mr. Speaker, and members of the Legislature, with this letter I am returning LB287e without my signature and with my objections. LB287e creates needless, duplicative government mandates and regulatory bureaucracy where none is needed. I believe that local governments should possess the authority to enforce basic sanitation and anti-infestation standards for dwellings within their jurisdiction. Our communities, including the city of Omaha, already possess this authority. Moreover, this legislation imposes a redundant solution in pursuit of a problem that existing federal oversight is already legally equipped to address. The Omaha Housing Authority is already subject to rigorous federal oversight, including inspections conducted annually, biannually, or as needed by the U.S. Department of Housing and Urban Development. Approximately, 90% of OHA's funding is derived from HUD with no direct financial support from the state or county. The remaining 10% comes from tenant revenue fees and other HUD-administered grants or subsidies, all of which are still federally allocated. This oversight already includes requirements related to infestations and other health and safety issues, and repeated violations can result in reduced funding or enforcement actions. LB287e additionally disrupts foundational principles of fair governance and the importance of avoiding taxation without representation by permitting sanitary and improvement districts to impose taxes and regulatory mandates on property owners residing outside their jurisdiction. This change in the law is sufficiently consequential that it deserves significantly more debate and deliberation by the Legislature. Because I believe it lacks such consideration, I do not believe it is appropriate to sign it into law at this time. Sincerely, Jim Pillen, Governor. Additionally, your Committee on Education, Mr. President, reports LB538 to General File with committee amendments. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. While the Legislature is in session, I propose to sign and do hereby sign LR184. Mr. Clerk, please proceed to the first item on the agenda.

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CLERK: Mr. President, Select File, Legislative Bill 644A. Senator, I have nothing on the bill.

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

GUERECA: Mr. President, I move that LB644A be advanced to E&R for engrossing.

KELLY: That is debatable, and Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I just want to put into the record that the two bills that have been vetoed by the Governor were also introduced by the two black men in this-- serving in this body and that should not go unnoticed or unacknowledged. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Members, you heard the motion to advance LB644A for E&R Engrossing. All those in favor say aye. Those opposed, nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, General File, LB298 introduced by Senator Arch. It's a bill for an act relating to the Legislature; amends Sections 28-711, 43-4302, 43-4303, 43-4317, 43-4320, 43-4321, 43-4322, 43-4324, 43-4326, 43-4329, 43-4330, 47-901, 47-902, 47-903, 47-904, 47-905, 47-907, 47-908, 47-909, 47-910, 47-911, 47-912, 47-913, 47-914, 47-915, 47-916, 4-917, 47-918, 47-919, 47-920, 50-406, 50-406.01, 50-407, 50-408, 50-409, 50-410, 50-416, 50-418, 50-420, 50-1201, 50-1202, 50-1203, 50-1204, 50-1205, 50-1205.01, 50-1206, 50-1210, 50-1211, 50-1212, 50-1303, 50-1304, 73-401, 81-8,240, 81-8,241, 81-8,242, 81-8,243, 81-8,244, 81-8,245, 81-246, 81-8,247, 81-8,248, 81-8,249, 81-8,250, 81-8,251, 81-8,252, 81-8,253, 81-8,254, 81-1114, 83-178, 83-1,125.01, 84-304, 84-311, 84-322, and 84-910, Reissue Revised Statutes of Nebraska and Sections 28-712.01, 29-2011.02, 29-2011.03. 43-2,108, 43-4301, 43-4318, 43-4323, 43-4325, 43-4327, 43-4328, 43-4331, 43-4332, 50-401.01, 50-402, 77-2711, and 77-27,119; names the Office of Public Counsel Act; changes provisions relating to the Public Counsel; provides for confidentiality of certain information; provides for subpoenas; states legislative intent; provides for the direct-- Division of Legislative Oversight, the Director of Legislative Oversight, and the Legislative Oversight Committee; changes the Office of Inspector General of Child-- Nebraska Child Welfare Act and the Office of Inspector General of the Nebraska Correctional System Act as prescribed; transfers provisions; provides penalties; changes provisions relating to the Legislated Council, the

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Legislative Research Office, the Legislative Fiscal Office, the Legislative Audit Office; changes the Legislative Performance Audit Act as prescribed; eliminates the Legislative Performance Audit Committee; harmonize provisions; provides a duty for the Revisor of Statutes; repeals the original section; outright repeals Sections 43-4304, 43-4304.01, 43-4304.02, 43-4305, 43-4306, 43-4306.01, 43-4307, 43-4307.01, 43-4308, 43-4309, 43-4310, 43-4311, 43-4312, 43-4313, 43-4314, 43-4315, 43-4316, 43-4319, 47-906, and 50-421; and declares an emergency. The bill was read for the first time on January 15 of this year and referred to the Executive Board. That committee placed the bill on General File with committee amendments.

KELLY: Thank you, Mr. Clerk. Speaker Arch, you're recognized to open.

ARCH: Thank you, Mr. President, and good morning, colleagues. Today, I'm finally able to introduce my priority bill, LB298. Like many of the bills I bring forth, this one has been years in the making. LB298 will be transformational for the Legislature as an institution, and I expect and welcome thoughtful discussion this morning. Briefly, and I'll go into more detail in a bit, LB298 proposes to create a new legislative division, the Division of Legislative Oversight. Today's debate may be technical at times, and it probably is going to go beyond my technical expertise. But I would ask for your attention to this because this is an extremely important bill as it relates to the branch of the Legislature. Though I know most of you are familiar with the issues involving our Office of Inspectors General, I want to provide a quick historical overview for the legislative record. Things really started to come to a boil when former Senator Tom Briesie introduced LB215 in 2023 as an OIG, quote, cleanup bill.

Representatives from the Department of Health and Human Services, the Department of Corrections, and the judicial branch showed up at the hearing to testify in opposition and raised questions regarding the constitutionality of our OIGs. Shortly thereafter, an Attorney General's Opinion was requested and on August 16, 2023, Attorney General Mike Hilgers issued Opinion 23-008, opining that the statutes authorizing both the OIG for child welfare and the OIC for the correctional system were constitutionally suspect. In response, both the Department of Health and Human Services and the Department of Corrections stopped providing critical information to the OIGs as well as the Ombudsman's Office, under which the OIGs are currently housed. Now, here's where I understand there are strong differing opinions on how the Legislature as a separate but equal branch of government should have responded at that point. The Executive Board decided to pursue a remedy through legislation rather than litigation. While the primary focus of the Opinion was the OIGs, it became obvious that this

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Legislature's oversight function and structure was complex and organizationally uncoordinated. We have the Office of Public Counsel, also known as the Ombudsman, the two Inspectors General, the Legislative Performance Audit, and the standing committee's Judiciary, Health and Human Services, in particular, all performing oversight functions. We needed an immediate resolution to get the necessary information flowing again to our OIGs and Public Counsel, but it was decided a quick statutory fix in a short session would not be ideal. In addition, the fact that we are the only state in the nation with Offices of Inspectors General to, to be housed under the legislative branch, as opposed to the executive branch, comes with its own set of challenges. So in February of last year, the Legislature adopted LR298, the Special Legislative Oversight Committee to further study the issue. And in the same month, myself, as Speaker of the Legislature, and then former Executive Board Chair, Senator Ray Aguilar, entered into a memorandum of understanding with Governor Pillen to allow for the temporary continuance of the executive branch agencies to share information. This MOU is currently in existence, and it terminates at the conclusion of this session. The Opinion certainly rocked our boat. But if we take the, when life gives you lemons attitude, we were also presented with an opportunity. An opportunity to lay down a solid foundation to improve our oversight structure, ensure it is unquestionably constitutionally sound, and strengthen our role in exercising legislative oversight and those have been the goals. LR298 committee worked over the 2024 interim, which included roundtable discussions, a presentation from the Levin Center for Legislative Oversight out of Wayne State Law School, and multiple conversations with our current Public Counsel, Julie Rogers, our current Legislative Auditor, Steph Meese, our current OIG for Child Welfare, Jennifer Carter, and our current OIG for Corrections, Doug Koebernick. They've been involved in this entire process, giving honest feedback, valuable input. I want to thank them for their contributions. And as current members of the Legislature staff, they are under the south balcony to my left and available to answer questions you might have as this bill pertains to their different statutory duties. Honestly, they're best suited to handle technical questions and, and some of the legal questions, and so feel free to, to engage them as perhaps we have done when the Appropriations bill is on the floor and we have the Fiscal Office under the balcony. In drafting this legislation, I also had many conversations with the Attorney General, the executive branch, and the judicial branch. Ultimately, enacting law is a legislative function, but I'm a firm believer that it is only through collaboration, trust, and respect that the government as a whole can properly function. To be honest,

this entire 2-year process has been threading the needle. This bill is never going to be perfect in everybody's eyes. There is always somebody who's going to want more. As a side note, the judicial branch has been skeptical of the OIG duties ever since juvenile probation was moved from the executive branch to the judicial branch in 2013. For the most part, our OIG has not been able to secure information pertaining to juveniles under the jurisdiction of probation for nearly 10 years. Today, the court is at least at the table. They are engaged in discussion. I have asked the two other branches to move forward in good faith. If there is something that is still a concern, we can still-- we can revisit it next session. But we need to start and continue building that trust and those relationships. Regardless of the other two coequal branches, it's time for this Legislature to move forward. When each of us came here on our first day, we raised our hand and took an oath of office. We swore to uphold the constitution, and one of our constitutional duties is to provide oversight. We need to get the information necessary to do what we are elected to do, legislate and appropriate. One of the ways to get that information is to provide oversight. In my opinion, this bill gets us to where we should be. My goals for this bill are threefold. One, as I mentioned, address the specific questions raised in the AG Opinion, and I'm confident that we have done that. To coordinate our oversight structure, second goal. And, third, clean up our oversight-related statutes. There is a committee amendment that becomes the bill, AM1504. That amendment addresses the aforementioned goal by doing the following. And I, I divide these into external and internal. External: outside the body. The bill addresses questions raised by the AG. LB298 addresses legislative supervision over its divisions, the, quote, unfettered access of computer systems, the ability to interject in law enforcement investigations, and the authority to issue subpoenas. All I-- and I, and I can speak to those issues in more detail as we discuss this bill. Internal: regarding oversight structure, our structure. The bill would create a new legislative division, the Division of Legislative Oversight. Please refer to the diagram that has been passed out. It would allow for the appointment of a director of legislative oversight. Similar to our Public Counsel, the Division Director would be appointed to-- by a 2/3 vote of the Legislature and serve for a 6-year term. The Legislative Audit Office, the Office of the Inspector General of Nebraska Child Welfare, and the Office of Inspector General of Nebraska Correctional System would be moved under the umbrella of the Division of Legislative Oversight, and I'll explain in more detail the rationale behind this decision the next time I'm on the mic. The bill would create the Legislative Oversight Committee as a special legislative committee to oversee all aspects of

the Division of Legislative Oversight and perform the necessary duties as provided for in the Legislative Performance Audit Act, the Office of Inspector General of the Nebraska Child Welfare Act, and the Office of Inspector General of Nebraska Correctional System Act, including approving annual work plans, approving key performance indicators, and receiving quarterly briefings from the Director of Legislative Oversight. The committee would be comprised of the Speaker of the Legislature, the chairperson of the Executive Board of the Legislative Council, the chairperson of the Appropriations Committee, the chairperson of the Judiciary Committee, the chairperson of the Health and Human Services Committee, and four other members of the Legislature appointed by the Exec Board. And I'll get into more detail regarding the makeup of the committees later. Under the bill, the Legislative Performance Audit Special Committee is terminated. This is our Performance Audit Committee that exists right now. The bill does contain the emergency clause. So should it pass, it would be my intention that the current Performance Audit Committee become the new Oversight Committee with two additional chairperson positions of Judiciary and Health Care. Of course, that would ultimately be the decision for the Executive Board, it would be my recommendation. LB298 decouples the OIG from the Ombudsman's Office by moving those positions under the Division of Oversight and, ultimately, the Legislative Oversight Committee. And I'll speak more to that later as well. Finally, the bill allows and envisions the OIGs and the relevant agency or division to enter into information sharing agreements, much like what is in place now is a temporary fix so the determination of how to share information can be targeted and flexible. Rather than putting that into statute, we want a flexible document there that changes with technology and other, and other issues. Also, I want to point out that part of the reason LB298 is so lengthy is because the bill moves all these different offices under the same chapter. Currently, the relevant statutes are spread out through different chapters. I do want to recognize Trevor Fitzgerald, Senior Research Consultant. Trevor has done excellent work on this issue over 2 years, and the time-- and this time-- and by this time probably has all 132 pages of the amendment memorized. So to quickly recap, LB298 addresses the issues raised in the AG Opinion, provides for the necessary access of information while maintaining confidentiality, and confirms that the Legislature is the coequal branch of government for which the constitutional duty of oversight is vested. It lays down a foundation for a structure that will guarantee robust, effective, and sustainable legislative oversight in years to come. Thank you, Mr. President.

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KELLY: Thank you, Mr. Speaker. As the Clerk stated, there is a committee amendment. Senator Holdcroft, you're recognize-- Hansen, you're recognized to open.

HANSEN: Thank you, Mr. President. The Executive Board heard LB298 on February 18. After the opening from Speaker Arch, the committee heard from Corey Steel, the Administrative Office of the Courts and Probation in opposition to the bill, while the Attorney General, the Governor's Office, the Legislative Audit Office, the Ombudsman's Office, and the Executive Board testified in neutral capacity. The committee amendment, AM1504, makes a handful of changes to the original bill. In Section 7, it updates subpoena language regarding subpoenas issued by the Office of Public Counsel. In Section 10, it clarifies investigatory reports conducted by Public Counsel are not considered public records, which is in accordance with existing statutes. In Section 15 and in other sections throughout the amendment adds criminal penalties for unlawful disclosure of confidential records. Furthermore, the amendment clarifies subpoena power of the newly established Legislative Oversight Committee and gives further detail on subpoenas from offices under the direction of the committee. The Executive Board advanced LB298 with AM1504 on a 7-1 vote, and I would ask for your green vote on AM1504 and LB298 and I yield the rest of my time to Speaker Arch.

KELLY: Speaker Arch, 8 minutes, 55 seconds.

ARCH: Thank you, Mr. President. I want to, I want to follow up on a, on a few points. I want to talk about the rationale for the new Division of Oversight and how that would be structured. Again, the proposal is to move the Performance Audit Office under the new Division of Oversight as well as the two OIG Offices. The OIG Offices and the Performance Audit Office are similar in that they do not play the role of an enforcement agency, but rather look for programmatic and systematic inefficiencies in our state agencies and agency programs and provide us with their findings so we may make informed policy decision. And I will tell you that throughout this process of the last 2 years, this, this phrase investigation I think has thrown some people, it almost sounds like law enforcement. Sounds like criminal investigation. It is not. It is fact-finding. It is, it is getting the facts that we need to legislate and appropriate. It is, it is going direct to the source. And that's what we're looking for, direct source information, facts that we can use to legislate and appropriate. Not a criminal investigation, we aren't police, we aren't law enforcement. And that, and that I think needs to be very clear. Instead of having a three-system related oversight office existing

side by side, answering to two different committees, it makes sense to have them under one division. The purpose of this bill is to create a structure of oversight with strong legislative control. Once this structure is established, it's very possible in the future, other oversight issues may be identified, such as rules and regs. How do we provide oversight over rules and regs? What about state contracts? Are state contracts being managed well? How, how is our appropriated funds being spent? That could also be housed in this division. The Ombud's Office is not under the Oversight Division and remains a stand-alone division. While the Ombud's Office does provide oversight and is statutorily charged with many of the same functions as the OIGs, including conducting investigations and making recommendations, it is, at its core, more citizen-centered and it works to protect citizens from administrative misconduct and mismanagement. This office has been in existence since 1971 and it is important to the citizens of this state. It should be preserved as a stand-alone entity in order to properly carry out its important mission without the distraction of other oversight offices. In a letter of support on a related bill introduced last year, long-time former Ombudsman Marshall Lux stated that when the OIG for Child Welfare was originally established, it was placed under the supervision of the Ombudsman as, quote, entirely a matter of convenience. He went on to state that had it been known then that this arrangement would eventually create a, quote, transformational constitutional issue for the Ombudsman's Office, something else would have been done. Despite leaving the Ombuds as a stand-alone division, you will notice on the diagram that there is a dotted line connecting the Ombud's Office to the Oversight Division. This is to recognize the overlap that happens in matters of legislative oversight. In LB298, it's clarified that these different offices communicate with each other to determine the next necessary steps in an investigation. Does it more properly lie with the OIG? Is it a whistleblower situation that lies with the Ombudsman? And that communication can involve sensitive information. Language has been introduced in LB298 that, that tightens up the sharing of confidential information and provides for penalties for unlawful disclosure of confidential information. Speaking to the makeup of the new Oversight Committee, again, the members would be the Speaker, the chairperson of the Exec Board, the chairperson of Appropriations, Judiciary Committee, the chairperson of Health and Human Services, and four other members of the Legislature appointed by the Exec Board. The chairs of both Judiciary and Health and Human Services have been specifically added as part of the Oversight Committee because it is written both of these committees-- because it is within both of these committees that oversight truly takes place. It is not the intention

that because there is an Oversight Committee, standing committee chairs are no longer responsible for those issues under their committee jurisdiction. Through their investigation, the OIGs raise the issues that both the Judiciary Committee and the Health Committee then pursue resolution. I'll just pause there because when I was chair of HHS, there were times when Jennifer Carter would come to me with confidential-- a confidential conversation about an investigation that was currently underway. And, and, and it was then incumbent upon me as chair of the, chair of the committee to reach out to the administration in this particular case and seek more information. What are we doing about it? How, how is this-- how, how are we resolving this issue? Whatever the questions might be, the chair of those two standing committees and Appropriations as it relates to expenditures can then reach out to the agency and ask those questions and resolve that. So it doesn't fall back on that Oversight Committee. Those committees of jurisdiction play a very active role. There is language in LB298 that provides for the chair of the Revenue Committee and another Revenue Committee member to temporarily serve as nonvoting members for the Oversight Committee, also involving issues about performance audit of tax incentives because the Revenue Committee has jurisdictional oversight of incentives. So, again, the bill, the bill addresses external issues, those constitutional issues, relationships with the other two coequal branches of government, and internal issues, the reorganization to better coordinate and direct our oversight function. And with that, I will pause, and thank you very much, Mr. President.

KELLY: Thank you, Speaker Arch. Moving to the queue, Senator, Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. I rise in opposition of AM1504 and LB298. And primarily-- well, it's multiple reasons. But one is that I feel as though, and I've said, I said this in Exec, that AM1504 creates an expansive amount of criminal exposure for employees and individuals that are involved in the OIG and the Ombudsman's Office. And some might not think that should be of concern, but I do think it is an issue, especially with information sharing. Since, you know, the, the AG wrote his Opinion, the amount of conversation and amount of understanding of what's going on, especially in our penal institutions have decreased since the time I got into this Legislature. Yes, I still can get information, but it's decreased a lot. And that's of concern because I get a lot of calls from families and individuals that are inside and they, they want answers for a lot of things. And I've talked to many people that don't feel as though their, their answers have been-- or, or their concerns have been

answered. So I just feel as though if we're creating a more expansive amount of criminal exposure for employees of these offices, I think that is an issue, especially when communicating with senators and also communicating what's going on and how we need to respond to these, to these things, you know, a lot of things I, I would not know if it wasn't for the ability for me to communicate with employees of state agencies. And, particular, dealing with the prisons, it's, it's very important because there's a bunch of issues that get swept under the rug and if we don't have adequate oversight or independence of oversight to make us aware of what's going on, how do we respond to calls from constituents, either on the outside or individuals on the inside and say, hey, I'm trying to work on this, but if we're not being communicated with as far as information sharing, that is going to create an inherent issue. And I feel as though staff is going to be more hesitant, more than probably what they are now, to tell us what's going on and say, hey, this is an issue, you should look into this. This is an issue, pay attention to this. So creating criminal exposure sounds good on the surface, but I think you create an environment where things that should be addressed will go under addressed because of things like this. You know, overall, I don't think the Ombudsman should have ever been included in any of this. Because if you look at AG Hilger's Opinion, he didn't mention the Ombudsman's Office. The Ombudsman's Office was cut, cut from being able to go into our state institutions for really no reason. They weren't written into the Opinion. It wasn't about them, but neither here or there, it happened and it's been an issue. It's created a lot of issues. People inside feel less heard than they were prior to. And maybe that was the, the reason for the restriction, so people's concerns wouldn't be heard or whatever. But I do think we need to be cautious of the route this is going down, creating more bureaucracy and also, you know, creating more criminal exposure, which, you know, has been a theme of this session as well as far as voting-- working against the people. But I'll probably get back on the mic and, and say some more things. You know, I received my first veto of my time in the session, and I think it's totally wrong, because LB287 was meant to assist and help people who've been living through horrible conditions. And nobody, no entity at no level has stepped up to try to address those issues. So it's really disappointing that the Governor would veto that bill. And I, and I did submit a veto override because I think it should pass because it did pass and we'll have that conversation later. Thank you.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I want to thank my friend Speaker Arch for his hard work on this issue. I know that he has been diligent in attempting to negotiate and to find a resolution to the troubling series of events which have called into question our undeniable and well-established power under the constitution generally and specifically to conduct legislative oversight by the executive branch primarily through a weaponized political opinion that was nonbinding that our Attorney General issued almost 2 years ago and that was utilized and implemented by the Department of Corrections, by the Department of Health and Human Services at the direction of the Governor to thwart existing law regarding legislative oversight. I think we'll have plenty of time to talk about the history and the context in relation to how we got to this place, what the proposal before us means, what needs to be further addressed and amended from my perspective in regards to what is emanated from the Executive Board in response to Speaker Arch's legislation. But I also just want to provide a few opening thoughts. Everyone knows that the Attorney General's Opinions are just that, opinions. And when he has issued his political opinions, which are nonbinding, in regards to a variety of different aspects challenging legislative power, such as LB50, which was championed by Senator Justin Wayne, which brought forth modest but meaningful criminal justice reform, private parties saw fit to challenge the Attorney General's Opinion and he lost in court. When the Attorney General's Opinion and Secretary of State Evnen colluded to thwart the implementation of voting right restoration for citizens with past criminal history against a presumption of constitutionality in regards to LB20 that this body passed with strong bipartisan support, again, private entities stepped forward to challenge the Attorney General's Opinion and he lost in court. Yet our Legislature, at the direction of Speaker Arch, former Executive Board Chair, my friend Ray Aguilar, and current Executive Board Chair, my friend Senator Ben Hansen, instead of moving forward, to stand in our power and protect our coequal branch of government from unwarranted and unfounded political attacks capitulated. For 2 years, existing law has not been enforced. At last count, when I asked the Executive Board how much of taxpayer funds they had expended to capitulate, it was between \$50,000 and \$100,000 in outside counsel fees to do nothing. The only thing that we have conducted in regards to addressing this critical issue was enter into a mother may I MOU with the executive branch to try and conduct a weakened version of legislative oversight over our state's most troubled agencies, the Department of Health and Human Services, and the Department of Corrections. The Ombudsman's Office has been in place for over 5 decades. The Office of Inspector General for Child

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Welfare and Corrections were established in the wake of repeated public scandal resulting in harm and death for our most vulnerable and waste, fraud, and abuse of millions of dollars of taxpayer funds. Yet, here we are today reaffirming existing law that is not in need of being reaffirmed. The constitution is clear, both through the separation of powers and through specific articles that give the Legislature authority and control over state institutions and the ability to request information from state agencies. This is-- this has been a political crisis and it's a failure of the Speaker and a failure of the Executive Board and a failure of this body to stand in their power and protect this branch of government. Thank you, Mr. President.

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

DORN: Thank, thank you, Mr. President. Just wanted to get up and talk a little bit this morning. First off, I've been listening to some of the conversation and some of why maybe this bill isn't quite where it should be, or I believe it is. This is a tremendous step for our legislative body that we are able to, after the Attorney General ruling over a year ago, year and a half ago, that Speaker Arch, the work he has done, Trevor Fitzgerald, the work he has done to pull this, I call it, bill together. At times it looked like it was going to fall apart, that we weren't going get to a point where we are today with this bill where we have in place, I call it, going forward, many of the things we need so that even though there are people that say we don't have that clear separation of power, that we now do have a clear understanding of our Inspector Generals and our bodies over here that they have an understanding of now what is the separation of those different powers and stuff. Really wanted to thank Speaker Arch for all he's done working with the Attorney General's Office and with the court to come up with this solution or whatever. Part of what I wanted to talk about was, there's two other things yet, though, as chairman of the Performance Audit Committee. In the original Attorney General's report, they were not included in there, but through the discussion of how this bill might come together it was having them also included in this grouping that was included in this bill so that the Performance Audit now will be underneath this oversight commission also and that they will have a direction that they know that they are, I call it, going to be familiar with or that they have a, a good understanding of where they're going. One of the other things that I did was for the Performance Audit brought a bill, LB228, which had some cleanup language and particularly some cleanup language that if they were included in here now it brought that forward to a clean spot and it

could be included that LB228 is an amendment-- not-- it was voted in by the Exec Board onto this bill so that is part of this LB228 and that is the Performance Audit bill for this year that has some cleanup language, so I thank Speaker Arch and the Exec Board for including that in this here. But, again, I just want to say thank you for all their work. I feel very comfortable with this bill. I think this was one of, as we look back over the years, I think as we look back on the years going forward, we will come to an understanding of what this bill, what this now clearly, more clearly defines the separation of those powers and what we are able to do as a legislative body with, I call it, that Attorney General's Opinion in mind that these things have been worked out, that these things have an understanding of where this body-- what goes on, what goes on with the commission and all of those things that this has been put forward. So thank you. I'll yield my time.

KELLY: Thank you, Senator Dorn. Senator Raybould would like to recognize some guests in the north balcony. They are fourth graders from Everett Elementary in Lincoln. Please stand and be recognized by the Nebraska Legislature. Senator Fredrickson, you're recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. So I rise today, and I am in support of LB298 and of AM1504. I want to speak a little bit more about the bill and the amendment. And I, I-- when I say I'm in support of this, I want to be clear, I, I, I have concerns as well. And some of my colleagues have, have pointed out those concerns, but I will reiterate some of those on the mic. But to start, I wanted to thank the Speaker. He certainly worked hard on this. I also want to thank the LR298 committee over this past year. They, they dug into a lot of the-- this work and, and did, I think, really thoughtful work on that. Could there be more work to be done? Absolutely. But that is something I'm grateful for, the colleagues who are willing to do that work. And I, I first want to talk a little bit about the role of oversight that we have, and, and not just the role, but the responsibility we have as a legislative branch. So when I was first elected here and when I first got into office, I thought that our primary role in kind of in a certain extent, almost like the only role was lawmaking and debating bills and passing legislation. But the reality is oversight is just as important, if not more important, for us as, as legislators. In fact, we are constitutionally sort of assigned this, this task of, of oversight in, in government. So this is incredibly important work. And the work of the OIG is incredibly valuable. I know Senator Juarez has passed legislation this year that came as a result of an OIG report. I

have a bill that's on Select today that's a direct result of an OIG report, so the oversight of these committees and, and the work that they do in reading their reports I think is, is incredibly important and, and, and worth, worth-- worthwhile. I want to speak briefly also to the context that we're, we're currently governing in, because, because context is important and environment is important, and, and it's no secret to any of us that we are living in a time, whereas my friend Senator Conrad said, I, I, I think, at, at a minimum, it's, it's fair to say that the lines between the branches are incredibly blurred. We have seen the executive branch meddle in-- attempt to influence all work in here at a, at a level that is, I think, pretty, pretty aggressive. And in this context, most underscored by the AG's Opinion that came out, which put a real chilling effect on a lot of the work of the OIGs. You know, access to critical information was cut off immediately for OIGs to actually investigate and do oversight for child welfare, for Nebraskans who are incarcerated. And that is-- that, that should be incredibly concerning to everyone, particularly given the fact that it was against the law. The law still stood. The AG's Opinion was different, but the law still was in place. And so there are a lot of concerns that I have in that area. But one area, and I spoke with the Speaker about this, one area of the amendment that there are multiple areas that speak about the penalties in place for staff members as it relates to confidentiality. So page 11 of the amendment, lines 27 through 31, for example, say "If any employee or former employee of the office of Public Counsel knowingly divulges or makes known, in any manner not permitted by law, confidential information or confidential records, he or she shall be guilty of a Class III misdemeanor and, in the case of an employee, shall be dismissed." And you know I think we can certainly appreciate the importance and vital role of confidentiality, and a lot of this, one of my major concerns was the potential chilling effect that this could have on employees and, and, and perhaps make folks a bit more reserved in, in, in their important oversight work. And so I'm wondering if the Speaker's available, if he might be able to yield to sort of share his thoughts on that a little bit?

KELLY: Speaker Arch, will you yield to a question?

ARCH: Yes.

FREDRICKSON: Thank you, Speaker Arch. So I, I, I wanted just to kind of-- you know, I, I spoke a little bit about, and we spoke about this before as well, some of the amendment has multiple areas where it talks about the misdemeanor piece for employees and confidential information. And I had shared some concerns about the possible

chilling effect that that might have. And, and I know we're running out of time here, but do you have-- can you maybe share a little more about that?

ARCH: Yes, yes, thank you. Thank you for the question. So one thing, currently that language exists in our performance audit. So, so in the performance audit statutes and the Performance Audit Act, that language exists. So we mirrored that over to the OIG. Now it's important to remember, we're talking about members of the office. We're not talking about employees out there someplace, it is members of the office. They receive confidential information, a lot of times specific to cases that have personal information, names, experience of an individual, all of those things come to their attention that they are looking into.

KELLY: That's time, Senators. And, Speaker Arch, you're next in the queue.

ARCH: Thank you, I'll, I'll continue that thought. So they're, they're receiving this confidential information and I say confidential to an individual in a case-specific investigation. So, so what we're saying is that that information needs to remain confidential within the office. This isn't something that you go home and you put on Facebook. This isn't something that you go home and tell your friends, boy, did I find something interesting today. This is confidential information and needs, and needs to be protected. So we simply mirrored that, that language. But it only applies. Because one of the issues that we have here is the issue of trust. Confidential information, the violation of, of somebody's confidence, violates trust. And this will work when there is trust. This will work when there is trust between the branches. The branches say here's some very sensitive information to the Legislature. And, and that-- they need to know that that's going to be followed. But the bar is still high on this-- I say this, this charge of violation of confidentiality. It is knowingly in bad faith divulging. Knowingly, not an accident, pushed the wrong button, sent-- hit-- sent the wrong email. I mean, this is a, this is a standard of knowingly I'm-- I intend to divulge this information. Don't know why somebody would do that, but it's a-- it is a, it is a high bar. So that is, that's my understanding of the confidentiality provision. It only applies to those in the office. And it is a high bar of knowingly going about divulging this. I want to respond to other comments that have been made, though, and, and that going back to when this began, going back to the AG Opinion when that was issued, there was obviously a lot of discussion within the Exec Board. There was a lot of discussion within Exec Board with outside counsel. What is the path we

should be taking, we should be taking? And I, I, I, I disagree with the characterization of capitulated at that time. And I think it has to do with the goal. What is the goal and what always has been the goal of our statutes? I believe that it is a robust legislative oversight function, constitutionally compliant. And that has always been my goal in all of this. Now, there was a period of time there of a month, 2 months, where, where the shutting off of information before that MOU was signed was, was disruptive to the process of the, of the IGs. When that MOU was signed, as it relates to the executive branch, when that MOU was signed information started to flow. And I would have numerous conversations with the IGs, are you able to do your statutorily required duties? That's the question. Would you like more information? Would you like free or-- not the question, are you able to comply with your statutorily required duties? And the answer was yes. And the answer today is yes. Is there a better way to share information? Absolutely. Absolutely. Right now, we've got a system, we've got a system, but, but it is providing information. But you see, the, the IGs aren't involved in, like, immediately walking in necessarily on every occasion and, and saying I'm here as, as, as, as an investigator as though a criminal investigation was taking place. We are looking for system issues. We are looking for, we are looking for, are we effective in the services that we're providing? Is there a better way? Are you being funded adequately? Is, is that the issue? Should we be appropriating more money to this? These are the questions that the Legislature must ask and we must have information to answer those correctly. And so, and so I disagree. I don't believe that, that we did capitulate. I believe that we set up something that is currently functioning. I believe that the passing of LB298 will strengthen that function and, and, and continue to strengthen that relationship where we can, where we can get the information we need to legislate and appropriate. We did spend money on outside fees. I would, I would ask what do you think a, what do you think a lawsuit would have cost in something like this? Of course, we had outside counsel and, yes, we did spend some money to do that. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President, and good morning, colleagues. I appreciate the conversation around LB298 and have been digging in and was following a lot of this work even before I became the representative for District 13. And so as I talked on the mic before numerous times and, and will probably today that this is very important to me. And I appreciate the work that has been done on this

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to address some of the concerns around statutory requirements and really also protecting folks inside. I had a couple of clarifying questions and I'm wondering if Speaker Arch would yield to a few questions?

KELLY: Speaker Arch, would you yield?

ARCH: Yes.

SPIVEY: Thank you, Speaker Arch. I was hoping that you could give some insight into the process under this bill around how would investigations and grievances happen with the move of the IGs into this Oversight Committee?

ARCH: It, it, it would happen in a very similar fashion to what's happening now. The move itself I don't think would change that. Information comes to the IGs through a variety of sources. It, it could be, it could be a call from an employee, it could be a call from a citizen, it could be, it could be a report, a request of information. And, and I would use, for instance, the-- their, their statutorily required room confinement report. When a room, when room confinements are reported, the, the Office of Inspector General for Child Welfare will look into that issue. Why are room confinements going up? You know, so it comes from a variety of sources, and that would not, that would not change. And the dotted line that I mentioned between the Office of Public Counsel, the Ombudsman, and the IG, sometimes those overlap. As I say, sometimes a citizen will call the Office of Public Counsel and, and say, hey, something's, something's going on with my son who is incarcerated. And, and that may be something more appropriate for the IG of Corrections to investigate than for the Ombudsman, but they work that out.

SPIVEY: OK, thank you, Speaker. I appreciate that clarification. Again, since I have been in this body all of, what, 70-some days, I receive a lot of emails and calls from folks inside. Some actually triggered necessary investigations to people that were incarcerated, adults that were not receiving the appropriate level of support based on severe mental illness diagnosis that I have been able to, like, advocate and ensure that the policy aligns with the statutes that we have put in place, as well as I did just reach out to the Ombudsman's Office around solitary or room confinement for juveniles based on some news articles that came out, as well as some reports that I received, which has been a little bit shakier to be able to get the right information for me to feel like I can best do my job. And so I think whatever we pass here today, and I have been digging into LB298,

amongst other things, that also are pulling and vying for my attention, that I just want to ensure that what we do really allows for true oversight and some sort of next step for implementation or recourse around the statutes that we, that we pass here, that we are ensuring that best practices are happening, that we can hold the agencies accountable, that the staff inside the agencies feel like they are protected to do their jobs and that we're not removing some of those protective barriers for that type of information sharing and, and work to actually happen. And so, again, I appreciate the work that has been done on this. I appreciate Speaker Arch for answering that question and I will continue to look and potentially get back in with more questions that I may have. Thank you, Mr. President.

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

SORRENTINO: Thank you, Mr. President. I rise in support of LB298 and AM1504, but I would ask if Speaker Arch could yield to a question, please?

KELLY: Speaker Arch, would you yield to a question?

ARCH: Yes.

SORRENTINO: Speaker Arch, thank you for your work on this. I think this is a really good bill and I just-- I have one point of clarification only. I know that subpoena powers are important on committees like this and if you could just confirm what I believe to be true. I, I know that typically performance audit committees have subpoena powers, OIGs typically do not. Will the new committee that we have established, will that retain such subpoena powers?

ARCH: The committee would be able to issue a subpoena. In other words, the IG would go to, would go to the committee. I, I, I think we're, we're ready for a subpoena, we need to issue. They are not, they are not providing the information that we need. My understanding is that the committee then would request from the Exec Board, the Exec Board has the ultimate authority for the approving of the issuance of subpoenas and then, and then the committee can issue the subpoena. Similar to what happens with our legislative standing committees right now. They can issue a subpoena after approval from the Exec Board.

SORRENTINO: All right. Thank you. I yield the rest of my time.

KELLY: Thank you, Senator Sorrentino and Speaker Arch. Senator Machaela Cavanaugh, you're recognized to speak.

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M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I am not sure yet where I'm at on this bill. I have questions and concerns. Would Speaker Arch yield to a question?

KELLY: Speaker Arch, would you yield?

ARCH: Yes.

M. CAVANAUGH: Why are there criminal penalties added to this bill?

ARCH: Well, I'm not sure adding criminal-- well, I guess you could say added criminal penalties. I think-- you know, what we've, what we've done is we've mirrored--

M. CAVANAUGH: I just-- why?

ARCH: As, as it relates, as it relates to confidentiality?

M. CAVANAUGH: Yes.

ARCH: It, it was to, it was to standardize our statutes that if, if that-- if those, if those are in existence in Performance Audit currently and Performance Audit will be part of that division, so it is with the IGs.

M. CAVANAUGH: Was it contemplated to remove the criminal penalties from Performance Audit?

ARCH: I don't, I don't believe that that was, I don't believe that that was in discussion, the removal. I think, I think that there-- from my perspective, I think that there's good reason, good cause for those, but, but that can be a disagreement.

M. CAVANAUGH: OK. So if, if somebody-- if an employee under this shares information with anybody that isn't on the committee that's being created, is that a violation?

ARCH: Well, it depends on what information. I mean, it-- this is--

M. CAVANAUGH: If it's information-- no, if it's information that's deemed a violation and they share it with another member of the Legislature, are, are they in-- does the criminal penalty apply?

ARCH: I, I, I would say that if it's, if it's, if it is confidential information-- you know-- and, again, what my focus has always been on this-- these cases that come and--

M. CAVANAUGH: Right. My-- but my question is, if, if the employees that we are talking about share confidential information with the committee, the committee fails to act on confidential information, they go to another member of the Legislature and share that information with another member of the Legislature, are they now subject to criminal penalties? We have a very litigious Attorney General. Yes, and against-- very much against the Legislature. And I am very concerned about our own staff being charged with criminal penalties for sharing information with members of the Legislature when they deem that, essentially, it should be covered under the Whistleblower Act. But we are actively putting criminal penalties in here, so I don't know how that would work with the Whistleblower Act.

ARCH: I've had the same question, Senator Cavanaugh,--

M. CAVANAUGH: OK.

ARCH: --because the Whistleblower Act is out there.

M. CAVANAUGH: Yes.

ARCH: If, if I could get, if I could get some clarification,--

M. CAVANAUGH: Yes.

ARCH: --I will come back and address that for you.

M. CAVANAUGH: OK. Thank you. I appreciate it. I, I would very much like to know, because I'm, I'm very concerned about adding criminal penalties, period. Thank you, Speaker Arch, for yielding to my question. I actually am probably going to have more questions. I'm sitting here and listening to what is being discussed. And I don't-- I probably-- how much time do I have, Mr. President?

KELLY: 1 minute, 28 seconds.

M. CAVANAUGH: OK. I'll get back in the queue. I have questions over how this impacts individual members of the Legislative Council, which is the legislative body, and our individual capacity to provide oversight. And does-- are we now restricting members that aren't a part of the committee that is being formed from oversight? And that's really a, a-- of a huge concern for me is that we are restricting our own ability to provide oversight. And I would say that the current administration has and the Attorney General's Office has done a lot to try to obfuscate oversight and to, to diminish our ability to, to provide oversight, which we have basically two duties, balance the

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budget and provide government oversight. Everything else is just gravy, so. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I rise today just listening to the debate about AM1504 and LB298. I'm not entirely sure where I fall yet on the issue, but I, I wanted to highlight two concerns that I have, and I might have some questions for Speaker Arch here in a moment, but I know he's getting some answers right now on the last one. The first issue actually is, is a good segue from what Senator Cavanaugh and others have pointed out. You know, my, my major concern here is sort of the flow of information. And when I first came into the Legislature, it felt as though I had some pretty direct interactions with members of the Office of the Inspector General and Ombudsman. It seems that in my 3 years that I've been here, that has been narrowed. And, absolutely, I, I don't think that is the fault of the offices. I think that is because of the sort of pressure that those offices have been under thanks to the actions and the Opinion of the Attorney General and others, it really has put a magnifying glass, I think, on the actions of a very small office of individuals who are simply trying to do good work, who are trying to gather information and trying to provide oversight. And so my belief, this is just me, I think that the actions the Attorney General has taken and the Legislature has subsequently taken, or the inaction the Legislature has taken has led to a culture of fear, surrounding a lot of the individuals that work in these industries and I will say that I've been reached out to by people who previously felt as though they could go to the Ombudsman's Office or the Inspector General and they're concerned about whether or not their, their concerns are going to be heard now. So my first issue is exactly the one that's been raised which is what happens if information goes to this Oversight Committee and the Oversight Committee decides to do nothing with it. I'm trying to find answers or ways that we could potentially have that be maybe a little bit more broad or, or have the information shared. Now I understand reports are going to be public, but I'm trying to figure out ways to potentially shine a little bit more light on some of the issues that are being raised with the Oversight Committee. And then the second question I primarily have is one of essentially independence and the ability as to whether or not the Office of the Inspector General will still have the opportunity to conduct their own investigations pursuant to information that is provided to them, and not just conduct investigations at the instruction of the Oversight Committee, essentially, retaining their independence within the

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confines of the statute with the ability to examine and gather information as they see fit, so long as they're following the letter of the law. And not simply have them become a, a soldier who has to only follow the marching orders of the Oversight Committee. So I was wondering if Speaker Arch would answer just a couple of other questions?

ARCH: Yes.

KELLY: Speaker Arch.

DUNGAN: How you doing, Speaker Arch? Sorry, I'm asking so many questions. I apologize. I know you're getting a lot of answers.

ARCH: That's fine.

DUNGAN: I, I know you were talking to folks, but the concern that I just highlighted is similar to one that was just brought up by Senator Machaela Cavanaugh. So I want to ask you questions about that, because I know you're getting answers about the interplay with the whistleblower statute. The other concern that I have, though, is about the independence of the Office of the Inspector General and whether or not they will still be permitted under this bill to essentially investigate things as they see fit so long as they're within the confines of the statute and not simply conduct investigations at the order or the instruction of the Oversight Committee. So do you contemplate that the Office of the Inspector General would still be able to, upon gathering information or certain information being given to them, conduct their own investigations or are they simply going to have to respond to orders they're given by the Oversight Committee?

ARCH: Good question, and that has been a lively conversation in my office, because, because this is, this is this threading the needle that, that I've talked about. Yes, within the confines. So the executive, or I should say, the Legislative Oversight Committee will establish work plans, what-- you know, similar to what Performance Audit-- Performance Audit comes and says we are going to do three audits this year, what, what should we do? Now once that work plan is established, they go off and ask questions, they go off and do that. It's not a day-to-day direction of the, of the IG staff. You can't ask them, you can ask them, but rather it's within this work plan that would be established at the beginning of the year and within the confines of that, they, they operate, they operate as a, as an employee that would, that would follow, follow the clues.

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DUNGAN: So once they get that work plan and, say, they get some new information throughout the year, they'd be able to go and investigate that, not having to necessarily go back to the Oversight Committee and say is it OK if I do X, is OK if I do Y? They would have that purview on their own?

ARCH: Correct.

KELLY: That's your time, Senators.

DUNGAN: Oh, thank you. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan and Speaker Arch. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. And just to be clear, the definition of capitulate is to cease to resist or to surrender. And that's exactly what's happened as a product of the Attorney General's political Opinion that called into question our undeniable ability to conduct legislative oversight that's inherent in the checks and balances and in our position as a coequal branch of government. Let me tell you why I feel so strongly about this, not only in fidelity to my oath of office to protect this institution and the constitution of our state, but because I was a member of this body when these offices were created. And this is an issue wherein term limits really impacts our ability to have a full understanding of the context and history wherein these offices were created. There were reports of foster kids covered in urine and feces left to languish in our system under the control of the Department of Health and Human Services. There were reports from then-Auditor Foley of millions of dollars in taxpayer funds that were squandered and wasted by the Department of Health and Human Services. There was a series of scandals emanating from the Department of Corrections with miscalculation of sentences, with the jam out and release of mentally ill people like Nikko Jenkins, which resulted in the death of Nebraskans. There was an overcrowding crisis. There was an unlawful furlough program discovered. These were serious and grave issues that went unattended by executive leadership, and, in fact, happened under their direction and control, went unanswered in the courts. And the people's branch, the people's branch was the only one willing to stand up for vulnerable Nebraskans and to assert our authority against government waste, fraud, abuse, overreach, harm and death to our citizens and vulnerable Nebraskans. Nowhere in the Attorney General's missive does he give voice to kids trapped in a broken child welfare system. Nowhere in the Attorney General's missive does he talk about how we're supposed to keep eyes and ears for the

taxpayers when their funds are wasted and pilfered and squandered? Nowhere in that missive does he talk about what the appropriate remedy is when our criminal justice system fails and Nebraskans die. And here we are today, quibbling over some nuances about what the next steps are after the mother may I MOU is set to expire. And there is no doubt that those who are conducting this work at the heart of these investigations are terrified about their jobs and next steps and have put-- been put in an impossible position. We have a strong separation of powers. We have checks and balances. The people of Nebraska, not ourselves, the people of the Nebraska gave us, in two separate, in addition to the separation of powers, constitutional provisions for total authority and control over these institutions and the ability to glean information from the executive branch.

KELLY: That's your time, Senator. Thank you, Senator Conrad. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. So I wanted to join in with my colleagues in saying thank you to Senator Arch for working on this, but also with concerns about the specific criminal penalties portion of the bill. I don't know if Senator Arch has sort of gotten to the bottom of that. OK. Senator Arch, would you yield to a question? Senator Arch?

KELLY: Speaker Arch, would you yield?

ARCH: Yes.

DeBOER: Thank you, Speaker Arch. So can you tell us what you've discovered with respect to the criminal penalties attaching to our staff members?

ARCH: Well, I want to, I want to go back to the confidentiality issue itself. The employees of these offices sign confidentiality agreements. They are, they are bound by confidentiality. So that part already exists, and, and they are, they are to maintain. Only in, only in Performance Audit right now do we have this language. I mean, this is part of our, this is part of our fragmented statutes that we've had over the years. Well, it doesn't apply to the Public Counsel, well, it doesn't apply to the IGs, it only applies to Performance Audit. So for whatever reason, back in the day when that was established, somebody thought that was a good idea. So we simply mirrored that. Now, that discussion is underway right now. Is that appropriate? Is that something we should do? The, the teeth to it, of course, is if you violate your confidentiality agreement as employee, any employee that

violates a confidentiality agreement can be terminated for violating a confidential agreement. Generally doesn't result in criminal penalties for violating a confidential agreement, but does result in terminating your employment. So we're, we're, we're having those discussions right now and I know there's other concerns on the floor about that.

DeBOER: So that would be one of the things that-- I mean, a criminal penalty, first of all, you know that that's going to have an outsized effect on sort of chilling the investigatory and other activities of our employees. So I am very concerned about leaving that in place.

ARCH: I'm not sure that I understand the chilling effect because what-- it's, it's this knowingly-- I mean, I, I, I knowingly go out and share confidential information. So--

DeBOER: So that's a, so that's a--

ARCH: And so that's--

DeBOER: But that's a general intent, crime. So if I knowingly tell you something, regardless of whether or not I know in that moment that I am violating confidentiality, I will be in violation and subject to criminal penalties. So that's the problem with it, is that if I tell you something, but I either don't know it's confidential for some reason or don't realize it in the moment, or I don't realize you're one of the people that I can't tell, then I have violated and could be subject to criminal penalty, that leads to a chilling effect in that I just don't want to tell anyone in case they're accidentally someone I'm not supposed to be telling, even if that is members of the body that need the information. So that's, I think, the concern. Thank you, Senator Arch. So, colleagues, I'm still listening to the conversation. I appreciate the work that's being done here. I will echo something that Senator Conrad said in that an Attorney General's Opinion is just an opinion so it is a bit of a concern that we have been acting as though the Attorney General can have a veto on our laws, including past laws. The Governor doesn't even have that. That's giving the Attorney General more power than the Governor. The Governor gets the opportunity to veto a law when it's presented on his desk. This methodology for interacting with the Attorney General's Opinion is giving the Attorney General to have a veto over something that was passed years ago. So that is actually a much more powerful veto than is the Governor's and I have grave concerns about that. So I think we need to look at how we're interacting with Attorney General Opinions, which by law are nonbinding. Thank you, Mr. President.

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

M. CAVANAUGH: Sorry. Thank you, Mr. President. I have filed an amendment on here for the criminal penalties. I won't take it to a vote, necessarily, but I, I think we need to spend more time on, on that discussion and-- apologize-- and I'm running short on time, because there's several things that I want to talk about. And so until we get to that amendment, I'm going to put pause on that conversation. So I introduced a bill, LB579, this year to allow the Legislature more clearly in statute, though it's already very clear, allow members of the Legislature to make records requests and not be charged for them. I have made records requests over the years, and one of the tactics to delay or bar me from getting the records that I request is to send a large invoice that must be agreed to prior to, to them doing it. Most notably, I made a request to DHHS once and they sent me a, I think it was a \$46,000 invoice for records. So then I started looking into statute more and actually at a briefing for the LR298 committee, the outside counsel who spoke mentioned a section of statute. So I went and looked it up and it's Section 50-406. So that statute is where it talks about the Legislative Council, which I have already mentioned today. The Legislative Council is not the Executive Board. The Legislative Council is us. We are the Legislative Council. And within our powers and duties, we are allowed to, or, or tasked with, I guess, government oversight. Sorry, 50-402 is the Legislative Council office and duties. So the Legislative Council shall occupy and maintain offices in the State Capitol. It shall be the duty of the Council to collect information concerning the government and general welfare of the state, to examine the effects of previously enacted statutes and recommend amendments thereto, to deal with the important issues of public policy and questions of statewide interest, to prepare a legislative program in the form of bills or otherwise, as in its opinion, the welfare the state may require to be presented at the next session of Legislature, to study federal aid to the state and its political subdivisions and advise the Legislature of money, land, or buildings available from the federal government, matching funds necessary, grants and aids, and what new legislation will be needed, to establish and maintain a complete and efficient bill drafting service for the purpose of aiding and assisting members of the Legislature and the executive departments of the state in preparation of bills, resolutions, and measures in drafting the same in form of-- in proper form, to provide through the Revisor of Statutes for the publication of supplements and replacement volumes, to provide through the Executive Board of the Legislative Council for the development and

maintenance of publicly accessible indexed digital internet archives of closed captioned video coverage of the Legislature as provided in Section 50-117, to set up subcommittees within the Executive Board to carry out functions such as investigations of any area which it may decide is in the public interest with power to employ such additional personnel as needed to carry out the intent and activities of the Executive Board or the Legislature. So we are the Legislative Council. These are our duties, collectively. These duties do not belong to one committee. They do not belong to one member. They belong to all of us. And I have, over the years, been systematically shut out of affecting my duties, executing my duties. And, and I'm concerned that we're not addressing that. And I think we need to be addressing that, because at this point, the options for me are to pay the fees, ask the Exec Board to pay the fees, or ask the Exec Board to make the requests on my behalf.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to amend the committee amendment with FA257.

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

M. CAVANAUGH: Thank you, Mr. President. So government oversight. I know it, it might shock people at home watching, but on my \$12,000 a year salary, I cannot afford to pay \$47,000 for records requests that are my job. And I take my job very seriously. And I make a lot of records requests. That's not a secret. And I do it for very specific reasons. If somebody brings something to my attention, I then go and seek more information about it. So I have made-- last summer, I've shared with this body multiple times records requests that I made pertaining to the budget and Epiphany. And, and I've shared those emails that I requested. And I did that because somebody reached out to me and flagged a concern. And so I try to start with sort of a broad net so that I'm not necessarily going to be harming the person that came to me with a concern, and then from there I kind of can narrow it down. It used to be, if I put in a records request and it was too broad, that the agency would contact me and say, what is it you're looking for? What are you actually looking for? Let's talk about this. Let's try and, like, you know, because otherwise we're going to give you 1,000 pages of emails that you're not looking for.

So, so that used to be how it works. Now, I get an invoice. And when I started talking about the statute that gave me the authority as a member of the Legislative Council to request these documents, I was told by the administration that only the Executive Board can make those requests. Despite the fact that statute clearly states that the Legislative Council is made up of individual members of the Legislature, they said they don't interpret it that way. So I introduced a bill to make it clear that they can't charge us. And that, that legislation has not been entertained whatsoever by the Executive Committee, which is fine, but we are entertaining our own oversight authority in this bill, and I am deeply concerned of the trajectory that we are on to acquiesce our authority. I would like to see us stand up for government oversight in a more direct and forceful way. So I put up this amendment, it strikes one of the sections of criminal penalties. And I will eventually withdraw it. I know that Speaker Arch is willing to discuss a more substantive amendment on Select File. And I don't want to rush a floor amendment to do that, because I think it's important that we get it right. But I am deeply concerned about what we are doing. I'm also deeply concerned about the number of people who are not in the room and who are now engaging in the conversation, because besides the budget, this is our job. And it's important, and maybe you have to go through the trauma that Speaker Arch and Senator Conrad and I have gone through of having to have dealt with very serious negligence on the part of our own government and our responsibility to have stepped in to that. Since my first year here, which Speaker Arch and I started at the same time, it has been a series of instances where we as the legislative oversight branch have had to step in. From my very first year when there was an uprising of young women at the Geneva facility of the Youth Rehabilitation Treatment Center, otherwise known as the YRTC, where they literally had to take parts of a vacuum cleaner and fight to not be put back into their cottage because it had black mold and the ceiling had eroded so much that it was on the floor. It was disgusting. And the only reason we found out about it is because the sheriffs were called and they were put in the county jail, a couple of them, and they are not allowed to put minors in the county jail so the County Board of Lancaster was notified. And the County Board of Lancaster notified Senator Howard, who was at that time the chair of HHS. And that led us on a multiple-year investigation and journey that is not over yet. The girls were then moved, transported by shackles-- they are not convicted criminals-- by shackles. They were transported from Geneva to Kearney, which is a boys facility, which is a dormitory-style boys facility, which is a whole nother-- that opened up a whole nother can of everything. And they were put in a dormitory

where there's a central office in the middle of glass windows and girls were on one side, just beds, boys were on the other side, just beds, and then they had to paper over the windows because PRIA, which is a federal privacy, too complicated, put a pin in PRIA. But PRIA exists. They had to paper over the windows, which then led to assaults on employees because they would come into the rooms and they couldn't see. And then there'd be youth on the other side trying to break out, and they would beat up the employees. So that wasn't a workable situation. So then the state engaged in a basically illegal, we had to change statute, contract with Lancaster to rent half of the youth detention center in Lancaster and make that the Lincoln YRTC, which still exists today. But it didn't exist in statute, so we had to do that. Then, we had the Hastings cottages that were-- decided were going to become the new girls campus and we sold the Geneva campus on govdeals.com for, Senator Brandt might remember the exact amount, I think it was, like, \$300,000 after we had put \$4 million into repairing the cottages. Anyhoo, you can maybe see why we need to have the authority that we have. And then after that, which I say after that, it's still ongoing. After that, we have a new-- actually it was happening at the same time. When the things were happening at the Geneva campus, DHHS was also entering into a new child welfare contract with Saint Francis Ministries and it was a fraudulent contract. And the head, at that time of Saint Francis Ministries, now has over a dozen federal indictments against him. Our state was defrauded. Children were harmed. Families were harmed. We lost millions of dollars. And that journey started because a reporter called me from Kansas. And he told me about a records request that he made in Kansas about Saint-- that led to Saint Francis Ministries being revealed as a fraudulent entity in Kansas that led me to start making requests in Nebraska, that led us to another investigative Oversight Committee with subpoena power that ended the contract with Saint Francis Ministries and ended the privatization of child welfare in the state of Nebraska. And that is because I had the ability and the authority to make those requests. And now I am being hindered from that. And I think we should all be engaged in this conversation and we should be concerned. I appreciate what Speaker Arch is doing here.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

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

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JUAREZ: Thank you. Good morning, everyone. Good morning to everyone online and to those who are watching on TV. I do-- I'm still not sure how I'm going to be voting on LB298 and the amendment. I am listening intently to try to resolve concerns that I have. And one of them that I would like to address, I would like to ask Speaker Arch to yield to a question, please?

KELLY: Mr. Speaker, would you yield?

ARCH: Yes.

JUAREZ: OK, I am looking here about the Legislative Oversight Committee and who it will consist of and my concern here is the last part of the sentence that says four other members of the Legislature appointed by the Executive Board and I would like to know how do you foresee that that will actually take place? I mean, is the Executive Board going to try to get interest from the legislative body on who might like to participate in the Oversight Committee, or how do you envision that it will happen?

ARCH: You, you stated it very well. That is exactly how it, how it works. When you have, when you have these committees, they put out anybody interested in participating and they would then take that, the Executive Committee would meet, if there were five, five applicants, five people interested and there were four positions, the Executive Committee would vote to fill those positions.

JUAREZ: OK, thank you for answering that question. I just wanted-- the only comment that I wanted to make in regards to how this is going to take place is I would like to stress, like I have, you know, in my hearings, like I have previously in serving as a freshman on this legislative body, that I do want to encourage that the committee in the future, should this go forward, that they think about making the committee as diverse as possible. Diversity is something that I extremely value. I appreciate greatly that we have diversity on this body. One of the reasons that I ran for my position is because I wanted to learn what it was all about. So that way when I go back to my community, I could help them understand how it functions, you know, try to get, get interest in people in the future wanting to run to represent our community. And I hope that when these four legislative members are selected that, again, it reflects the diversity of our body beyond the chairpersons that already exist. Thank you and I yield the rest of my time.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. If Speaker Arch would yield to some questions?

KELLY: Speaker Arch, would you yield?

ARCH: Yes.

CONRAD: Speaker Arch, can you tell me what, what your measure would do in regards to unannounced visits at state institutions for the Office of the Inspector General employees?

ARCH: My understanding is they are still, they are still permitted. Most of these will be scheduled 24 hours, but they are, they are still permitted.

CONRAD: They are still permitted to make an unannounced visit?

ARCH: Unannounced, yes.

CONRAD: OK. So your bill as amended also modifies and removes specific timelines for responsive-- responses and investigations throughout and talks more about a vague reasonableness standard. Why do you think that's sufficient?

ARCH: You know, my understanding is, and this is probably a, a better question for those who are actually in the trenches doing this work, but my understanding is that there are times perhaps in the event of a, a safety issue that just-- you don't just walk into the correctional facility and there's a recognition that there may be those times. But this is all in the proof of the experience, right, because right now my understanding in speaking to the IG for Corrections is things are going well. They have access. They're given access. They're met with respect when they enter, and they are given access to, to the people and to, and to answering the questions as posed.

CONRAD: But that's under existing law and the existing MOU. And I see your bill as amended that provides a more vague standard in terms of timeliness for information sharing.

ARCH: Are you talking about the, are you talking about the, the-- are you, are you, are you talking about the removal of the computer access? Is that what you're, is that what you're referring to?

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CONRAD: Well, that's one component which, by the way, was carefully negotiated by all parties and supported by all parties and then weaponized by the Attorney General, yet here we are.

ARCH: If I could, if I could respond to the computer access question,--

CONRAD: Sure.

ARCH: --because, because what, what we have is we have different systems. And one of the things in our discussions has been, for instance, in, in the correction system, they have the ability to say, you know, here, you know, what does the IG-- where, where in the software does the IG want access? And they say, well, there, there's, there's certain pieces that we need. We need, we need to get into this information and that information, but we really don't need to get into all this other information. They have the ability in their software to do that. DHHS does not. And so we've allowed for that flexibility recognition that we're not asking them to buy a new piece of software. But we still need the information. One way or another we need the information. How that information is provided is what we're talking about with these information sharing agreements where there would be one for Corrections and there would be one for DHHS. There would be one for the courts we would anticipate and, and that is a recognition of the different systems that they have and the availability of how they can provide that information in the most timely and efficient manner.

CONRAD: Sure. Regardless of the mechanics of the different computer systems or software, the direct access wasn't an issue beforehand, but nevertheless. Speaker Arch, you know that one of the concerns I have about this legislation is that it provides, I think, an exception that you could drive a truck through. So, basically, what it says is that it's going to end or stymie all legislative oversight whenever there's a pending investigation otherwise. All our OIG folks look at, are issues where kids were hurt or harmed or killed. Where vulnerable people in the criminal justice system were hurt or harmed or killed. So how are they supposed to do their work if they can't evaluate and investigate things where they're also subject to additional investigation?

ARCH: I'm assuming you're talking about criminal investigations, and, and, and where does the IG fall? When a criminal investigation is underway, they step-- they do step back. They're, they are not, they're-- we're not looking at-- we're not, we're not the criminal

investigators, and so the criminal investigators conduct. We look for those systems, those procedures, those things that we can correct in policy, and, and if we see that there is--

KELLY: That's time, Senators. Thank you, Senator Conrad and Speaker Arch. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. I rise in support of FA257 for the reasons I spoke earlier. But I wanted my colleagues to see that I handed out two reports from the Office of Public Counsel for the Nebraska Ombudsman. We have the 2024 annual report. And then we have, then we have an investigatory report on the Nebraska Department of "Punitive" Services disciplinary process. And just looking at these, just on my fresh look, and why I'm concerned that if you keep these penalties on here, it's going to create more issues than be helpful. So just looking at the table of contents for this investigatory report, you'll see that the Ombudsman's analysis, starting on page 12, and then it goes down to some things. NDCS regulations and policies do not clearly explain the disciplinary process. This is something I've heard since I've been in the Legislature. Next, NDCS does not give incarcerated individuals sufficient time or opportunity to organize and formulate a defense for alleged violations with which they've been charged. Another issue, because I know of somebody who just recently went through this issue that's in the State Pen. So that's an issue. Then it's another one that says hearing rooms at NDCS facilities are not adequate for holding principal and IDC hearings. If you haven't, colleagues, I would encourage you to look through both of these reports that I had handed out because I think you will gather more insight on how horrible our Department of "Punitive" Services is. Then, when you look at page 8 of the Ombudsman's annual report, you'll see that the highest number of intakes in 2024, a majority of the cases received by the Ombudsman's Office stem from correctional issues at the state and county level with a total of 15-- 1,549 cases, the second highest number of intakes relates to the Department of Health and Human Services with 410 cases. So this is why this is important, because the Department of "Punitive" Services and then the Department of "Hell, Harm, and Suffering" as I say many times, have a lot of issues. And if we don't allow for a free sharing of information, this could create a place where the information is never shared. And us senators will never hear about it and then we'll get calls from constituents or people that are either incarcerated or families of people in the child welfare system and ask us to look into things, but we reach out to staff or employees and they'll probably be hesitant to share anything with us in fear of retaliation or just losing their jobs or, even worse, being charged with a crime for just letting us

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know how bad these agencies are. That is my problem. We have two, I'm saying two, and I probably could say some more agencies are bad, but just start with these two. They have too many issues for us to be saying that employees have to fear a criminal charge for letting us know how bad they are. Now if these agencies were perfect and running well and didn't have all these issues, maybe I wouldn't say this. Maybe, I don't know. But they have issues that cannot be glossed over, looked over, and I just fear that expanding criminal exposure to these employees will do nothing but chill their voices and their concerns and especially the concerns of children and families and also incarcerated individuals who are living in horrible conditions in these places. So that's why I'm standing up against this, and that's why I support this floor amendment, because I think it's important to point out. And I think it is something we should do about it. Yeah, we don't-- yeah, we believe in confidentiality, but to what extent? It shouldn't end up with a, a criminal violation. I think we could find some better ways to fix this language or just strike it all together, in my opinion. And I don't even think it should have been in the performance audit.

KELLY: That's your time, Senator.

McKINNEY: Thank you.

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

SPIVEY: Thank you, Mr. President. I appreciate the conversation this morning, and I yield the rest of my time to Senator Conrad.

KELLY: Senator Conrad, you have 4 minutes, 52 seconds.

CONRAD: Thank you, Mr. President. Good morning, colleagues. So one thing that I want to make sure to lift just to provide additional context, so after the Attorney General's weaponized political Opinion, which then was seized upon by the executive branch to thwart basic legislative oversight as effectuated through our Office of Inspector General for both Child Welfare and for Corrections, that was then also arbitrarily extended to the entirety of the Ombudsman's Office, which wasn't even subject to the, to the original Opinion. So in the wake thereof, myself, Senator Boer, Senator Wayne, Senator Cavanaugh, Senator Arch, all brought forward a, a host of different measures in response to that untenable situation. And because the Executive Board or the executive branch wouldn't sign off on our ability to conduct legislative oversight, and the judicial branch wouldn't sign off on

the ability to do legislative oversight, the Speaker decided to do nothing except for enter into an MOU, I guess for whatever purposes that was, and I guess it was better than having zero access. Well, that was also time certain and then also meant to provide additional time for deliberation to figure out how to come forward with the strongest possible reboot of legislative oversight which, again, is totally unnecessary, based upon the clear language of the Nebraska Constitution and the clear language of the Nebraska Revised Statutes. You don't need an MOU when you have a constitution and a statutory framework. So, nevertheless, there was a special task force or committee created by this body to dig deeper into these issues, and it had a fairly expansive membership as selected by the Executive Board. I was not a formal member of that committee, but I think I attended every meeting thereof and listened carefully and watched carefully as to the proceedings of the task force that met many times over the interim. And I can tell you there were presentations there from folks inside of Nebraska, I think maybe at least one out-of-state expert on legislative oversight was brought in to talk. But it wasn't until the very, very end of task force proceedings, really on the eve of the legislative session, did the, did the task force start to get specific about what reform legislation might look like. And until introduction, there was no draft even provided to members of the taskforce, I believe, or the Legislature as a whole as to what exactly we would be doing. And there was a pretty hostile and disastrous committee hearing on this matter where there was swift and harsh pushback from the executive branch and the judicial branch. The Speaker has continued to work to try and allay their concerns, but, again, that's what is before you today, is a weakened sense of legislative oversight that the executive branch and the judicial branch are allowing us to conduct. That's ridiculous. It's absolutely ridiculous. And if the Speaker won't stand up for the institution that he leads, that tells you everything about what you need to know going on in Nebraska politics today. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I'm still just listening about what's going on here, but I'm going to yield my time to Senator McKinney.

KELLY: Senator McKinney, you have 4 minutes, 50 seconds.

McKINNEY: Thank you, Mr. President. So back to the Ombudsman's Office annual report. So on page 2, it's a response-- it says response to

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Attorney General's Opinion and effect on the Ombudsman's Office. Again, I will preface this with saying the Ombudsman's Office was not included in the Opinion, but even so, they were restricted from having access to our prisons for some crazy reason of us not following our law. So years 2023 and 2024 were very challenging years for the Ombudsman's Office, including the Offices of the Inspector General, largely due to NDCS and DHHS response to the Attorney General's Opinion. The Opinion questioned the constitutionality of laws governing the Offices of Inspector General, not the Office of Public Counsel. So I still have not received a, I feel, an adequate answer on why the Ombudsman's Office was ever restricted. It makes no sense, but it happened, and we're here today because of it. And, you know, while the laws remained unchanged, DHHS and NDCS entirely and instantly prohibited the offices' access to information, people, and facilities. This access is essential to the work of their offices, importantly DHHS eliminated the offices' access to N-FOCUS, the electronic case management system of the Division of Child and Family Services, and NDCS eliminated the offices' access to NICaMS, the electronic case management service for the correctional institutions. Without access to those systems and no access to get information in some other way, complete complaint reviews, resolutions, and investigations regarding NDCS and DHHS became impossible, causing more harm to children and families and people incarcerated. Indeed, these cases-- these case management restrictions competed with restrictions of other information, people and facilities significantly hindered the Ombudsman's Office ability to fully fulfill its statutory obligations of oversight. This is a problem. And we haven't had a full conversation about this problem that we allow an Attorney General's Opinion to prevent the Ombudsman's Office from doing their work. They were not included in the Opinion. And as according to their State Supreme Court, since people think we just say things, even in their Opinion on LB50, Attorney General's Opinion is that, an opinion, it is not law. So we broke our laws and we allowed our laws to be broken by the Nebraska Department of "Punitive" Services and the Department of "Hell, Harm, and Suffering" because of an Attorney General's Opinion. Which is sad, it really is. So they did receive some access because of that MOU. And then if you look on page 3 in, like, the last sentence, it says: These procedures exist, but conduct, but conduct-- but to conduct unannounced visits, no staff from the Ombudsman's Office or the OIG had an unannounced visit in 2024. So prior to the Opinion, OIG, Ombudsman could go inside these places and actually get a real picture of what's going on. But now that they got to announce that they're coming, they could clean up these facilities. And it still has created issues for some people in these offices causing them, what I

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would say is, you know, wrongful, you know, attacks on what they're doing and as far as their jobs. But access to the management system did not get restored to DHHS-- well, from DHHS for the Ombudsman's Office to N-FOCUS or the OIG, one or both. But I'll get back on the mic. But what I'm saying is we, we didn't follow our law. And now we're telling employees that you're about to be exposed to criminal exposure just for doing your job. And I don't see how people don't see an issue with that. And if I was the employee, I probably would quit or find a new job because how can you do work, especially in offices like this, and fear prosecution?

KELLY: That's your time.

McKINNEY: Thank you.

KELLY: Thank you, Senator McKinney. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. So I think that we are having a good conversation here in which we're putting out some things that maybe we should work on between General and Select. And I think that's a relatively healthy thing for us to be doing. And it's, it's, frankly, our job to be kind of looking at bills with fine-tooth combs and, and talking through the problems. I support removing the criminal penalties for employees, particularly because of the way in which they're put in statute here. So I support that. And I will yield the remainder of my time to Senator Conrad if she would like it.

KELLY: Senator Conrad, that's 4 minutes, 9 seconds.

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. So the other thing that I want to make sure to inject on this record is in reference to prior actions of this Legislature. So after a series of repeated horrific incidences regarding vulnerable Nebraskans and consistent historical and present issues of taxpayer waste, fraud, and abuse that were uncovered in our state's most troubled agencies, the Legislature came together, had special investigative task forces to look at each of these areas, both in child welfare and in Corrections. The members of this body that were selected to serve on those task forces were diverse in terms of geography and politics. And they came forward with a report of very clear findings and a very clear set of recommendations and solutions to help to strengthen the Legislature's role, the people's role in protecting vulnerable Nebraskans and in guarding against taxpayer waste, fraud, and abuse. Those systems were then brought to life through legislative bills that enjoyed broad

support, including the Legislature's most conservative members, who actually cared whether or not taxpayers were being fleeced, who actually did take seriously their role to be a voice for the voiceless, including little kids, who were being harmed and killed at the hands of big government. And those processes that established the Office of Inspector General, all of these issues were teased out and carefully negotiated with people who brought forward legal concerns. They were addressed and they were put in place and they have operated for over a decade. And what they have done has worked. It has been a beacon of light of additional illumination for the people, through the people's branch, to lift up issues of fraud, waste, abuse, harm in our state's two most troubled agencies. And because the executive branch couldn't stand a day or two of bad press a year when the reports were issued, they wanted to spark a constitutional crisis. And mind you, our Inspector Generals were diligently and efficiently and professionally. Never once was there a claim that they did anything improper. Never once was a claim that they interfered or impeded investigations or otherwise. Never once was there a claim that they divulged information they were not supposed to divulge. But because the administration, the executive branch, and the Attorney General couldn't stand a day or two of bad press each year when their reports were issued, which by the way the Legislature rarely acted upon all of the recommendations, therein, on the OIG's reports, the Attorney General sparked a constitutional crisis, and this Legislature capitulated. It's been almost 2 years since we've stood in our power. We've squandered taxpayer funds to figure out how to capitulate instead of exert our, exert our authority to protect the most vulnerable and taxpayer resources. I don't know if this is salvageable from General to Select, but we'll continue working. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. So I did find the email that I was talking about. This is from September 11, 2024, where this is the response. Actually, it started-- let me go back to where it started. Chain of emails. OK, I sent a request to DHHS on August 20, 2024. So-- and it was in response to a request that-- this, this one wasn't a high ticket item. It was only \$124.17. So it says: Thank you for your public records request, which is attached for your convenience. On August 5, 2024, this office sent a cost estimate to your email requesting a down payment of \$124.17. You were given 10 business days to provide the deposit. So now they-- I didn't provide the deposit. Oh, no, that was 10% of the total. It was \$1,241, was how much the

original invoice was. So I responded to them and said thank you for your follow-up, blah, blah, blah. In your email, you offer to review responsive records at the NSOB to avoid the costs associated with your request. Oh, nope, that's different, sorry. OK. At DHHS, we adhere to the Public Records Act-- cites the statute-- ensuring consistent treatment of all requests. Due to the size and scope of this request, it was necessary for DHHS to apply the cost provided to you. Your willingness to review the records in person is one of the available methods for public records delivery, other methods, etcetera, etcetera. We are not aware of any legal authority that specifically prohibits you or your office from being charged fees associated with public records requests. You should have-- should you have any alternative legal authority for us to consider, we invite you to share it and would be happy to review it. So then I sent them the statute, which I apologize is not in this particular email, citing the statute. And the response I got back is: Thank you for your follow-up to our response on August 23. This is on September 11. The Department of Health and Human Services agrees that Nebraska Revised Statute 50-406(1) provides the Legislature with broad authority. However, DHHS does not interpret this statute to apply to individual senators. The broad powers granted in 56-406(1) are available to the Executive Board or any standing committee of the Legislature. Requests from senators in their individual capacity are considered public records requests and treated consistent with other public records requests received by the agency. So I gave this to the LR298 committee, I gave this to the Executive Board, and I introduced a bill to clarify that we can't be charged for public records requests. And, so far, all of that has gone unanswered. And I have not made any records requests in quite a while, actually. Well, quite a while for me is a day, but it's been months. I haven't made any records requests for months. And I-- I'm very concerned about watering down our infrastructure for oversight and ignoring that they are ignoring me. And ignoring me, people in this body might be cool with that, but you shouldn't, because they're ignoring a legislator. Doesn't matter who it is. Someday it'll be you. Just ask Senator-- former Senator Steve Erdman. He always cosponsored my bills on this because they did this to him as well. So someday you'll be in the position where you are looking for something that they don't want you to find and they will ignore you and we will have remained silent on it as a body. And I am very, very concerned about that. I see some students coming in and I think they might be from my district. I'm looking to see, is this Hillside? No? Yes? Oh, this is Swanson. Oh, also my district. So, hi, kids. You're going to be recognized in a second. If you're at Swanson, you're in-- you're my-- I'm your state senator, so.

KELLY: That's your time.

M. CAVANAUGH: Thank you, Mr. President.

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

QUICK: Thank you, Mr. President. And, earlier, Senator Machaela Cavanaugh had mentioned what happened with the YRTC in Geneva and some of that. And that brought back memories of when I was in the, in the Legislature before. I remember going on a tour of the Geneva facility. I remember some of the issues that were going on in Kearney with, maybe with some of the staff assaults and also with, you know, we'd have some of the juveniles that would run away from time to time and some of those issues and trying to address that. I know I can remember meeting with the-- I think we worked with both the Ombudsman's Office and the Inspector General for Child Welfare at the time on some of those issues. I also worked-- I remember meeting with Dannette Smith, was the CEO of DHHS at the time trying to figure out how we could address those issues and we even had an interim study on what happened in Geneva. And I can tell you, for especially you freshman senators who are here, the importance of, of the Ombudsman's Office and the Inspector Generals for both Corrections and Health and Human Services, how important they are-- or Child Welfare. I can remember one of the first things that was brought to me was from a guardian ad litem in Grand Island and there had been a change in the way DHHS had-- was doing to the child protective services, instead of removing a child from the home at that time for if they were in danger or if there was abuse, abuse in the home, there was a change in the way they were doing things and how they would-- I think they wanted to keep them in the home at that time, but it was really that, that time from switching from one to the other left children in an unprotected manner. And I can remember going to a couple meetings, I believe I went to one of the meetings with the Inspector General for child protective-- or child services. And we got to speak to some of the, some of the people who, who actually work with the, with the children and the families and how big of an issue that is. And I think what I'm trying to impress upon you is the importance of both the, the Inspector General's Office and also the Ombudsman's Office and how-- and what role they play. And, you know, for me, I'm still listening, trying to figure out what, what's happening here. I want to make sure that we're-- that we don't have that loss of communication or the loss of reports. I also want to make sure that we're-- that there are protections in place for that information to be passed. Because as legislators, you're going to find that that information is really

important to you so you can address certain issues in your community. I can remember also we had, I think Senator Lynne Walz had brought a resolution or-- but it formed a committee to look into some of the mental health facilities and what happening in our-- some of our-- the facilities across the state. And I can remember working directly with the Ombudsman's Office to make sure they would help set up a, a tour here and there. I actually went on a tour, I think I was the only senator who went on this tour in Lincoln to this facility. And, and he went with me on that tour, or at least set up the meeting so I could go on that tour to see what was actually taking place. We traveled to, to several communities across the state and what had happened was there was a case in rural Nebraska-- what set this off was there was a case in rural Nebraska where someone in one of these facilities who had actually died at the facility and then we were finding out that some of the facilities weren't kept up to standards, there weren't, there weren't enough inspectors to inspect both assisted living facilities, long-term facilities, long-term care facilities, and mental health facilities. We just didn't have enough inspectors to make sure that they were all kept up to the standards they needed to be. I would tell you in visiting some of the facilities that I went to you wouldn't want your pet living there. There were bedbugs, there was mold, there was-- they were unlivable conditions. The people who were being provided the, what we thought would be some type of care weren't provided transportation to go to, to see counselors to get the help they needed. And, actually, I think some of the facilities were just taking in--

KELLY: That's your time, Senator. Thank you, Senator Quick. Senator Fredrickson would like to recognize guests in both the north and south balcony. They are fourth graders from Westside Community Schools in Omaha. Please stand and be recognized by the Nebraska Legislature. Senator Rountree, you're recognized to speak.

ROUNTREE: Good morning. Thank you, Mr. President. I'm still learning and listening and listening to the bill because I recognize the importance of our oversight. So learning and we can press forward with this. But I want to yield the remainder of my time to Senator Conrad.

KELLY: Thank you, Senator. Senator Conrad, you have 4 minutes, 38 seconds.

CONRAD: Thank you, Mr. President. And, again, good morning colleagues. So it's clear that the people's branch and the members of this institution, including its leadership, is not willing to stand in our power as clearly delegated and defined in the Nebraska Constitution

and well-known principles of democracy in the face of a nonbinding, politically charged Attorney General's Opinion that was issued on this topic almost 2 years ago. And the Attorney General's overreach and abuse of power, as on display, in regards to attacking the precious right of citizen initiative, in many instances, continues in regards to this matter. It was well publicized and discussed amongst the body that the Attorney General was making referencing decisions in this Legislature in regards to Senator John Cavanaugh's bill around the regulation of CBD. The Attorney General was the primary driver in undermining Senator Hansen's efforts to actually try and stop his abuse of power and bring some sort of framework to a robust implementation of the will of the citizens as expressed over 71% of the electorate in regards to creating a sensible approach to medical cannabis for those in need. And this body capitulated at his request yesterday. The 2023 legislative session was what I thought to be one of the most challenging in my many years in public service, and it tested not only our relationships, but our institution. And we came together under the leadership of Speaker Arch in a bipartisan and collegial fashion to rebuild relationships and to restrengthen our institution. And that hard work paid off with perhaps one of the most remarkable turnarounds in the shortest periods of time in American political history, wherein we had a constructive and productive 2024 legislative session. And here we are at the tail end of the 2025 legislative session where we've witnessed on full display for the past 80-plus days a backslide away from a strong institution to capitulating to whatever the Governor and the Attorney General tell us to do. By undermining the will of the people whenever we feel like it, whether it's in regards to economic justice, or access to medical cannabis, or even protecting our own ability to conduct legislative oversight over troubled areas of state government. And we'll see it on the agenda tomorrow. Just like we saw people bend the rules and play games to push through a radical agenda in 2023. After losing fair and square on a key issue to cap and carve out the minimum wage, the Speaker is going to throw up a reconsideration motion to give a do-over and paper over the fact that a member who supported the bill couldn't even be bothered to listen to Final debate and cast his vote. So all that hard work rehabilitating the institution and strengthening relationships has been squandered, and is on full display in regards to what's happening in this session--

KELLY: That's your time, Senator.

CONRAD: --and with this measure.

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

SPIVEY: Thank you, Mr. President, and I yield my time to Senator McKinney.

KELLY: Senator McKinney, you have 4 minutes, 55 seconds.

McKINNEY: Oh, thank you, Mr. President. I rise in support of FA257. My little cousin was up there, but they left the room. But back to the topic, you know, with my issues, there's one more. Well, there's multiple. So the other issue I have with this is if the OIG or Ombudsman comes up with a report, right, it now has to go through an extra layer of scrutiny before that report becomes public. And then what's even more concerning, it says somewhere in here, in this bill, that-- where is it at-- an Ombudsman's report is not public record. So let's say the Ombudsman comes up with a report that is scathing about the prisons and what's going on, the public will never know. We might know, but, you know, are we at risk of, you know, any criminal exposure if we shared the report? Maybe not, but it's something to think about. But, overall, why is an Ombudsman's report not considered public record? You would think that a report from the Ombudsman's Office would be public. It would be available eventually after the report came out. So it says on-- in Section 15-- I knew I was right-- it, it says: it clarifies that reports and investigations conducted by the Ombudsman's Office are not considered public record for purposes of public record statutes. Nobody has a concern with that. Again, I'll say it again: reports and investigations conducted by the Ombudsman's Office are not considered public records for purposes of, of public records statutes. So where, where did it go? The report that I just handed out to you all, if this passes, will not be public record. The annual report would not be a public record. Do we not have a problem with that? Because it doesn't specify what reports, it just says reports. So I am-- I feel like I am in, in my right to assume that annual reports from the Ombudsman's Office would not be public record. Do you not have a problem with that? These are reports that are saying issues that are going on in two of the most horribly managed agencies in the state. We're going to say these reports are not public record so the media can't see this or maybe they can FOIA or some type of way to get it. But the public would never know, so it wouldn't go up on our Legislature's website so where the public could go see what's going on. How can you not have a problem with that? Why, why would a record not be-- why would a report not be, you know, available to the public? It's the Office of the Public Counsel. So we're saying in this bill, a report from the Office of the Public Counsel is not a part of

the public record. But it's the Office of the Public Counsel. It's where the public-- it's the office where the public calls and makes complaints and those type of things about state agencies and, and what's going on, either on behalf of themselves or on behalf of the family members or somebody, somebody they know. So how can the Office of the Public Counsel's annual report not be subject to public record laws? I'm confused. It is the Office of the Public Counsel. It's, it's very interesting, I'm just saying, how can that not be public record? It's the Office of the Public Counsel. How can you say the Office of the Public Counsel reports are not public record? I don't know, I am confused about that, but maybe somebody could clarify it for me. But in no world do I think their records or their report should be, you know, not subject to--

KELLY: That's your time.

McKINNEY: --public record. Thank you.

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

J. CAVANAUGH: Thank you, Mr. President. I've been listening, colleagues, and trying to catch up where we are on this bill. I just have a general issue, I think Senator Conrad spoke a little while ago and got to some of the stuff that is my problem with just the concept of what we're doing here, and I had a problem with this from the get-go. My interpretation is that the jumping off point here was when the Attorney General and the Department of Corrections took away the authority of the Inspector General to go into the Penitentiary and do investigations. And the Legislature-- I think Senator Conrad used the word capitulated or capitulating, I don't know, one of those conjugations of the word capitulate, but-- and, and I agree with that. I was in the camp of we should just fight. And I remember at the time when the Attorney General issued his Opinion and, you know, don't need to rehash my feelings about Attorney General's Opinions, but they do not have the force of law. But the Attorney General issued his Opinion, and I read it, I remember, and did my research and read a few other things. And I remember when I read that, came across what is Article IV, Section 19 of the Nebraska Constitution, which says: state institutions, management, control, and government determined by the Legislature. The general management, control, and government of all state charitable, mental, reformatory, and penal institutions shall be vested as determined by the Legislature. So that seems pretty clear on that. And then there's a reference, and I have here the book by Professor Schutz that has great, you know, explainers of every section

of the constitution. And everybody should get a copy of it. I remember when I first got here, Senator Matt Hansen had a copy, and I said, what was that? So then I went and ordered my own. And I have relied upon it to, you know, great advantage for myself to learn a lot about our constitution that way. But in that book references this case, which is AFSCME v. Department of Public Institutions. It is a case, Nebraska Supreme Court case from 1976. And I can get you the site here, but I scrolled down to the portion I want to read. But so there's a part in here that specifically says, Article IV, Section 19 provides that general management, control of government of all state charitable, mental, reformatory, and penal institutions shall be vested as determined by the Legislature. This court has held that the-- that provision of the state constitution must be taken in the ordinary and common except-- excepted-- where am I-- excepted-- where does it go on here-- exceptions in all manners as to express the intent of the framers. So then it goes on to say, Johnson v. Marsh says the ordinary and common meaning of the word in Article-- words in Article IV, Section 19 are clear. The Legislature has complete authority over the entities named in Article IV, Section 19. Pursuant to this authority, the Legislature created the Department of Public Institutions to manage entities referred to in Article IV, Section 19. By delegating the actual day-to-day administration to the Department of Public Institutions, the Legislature did not lose its constitutionally mandated power to control all state charitable, mental, reformatory, and penal institutions. It is not contended, nor could it be, that the statute creating and delegating administrative authority of the Department for Public Institutions are in any way constitutionally infirm because, infirm because of the failure to enact proper standards under the familiar constitutional principles, nor can it be contended that the Legislature attempted to divorce itself from, from or delegate its power to control to any other branch of government. So it goes on with a bunch of other stuff, but basically-- I'm going to run out of time. But the point is, the argument was the Legislature doesn't have the authority to engage in oversight of these institutions. That's clearly not what the Supreme Court has interpreted as recently as 1976 of this section of the constitution. We have the authority to engage in oversight. I, I think that we should assert ourselves appropriately. And I don't think that this bill necessarily is, is a forceful enough assertion of our power. And that's, I think, the fundamental problem here that Senator Conrad when she said was that we were capitulating, is that we have more authority than we are taking and it is, it is our responsibility to take our full authority. We have the authority to have these-- the inspectors go in and do the surprise inspections. We have authority to

request records, and we have the authority to delegate that to those people, so.

KELLY: That's your time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

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

McKINNEY: All right, thank you. I did get some clarification on the, the reports. It's in the bill. It says investigative [INAUDIBLE]. So that makes me a little more comfortable. But, still, I'm not comfortable with the criminal exposure piece of this. You know we've increased criminal exposure across the board this session, whether misdemeanors or felonies, and I understand the need for confidentiality and making sure that, you know, things that are not supposed to be shared are not shared, especially in a malicious manner. But where's the line of sharing of information, you know? And that's what concerns me, is that we can potentially end up in a situation where something that today would be shared with senators that tomorrow or after the bill passes or goes into effect it won't be shared. That's my concern. And, you know, I know everyone tries to be a well-meaning individual and those type of things, but, you know, when these agencies continue to operate how they operate, I'm forever, you know, hesitant to just say yes or say it makes a lot of sense, especially when these agencies clearly violated the law when they did not allow the Ombudsman's access. It went against the law. They were not included in the Opinion but got looped into whatever happened for whatever reason. And if they're going to do that, what makes me think, or what would make me think that they wouldn't, you know, be doing things that are harmful to individuals, and that things need to be shared but won't be shared because who wants to get a, who wants to get a Class III misdemeanor? Who wants to be charged with a, with a penalty? I don't think anyone does. So we need to either do away with it or find a way to take away the criminal penalty in some type of way. Yes, accountability is a thing, but it has a line, especially when you're dealing with the lives of children that have been and are being lost to the system, children that are being shipped out of the state without, you know, proper communication with their families, and we've got a department that won't even give family stipends so families could go see their children out of state, but they're sending them out of state. We have issues with Department of Corrections that is in the process of trying to build an almost billion-dollar prison, while also, you know-- well, it don't seem like they want to, and I

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don't think they want to, even start the process of what a demolition of the Nebraska State Penitentiary looks like. People talk about decommissioning the prison. I think you should dig deeper into what decommissioning means, and you will realize that the Nebraska State Penitentiary, if not demolished, will still operate at some capacity for the state, which is going to cost taxpayer dollars for a campus and a complex that everybody says is in such disarray that we should build a new prison that's going to cost a billion dollars. Doesn't make sense to do it, but you know, you don't have to listen to Senator McKinney when I say this. You could just look up, look it up for yourselves that the state will-- well, Lincoln will be the prison industrial capital of the state of Nebraska and we'll be operating two state penitentiaries housing people because the new one will be overcrowded, which means we need to make sure that our oversight authorities have independent, independent abilities to look into what's going on and to be able to communicate back to us what's going without the fear of prosecution. Because, let's be honest, people say people won't use these things, but I beg to differ. So what are we going to do to protect our employees? Thank you.

KELLY: Thank you, Senator. Senators Clouse and Dungan would like to recognize some guests under the south balcony. They're Judge Andrew Jacobsen, Melanie Jacobsen of Lincoln, and Jeff and Linda Jacobsen of Kearney. Please stand and be recognized by the Nebraska Legislature. Senator Holdcroft, you're recognized to speak.

HOLDCROFT: Question.

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

CLERK: 29 ayes, 0 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Storer, Moser, Ibach, Dover, and Bostar, please return to the Chamber and record your presence. The house is under call. Senators Moser and Bostar, please return to the Chamber and record your presence. The house is under call. All unexcused members are now present. The question was, shall debate cease? The vote was underway. Senator Holdcroft, will you accept call-ins?

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HOLDCROFT: Yes.

KELLY: Mr. Clerk.

CLERK: Senator Moser voting yes. Senator Bosn voting yes. Senator Dover voting yes. Senator Wordekemper voting yes. Senator Hughes voting yes. Senator Strommen voting yes.

KELLY: Record, Mr. Clerk.

CLERK: 25 ayes, 2 nays to cease debate, Mr. President.

KELLY: Debate does cease. Senator Machaela Cavanaugh, you're recognized to close on FA257.

M. CAVANAUGH: Thank you, Mr. President. FA257 strikes Section 66. It's one of, I think, 9 sections that puts criminal penalties in for our employees. So I initially put this up because I was running out of time to talk on the committee amendment, and I had more substantive things to say. And my intention is to withdraw it, though I, I'm disappointed in calling the question. This was an organic conversation happening about our constitutional duties and I'm disappointed that people left the floor for this conversation. I'm disappointed that in only 2.5 hours we think we should just move on. I'm disappointed that none of you are engaging in this conversation. And when it turns out that because we are watering down our authority, people might die in the custody of the state, I won't have words for how I feel about that. This is extremely serious work, extremely serious, and it is not being taken seriously by this body. And it is actually shameful. There's been a lot of things this session that I have found to be egregious. But neglecting our rights and our duties as members of this body, as elected representatives of our districts, with constitutional responsibilities, and you can't even be bothered to sit in your chair and listen to the conversation or get on the mic or talk off the sides, ask questions. We had young women in the care of this state arrested because they took up pieces of vacuum cleaners to protest being put back in inhumane conditions of a state facility, and we only found out about it because they were arrested. And we only did the things that we did as a result of that because of our authority. What are you doing here? Why are you here? If it is not to serve the people of this state, if it is to not take care of the people who are in the custody of this state, why are you here? Why are you showing up? Why did you run for office? Is it purely financial for you? It's not for me. I know it's not for Speaker Arch. This is serious business. You should be serious, people, take yourselves more seriously. Don't call

the question when people are having a real conversation about real work. I intend to work between General and Select File on an amendment and talk to Speaker Arch about it, about the criminal penalties. I intend to take this work very seriously. I intend to work on my concerns with AM1504, which I haven't even fully understood what AM1504 entails because I haven't had the time to fully absorb it. But I intend to do that. I intend to do my job. I'm very curious what you all intend to do because, right now, you're not showing up to work. You're eating ice cream in the lounge. You're talking to lobbyists. You're planning your lunch dates. You're not doing the work. Go home. We don't need you here. I withdraw my amendment.

KELLY: So ordered. It is withdrawn. I raise the call. Mr. Clerk. No other committee amendments, returning to the queue, Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I rise today, still, I think, concerned a little bit about AM1504 and some of the, the various provisions in there. I, I do understand that we find ourselves in a weird predicament and, you know, for those who have followed this entire saga of how we got to where we are, there are many steps along the way that I think a different decision could have been made. Certainly, you know, I'm not on the Executive Board, so I've not been privy to all of the conversations that have happened, but there are a number of decisions, I think, ultimately that we made as a Legislature that were an issue. And I, for one, would have also, as others have pointed out, like to see maybe the Legislature step into its power a little bit more. I also believe that the acquiescence to an Attorney General's Opinion, which has happened, not just once but multiple times, is problematic as we continue to see a consolidation of power in a branch of government that does not have the authority to necessarily make or change laws. And the fact that we have executive branch agencies making decisions to not follow the law based simply on an Opinion, Opinions which have been in the past found wrong, not just a couple times but many times, is problematic. And I think it places us in a situation where we are abdicating our duty as a Legislature to not try to force the issue sometimes a little bit more. That being said, we are where we are today, and so I am trying to analyze and have been over the last day or so been trying to analyze LB298, along with AM1504. And as I stated earlier on the mic, there are a couple of areas where I have concerns, one of them being the structure within which information is shared and I think we've talked about that quite a bit here today and my hope is there can be an amendment or a change that would protect individuals who work for these agencies or these entities whose job it is to aggregate

information and share it with people in an effort to make sure that bad actions are seeing the light of day, those people should be protected in the event that their information falls on deaf ears. And, you know, the concern that I think everybody should have is when you consolidate power in a very small group of people to hear information and then decide with that information what they do, it's problematic. This reminds me, there was a bill in Revenue this year that had to do with auditing various tax collections. And we had, we had a bill that changed the way it worked, because prior to that bill passing, and I think it's already passed, I'm not entirely sure which package that was in off the top of my head, but Senator Rountree, I think, brought this bill. Under the current law, prior to the change, individuals could go in and analyze the books. They could do an audit of the books to determine whether or not the Department of Revenue was essentially collecting taxes correctly. But the only person they were allowed to share that information with by statute was the Department of Revenue. And so the idea of having an individual come in and audit to ensure that the process and procedure was being done correctly, but in the event that they found out it was being done incorrectly, the only people they could share that with were the ones who had done it incorrectly is problematic. And so the bill changed that to allow that person, I think, the ability to share that information with the, with the Auditor because that is providing an opportunity for an outside entity to have a second look at that to make sure that that newly discovered information was going to be processed in the proper way. You know, we always hear the, the phrase, you don't want the wolf guarding the henhouse, right, because you don't want the people who aren't going to do anything about it to squash information. Now, I believe there are a number of well-intentioned people who want this information and want to do things with it that hopefully would be on the Oversight Committee. But in the event that the Oversight Committee gathers that information and ultimately is not doing with that information what they would like or what should be done, it would be nice to see further protections for the individuals in the OIG or the Ombudsman to be able to share that information with others and not have the specter of a criminal charge hanging over their head for simply doing their job. Another option that perhaps we could have in order to have a little bit more light shown on this would be public briefings on a regular basis where the OIG or the Ombudsman could maybe present information either to the Legislature or, specifically, to the Oversight Committee and brief on various issues. There's a number of options we have, but I think the number one concern at this that I have is transparency and the ability to actually do something with the information that is given. Information is one thing, but it's

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only as helpful as the actions that you take on the back end to actually change policy. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senator Sorrentino would like to recognize some guests in the north balcony, they're fourth graders from Fire Ridge Elementary in Elkhorn. Please stand and be recognized by the Nebraska Legislature. Senator Juarez, you're recognized to speak.

JUAREZ: Thank you very much. I yield my time to Senator Conrad. Thank you.

KELLY: Senator Conrad, 4 minutes, 53 seconds.

CONRAD: Thank you, Mr. President. Thank you Senator Juarez. So, friends, I want to draw your attention to the professional and important work that the Office of the Inspector General for both Correctional Systems and Child Welfare have done since their inception that was so objectionable to the Attorney General in providing an illumination of what's happening to our most vulnerable in our most troubled systems. So if you go and you look at the Legislature's website, you can click on the reports for the Public Counsel and the OIGs and you can see dating back to at least 2016, their annual reports are there and available and you see not only their annual reports on systemic issues but you also see from 2017 the report on the death of Terry Berry. A person who was incarcerated for a nonviolent offense, and due to overcrowding and negligence was placed double bunked in solitary in contravention of all best practices in correctional systems and he was killed. And the Department of Corrections knew and had fair warning before that happened. That report came in 2017, and the Legislature did nothing to change the practice of double bunking. And guess what? It just happened again. And guess what? You all, including myself, just voted for a state claims bill that paid out hundreds of thousands of dollars of taxpayer money for another person who was incarcerated, who was double bunked in solitary and was killed. So now we have a pattern in practice in the Department of Corrections that we primarily know about through the OIG. We have yet to adopt any best practices to end this horrific policy situation, and we're paying out hundreds of thousands in taxpayer money. But the AG found this so objectionable that we can't even have clear and robust reporting. Let me tell you about the child welfare reports, going back to at least 2013 on child welfare issues, both systemic and specific, including serious injuries and abuse of a child after HHS placed them in an unsafe placement. And guess what in the claims bill we passed together a few weeks ago, we paid out

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hundreds of thousands of dollars for another vulnerable kid that was placed-- which was harmed and placed in an unsafe environment by the Department of Health and Human Services. Another instance. We see multiple reports on juvenile solitary confinement, an actual human rights abuse that's happening in Nebraska. And what do we see, not progress in ending this horrific practice. Juvenile solitary is on the rise in Nebraska, it's moving in the wrong direction. But it seems fitting to this, to this body, it seems fitting to Speaker Arch, that we codify mother may I oversight instead of stand in our power as granted under the constitution and under a statutory framework that at least sheds light on these tragedies. We're unwilling to sue, we're unwilling to enforce the existing law. The time has passed for the Attorney General to sue under 84-215 and we repealed it. But here we are with vague wording about what may or may not be available if it's convenient to the administration to share information. As long as it's not burdensome to them, we might be able to get some reports about tragedies like this. That's the language in your bill. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Mr. Clerk.

CLERK: Mr. President, motions to be printed from Senator McKinney to LB287, Senator Wordekemper to LB400. And a new LR, Senator Guereca, LR270, that'll be laid over; LR271 from Senator Murman, also laid over. Notice that the Government Committee will have an executive session in Room 1507, immediately following their hearing today. Government Committee, 1507, executive session after the hearing. And a priority motion, Senator von Gillern would move to recess the body until 1:00 p.m.

KELLY: Members, you've heard the motion to recess. All those in favor say aye. Opposed, nay. The Legislature is in recess.

[RECESS]

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

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

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

CLERK: I do, single amendment to be printed from Senator John Cavanaugh to LB316. That's all I have at this time.

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DeBOER: Thank you, Mr. Clerk. We'll proceed then to the first item on this afternoon's agenda, Mr Clerk.

CLERK: Madam President, General File, LB298, introduced by Senator Arch. When the Legislature left, pending was the committee amendment. Senator Machaela Cavanaugh would move to amend the committee amendment with FA262.

DeBOER: Senator Machaela Cavanaugh, you are welcome to open on your amendment.

M. CAVANAUGH: Thank you, Madam President. FA262 is an amendment to eliminate the ability to charge legislators a fee for records requests. So it's a little, it's a little complex after standing over under the balcony talking with Speaker Arch and the whole team over there, it's unclear, I think still, if this is necessary. And so I'm, I'm thinking that-- well, would Speaker Arch yield to a question?

DeBOER: Speaker Arch, will you yield?

ARCH: Yes.

M. CAVANAUGH: Is your amendment that we discussed ready to be filed?

ARCH: It is filed.

M. CAVANAUGH: OK, well then we will move on to that, so thank you for that, Speaker Arch. I am going to withdraw FA262 so that we can get to Speaker Arch's amendment, and my next amendment just pass over. Thank you.

DeBOER: Without objection, so ordered.

CLERK: Senator Arch would move to amend with AM1554.

DeBOER: Speaker Arch, you are recognized to open on your amendment.

ARCH: Thank you, Madam President. So after listening to the debate this morning, I did draft-- had, had staff draft an amendment that, that removes the criminal penalties. Don't think they're necessary-- as I said earlier, they, they existed in another statute, and we simply copied them over to another statute. It wasn't like we were creating a new one. As we had the conversation among staff and, and myself, it was like, why, why exactly was this here? Nobody exactly knew. And so with that, there is an amendment here in front of you that I would ask for your support on. And we strike the language, "he

or she shall be guilty of a Class III misdemeanor and, in the case of an employee, shall be dismissed." And, and insert simply, "it shall be grounds for dismissal." Grounds for dismissal, not shall be dismissed, grounds for dismissal. And so it is a serious infraction if there is something that it still has the standard of, of you, you know knowingly you are doing this. And, and with that-- I mean, I, I will simply say I reflect back to, again, the time in my-- at the hospital, and, and we would have, you know, PHI. We'd have a lot of information on patients. And there were times when an individual would make an error in the medical records department, perhaps, or from a clinic and fax something or send something to the wrong clinic. That's not, that's not-- you're not fired for that. You need to report that. It's a serious thing when you went with that. But there's ways to deal with that, and, and so this would be a similar thing. There could be an error, there could be I, I sent it to the wrong John, it was the other John, and want to retrieve that. There could be, there could be good reason for, for that, but if there is knowingly releasing of confidential information, then this would, this would apply where it would be grounds for dismissal. So we removed the legal penalties for it and I know that was-- that has been an issue with several individuals and I hope that clarifies. Thank you, Madam President.

DeBOER: Thank you, Senator Arch. Turning to the queue, Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Madam President. Well, I, I think I support Senator Arch's amendment. I certainly support not having criminal penalties for our staff. But I, I just wanted to take this opportunity to wish a happy birthday to Zach Wegley, who I'm not sure, I think he might be a teacher, but I'm not 100% certain of that. Oh, oh, and Andrew Wegley, who I believe is Zach's twin brother, is also his birthday. Andrew is a reporter for the Lincoln Journal Star, which is a print newspaper, daily print newspaper out of the city of Lincoln, Nebraska. You can still get it in physical copies or you can get it online. But Andrew and Zach, I think are 16 today, get their driver's licenses, I hope, if they can pass the test. But just want to take the opportunity to wish a happy birthday to Andrew Wegley, who spends so much of his time sitting over here listening to our inane conversation. So happy birthday, Andrew and Zach. Thank you, Madam President.

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

GUERECA: Thank you, Madam President. So I'm looking forward to reading a little bit into-- actually, reading this Nebraska Ombudsman report, just started reading it. But, no, I think, I think oversight is an incredibly important responsibility of this body. You know, we are the people's representatives and it is our duty to ensure that their taxpayer dollars are being used in a responsible manner. You know, when, when, when our constituents pay their taxes, they expect their elected representatives to ensure that it's being used in a humane manner and in the manner that they were intended. And, oftentimes, that is taking care of the most vulnerable among us. So I look forward to continuing to listen to the conversation, certainly appreciate the work of the Office of the Inspector General and the oversight that they bring. With that, I will yield back my time. Thank you.

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

McKINNEY: Thank you, Madam President. AM1514 [SIC], I actually like it. It takes away, you know, some of my concerns with this bill. You know, just for-- to be-- for it to be a grounds of dismissal sounds more in order than saying a Class III misdemeanor. You know, if somebody does mess up, you know, I think it's understandable. My fear was just, the fear of a criminal prosecution or a criminal charge was a bit much, so somebody does something wrong they could lose their job. And I think that's, that's, that's acceptable almost everywhere in any, you know, field or industry, that if you do something out of line that isn't in accordance with, you know, the practices of your employer you might be fired. So I think that's better. So we're getting somewhere on that with, you know, as far as, like, my concerns for this bill, I'm not sure if I might have some more issues, but right now I think AM1514 [SIC] is a step in the right direction to make this bill, you know, more acceptable to more people in the body. So I thank Senator Arch for bringing it and if Senator Conrad wants my time she can have it. Thank you.

DeBOER: Senator Conrad, you're yielded 3 minutes, 20 seconds.

CONRAD: Thank you, Mr. President, and thank you to my friend, Senator McKinney. Madam President. I'm sorry. I appreciate the amendment that my friend Senator Arch has brought forward. I think it is in good faith, and I think that it is appropriate. But it also kind of goes, I think, to some of my general concerns about the legislation and where we are today. Essentially, the Speaker assumed that the politicized Attorney General Opinion was right and he didn't fight for our institution. And he assumed as true the aspects of that Opinion with

cast dispersion upon our institution and upon our Inspector Generals, which then carried forward in regards to a substantive proposal that would have subjected our employees to criminal penalties when there has been no indication, no record, no instance of an, of an Inspector General acting inappropriately. Why would that even be on the table? Nebraskans should pay careful attention to bureaucrats and elected officials who seek to hide their work and their misdeeds from the public, from other branches of government to fleece the taxpayers and harm the vulnerable. And Nebraskans should be particularly skeptical of elected officials who facilitate that kind of obfuscation. We don't need to reaffirm what is already ours as granted to us by the people of Nebraska in our constitution, through clearly the separation of powers and the checks and balances attendant thereto, to specific grants of authority and control over state institutions, and to a specific grant of authority in regards to information and records that are being held by the executive branch. So we will make some changes, perhaps, in regards to this criminal penalty which casts dispersion amongst-- on our Inspector Generals who are not deserving of such because they've never acted in a way that violates confidentiality. But we just assumed that whatever crazy claims the Attorney General brought forward was where we had to capitulate and how. We need to do additional work on this bill from General to Select File in regards to the glaring exemption and exclusion which halts legislative oversight and inquiry anytime there is an open investigation. There are no guardrails on that and the exception would swallow the rule. We need to ensure a better, clearer timeline for responses--

DeBOER: Time, Senator.

CONRAD: --to information. Thank you, Mr.-- Madam President.

DeBOER: Thank you, Senator Conrad. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: I was just anticipating being shocked. Thank you, Madam President. Thank you, Speaker Arch, for bringing AM1554. I am going to be supporting this. I haven't really fully digested AM1504, so my plan is to take a closer look at that between General and Select and have conversations with the Speaker and our legislative divisions about any concerns that I might have outside of this current one. So I appreciate that and I just want to say to all of the pages sitting up front, work, work. Thank you, Madam President.

DeBOER: Thank you, Senator Machaela Cavanaugh. Senator Dungan, you're recognized.

DUNGAN: Thank you, Madam President. Colleagues, I do rise in favor of AM1554. I think any time that we can remove unnecessary criminal penalties that don't have a reason, it makes sense. As Senator Conrad said, this just casts dispersion on a bunch of employees who are simply doing their best and trying to shed light on issues that otherwise remain in the dark. So I do appreciate this AM. The other thing that I wanted to mention briefly, I think, that was of concern to me was-- getting into the specifics of the underlying bill, is the access to computers and computer technological information. So I understand that was a major point that was brought up in the Opinion from the Attorney General that caused some concern. But I did a little bit of digging into the statutes just to understand kind of how we got to where we are today, and my understanding is, currently, you know, before this all got called into question, there was actually a statute that permitted the access to online information and, and the computer access for the Inspector Generals. And I think this was a, a bill that was brought actually, essentially, because DCS and other executive organizations wanted there to be accessed because they were essentially sick and tired of having to always answer these information requests. And so the reason the law got to the place that it actually was, was not any kind of desire to create more overreach by one entity into another, but I think it was actually an agreement that was reached in an effort to create just an easier transfer of information. And why that matters is it demonstrates that in times where we're not calling into question the intention of these entities or certainly not calling into question the autonomy of the legislative branch to have oversight, there is actually a good faith effort between these entities to work together to share that information. And the fact that there was that computer access is indicative of a desire to continue having that kind of working relationship. In diving into the AM and trying to learn a little bit more and also speaking with the, the team over here under the balcony of folks who this affects the most, it sounds like there's a belief that the language in this does at least permit the ability to have access to that information, which I think is the goal. My concern, though, remains what happens in the event that the actors involved are maybe not all the best intentioned, or if perhaps there is ever a desire to withhold that access. You know, the question for me is whether or not this language is good now is one part of the question. The second part of the question is what happens, you know, when times get tough? What happens when you start to see an executive agency want to withhold information from the Office of the Inspector General? What is the backstop? And so, you know, this ultimately may be the kind of thing that we need to address in the future. I, I don't know if there are any immediate

changes that we could make in order to assure there be proper backstops there. You know, my understanding is that the executive branch could object to information being shared if they believe it to be privileged. And the burden, I think, according to the statute, would be on them to prove that it is, in fact, a, a privileged piece of information being shared. But I, I do have concerns, obviously that ultimately could be abused. And so, again, the issues we have with this bill, colleagues, I think, are, are bifurcated into both process and content. How we got here today is very concerning, and how we got here today and the decisions that were made both by the Attorney General as well as some executive agencies to follow an Opinion instead of the law are problematic, and I think are deserving of conversation, and they're deserving of this debate here today because it's problematic, what decisions were made. That is a separate discussion, I think, from the content of the bill, which certainly does have some objections-- objectionable content in it, but I do understand that a lot of this is being done to try to get to a place where information can be shared. My goal in all of this is to ensure that both the Ombudsman and the Office of the Inspector General have the support that they need and the power that they need in order to do their job. And when you're talking about the people who are the boots on the ground, who are actually going into these facilities, who are actually going into, for example, the Department of Correctional Services and investigating to ensure that people are being treated humanely, those are the people that I want to support. So I continue to listen to the debate, I continue to read through the amendment, I want to make sure that we are allowing these folks whose entire job it is to shine light on the things that exist in the darkness and provide us with information. That's it. I want to make sure they're supported. So, colleagues, I appreciate the conversation we've had so far today. I am in support of AM1554 and encourage your green vote on that amendment and I thank Speaker Arch for that amendment. Thank you, Madam President.

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

CLEMENTS: Thank you, Madam President. I rise in support of AM1554. Maintaining the privacy of confidential information that we receive from HHS or Corrections is very important. Without assurance of confidence, the agencies would not share as much information with us. In my opinion, they would be worried that they would be releasing information and it would be coming back on them as a liability for not ensuring that privacy. And so a layer of trust is needed and some assurance is needed. I think keeping the provision for the grounds for

dismissal is necessary to maintain that trust. The criminal penalty part of that-- the bill, was not an important key part of discussion in the Executive Board, as I recall. So I think, I think it's adequate to have at least some ability to have dismissal if there's some intentional leaking of information. And I think it's helpful, especially for making sure that we do get cooperation from other agencies. If we completely remove that, then I think there would be some more reluctance to share the information. Thank you, Madam President.

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

CONRAD: Thank you, Mr.-- Madam President. If Senator Clements would yield to a question, please?

DeBOER: Senator Clements, will you yield?

CLEMENTS: Yes.

CONRAD: Senator Clements, are you aware of any instance wherein an Ombudsman or Inspector General disclosed confidential information?

CLEMENTS: No.

CONRAD: Then why would that be a concern?

CLEMENTS: Why would it be a concern, is it's just a guardrail. And if it's not, it's not going to happen, it won't ever be in effect. But I think it's important. In my business, I have a lot of private information for people, and I hold my employees to a high standard. And I would-- I don't have-- I'm not sure what my policy says, but this would be definitely reviewed on an employee if information was intentionally leaked.

CONRAD: Right. And my question-- I, I think it's good that we hold everybody to a high standard, but the Office of the Inspector Generals and the Ombudsman have been adhering to a high standard. So why would we assume that they're not, and there's no evidence to show otherwise?

CLEMENTS: It doesn't assume that they're not, but as employees come and go in those offices, I think it is good policy to maintain some degree of accountability.

CONRAD: And you also indicated that one of your primary considerations in regards to this component of the legislation was to protect other

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state agencies that were trying to investigate through the OIGs. Is that right?

CLEMENTS: I'm wanting to help to allow them to be more trustworthy of us to be sharing freely information rather than being reluctant to do so. I think it helps the exchange of information.

CONRAD: Well, I appreciate and understand the idea of dynamic collaboration between the branches of government, but you do understand, Senator Clements, that we have constitutional authority to get information, regardless of whether or not an executive branch, quote unquote, likes us or trusts us.

CLEMENTS: Yes, but we might need to go through the courts to do that, and I'd rather not have to be in court with them.

CONRAD: Right, we actually have a statutory framework that allows us to do that, just that, which this measure is seeking to amend. OK, very good. Thank you, Senator Clements. I have a question for Senator Arch, if he'd, if he'd yield, please.

DeBOER: Senator Arch, will you yield?

ARCH: Yes.

CONRAD: Thank you, Mr. Speaker. So I guess that's a perfect follow-up question. So you aren't willing to protect the institution in the face of a nonbinding Opinion, we've lost access for many months, if not over a year. You've negotiated some sort of access in the meantime, and now you're coming forward with, I guess, a reaffirmation of our existing legislative oversight. So my question to you is--

ARCH: Can I answer that?

CONRAD: No.

ARCH: I mean, that would--

CONRAD: My question to you is--

ARCH: Well, I don't agree with your assumptions.

CONRAD: --my question to-- I was speaking. My question to you is if the Attorney General comes forward with another nonbinding Opinion, then will we stand in our power if we adopt this? If the executive

branch fails to comply with this, then will we stand in our power to enforce this? You're happy to have the remainder of my time.

ARCH: Thank you, Senator Conrad. Very difficult to discuss a hypothetical situation, but I would say this, that I believe that these statutes strengthen our position. I know that, I know that there is disagreement there. I understand that. I don't agree that we have capitulated. I don't believe that we are weakening. I believe that we are strengthening. I've said that from the beginning. I go back to my introduction, to the OIGs, to the Public Counsel, are you able to fulfill your statutory requirements? The answer has been yes. So to say that we've lost a year, to say we've-- I, I don't agree with that. Not, not from what I've seen, and I've had many conversations with our staff. I believe that this amendment, as well as AM1504 and LB298, strengthens our position, that we have cleaned up a lot of language, that we are reorganizing for the future where we can actually build on our legislative oversight. That's what I believe. Thank you, Madam President.

DeBOER: Thank you, Senator Arch and Conrad. Senator Conrad, you're recognized as next in the queue.

CONRAD: Thank you, Madam President. Thank you, Speaker Arch. I appreciate your perspective, but let's just look at the official record in regards to what actually happened in the wake of the Attorney General's nonbinding Opinion. And I'm reading directly from the Office of Public Counsel, Nebraska Ombudsman's Office, 2024 Annual Report. Page 2: Response to Attorney General Opinion's effect on the Ombudsman's Office work. Years 2023 and 2024 were very challenging years for the Ombudsman's Office, including the Offices of the Inspector General, largely due to NDCS and DHHS response to the Attorney General's Opinion 23-008, issued August 16, 2023. The Opinion questioned the constitutionality of the laws governing the Office of the Inspector Generals. While the laws remain unchanged, the Nebraska Department of Health and Human Services and the correctional services entirely and instantly prohibited the offices' access to information, people, and facilities. The access is essential for the office to do its work. Importantly, DHHS eliminated the offices' access to N-FOCUS, the electronic case management system for the Division of Children and Family Services, and NDCS eliminated the offices' access to NICaMS, the electronic case management system for the state correctional system. Without access to those systems and no access to get information in any other way, complete complaint reviews, resolutions, and investigations, DHHS and NDCS became impossible. Indeed, case management restrictions coupled with restrictions to other

information, people, and facilities significantly hindered the Ombudsman's Office ability to fully fulfill existing statutory obligations for oversight of the Department of Health and Human Services and the Department of Correctional Services. Though the office could not fully conduct review and investigation, the office continued reaching out to DHHS and NDCS bringing issues to their attention which, oftentimes, resulted in resolution of issues raised. The office continued to operate as effectively as possible conducting investigations based on previously obtained information, public information and historical knowledge. The office maintained access to information, people, and facilities in all other state agencies, county jails, and juvenile detention centers. So the Ombudsman's report actually undercuts the perspective that Speaker Arch just shared that there were no problems based upon the experience of the Ombudsman in the wake of the Attorney General's Opinion. Now, there is a section right there after, starting on page 3, that after Speaker Arch negotiated a memorandum of understanding between the parties rather than enforcing existing law buttressed by multiple constitutional provisions, there was some ability to complete their work as statutorily required. And the OIG for Corrections notes that it had a beneficial and enhanced relationship from that point forward, even though there were new protocols for visits and new protocols for sharing information. However, that's not the case when it came to the experience of the OIGs and the Ombudsman in regard to the Department of Health and Human Services, who are looking out for our most vulnerable children. Quote, unlike NDCS, DHHS did not restore officers' access to online case management system-- and this is post MOU-- N-FOCUS, after the MOU was signed, while DHHS does provide information after requested, documents take a long time to come, information received is sometimes not what we're looking for, and it hinders our timely resolution of complaints. Visits to DHHS facilities went well after the MOU, and it seems that DHHS staff did respond to emails. So there is that. There was one occasion where an unannounced visit to DHHS in 2024 went well. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Seeing no one else in the queue, Senator Arch, you're welcome to close on AM1554.

ARCH: Thank you, Madam President. I would encourage your green vote on this. I think it's good--it's, it's a good step. I would say there's, there's one other piece that I want to-- I, I just want to mention with regards to employee protection, that within the statute there is also clarifying language that says you cannot have retribution on an employee for speaking to the IG. And so with that, I would ask for your green vote on, on the AM1554. Thank you.

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DeBOER: Thank you, Speaker Arch. Colleagues, the question before the body is the adoption of AM1554. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 ayes, 0 nays on adoption of the amendment.

DeBOER: It is adopted. Mr. Clerk.

CLERK: Madam President, Senator Machaela Cavanaugh would move to amend with FA261.

DeBOER: Senator Machaela Cavanaugh, you're recognized to open on FA261.

M. CAVANAUGH: Thank you, Madam President. I actually would withdraw FA261.

DeBOER: Without objection, so withdrawn. Mr. Clerk.

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

DeBOER: Turning to the queue, Senator Conrad, you're recognized.

CONRAD: Thank you, Madam President. The Legislature is a coequal branch of government, and it's charged with the responsibility for determining the public policy of the state of Nebraska. And we are the people's branch. The Legislature has broad plenary authority, as granted by the Nebraska Constitution, and vested in the Unicameral Legislature. This power, while a restricted grant of authority, is limited only by the rights of initiative and referendum-- take that to heart, friends-- and other restrictions on legislative authority found in the constitution itself. Because we hold the power of the purse and the grave responsibility of being stewards of every penny of the taxpayer dollar, in order to know whether or not taxpayers are getting a good return on investment, in order to know whether or not there is waste, fraud, and abuse of taxpayer dollars, we have to have robust legislative oversight and authority on expending agencies and the other branches of government. We also know that other branches of government will not self-police or police themselves, and an all-powerful executive was the exact concern and danger that our founders held when establishing our system of government. That's why they created, by intentional and elegant design, a separation of powers and checks and balances to ensure that no one branch became too powerful to run roughshod over individual rights and liberties, over personal freedom and liberty. And that's what's happening in Nebraska today. An all-powerful executive is running roughshod over individual

rights and liberties. And in a few instances, when put to the test, when cases are before them, our coequal branch of government in the judiciary has stood up to an executive overreach, and arrogance, and unlawfulness, and said no. Said no to the Attorney General and the Secretary of State when they tried to thwart the Legislature's ability to restore voting rights to citizens. They said no to the Attorney General when he sued this body to challenge our ability to institute modest criminal justice reform that saves money and keeps our citizens safer. But in this instance, the other most high-profile recent example of an Attorney General out of control, willing to abuse his power to attack the people and another coequal branch of government, our branch of the government did nothing to enforce the constitution, nor a robust statutory scheme that had served our state well for decades. The Inspector General for Child Welfare has issued professional and detailed reports exposing youth suicide, sexual abuse of foster children, troubling trends of kids held in solitary confinement, torturous conditions at the now-shuttered Geneva Youth Facility, and perpetual problems within HHS such as lack of training, high turnover, caseloads that exceed legal standards. And along with the fact that Nebraska consistently has more kids in the child welfare system than almost any other state. The Inspector General exposed yet another failure by the executive branch that hurt taxpayers and vulnerable kids in the Saint Francis debacle, which included the requisite infusion of \$110 million of taxpayer funds into a child welfare contract that was abruptly terminated just in the last few years, colleagues. And that left taxpayers and vulnerable kids in a terrible position. And here we are, 2 years after this nonbinding Opinion was issued, we're curtailing legislative oversight, because somebody--

DeBOER: Time, Senator.

CONRAD: --in the executive branch told us to.

DeBOER: Seeing no one else in the queue, Senator Conrad, you're recognized.

CONRAD: Thank you, Mr. President. I'd also like to detail the professional and credible work that the Inspector General for Corrections has conducted since 2015. Following a series of scandals, including the wrongful release of numerous offenders, including the well-established, troubling use of solitary confinement, including for the mentally ill, which is a human rights violation, including a track record with a lack of meaningful oversight for inmates who jam out, including Nikko Jenkins, which resulted in the death of four

Nebraskans, detailing ongoing challenges that hard-working frontline Corrections staff face that jeopardize their health, safety, and welfare, our prisons remain among the most crowded in the nation. There is a recent history of deadly riots within the facility that took lives. There have been multiple instances of individuals entrusted to the care of the Department of Corrections to serve their time for crimes committed against society. But they weren't sentenced to a life sentence, Senator Arch. They were sentenced to a period of years. And because the Department of Correctional Services has not been held accountable for failing to meet basic standards or best practices when it comes to the double bunking in solitary, we now have multiple deaths. And just this session, we paid out hundreds of thousands of dollars for more little kids who were put in a dangerous situation by HHS despite the fact that HHS had knowledge about it. We paid out hundreds of thousands dollars for another person that was killed in the Department of Corrections because they were in solitary and they were double bunked. But we're reducing our legislative oversight on these most troubled agencies while we expend taxpayer dollars to pay out claims for this clearly foreseeable negligence and mismanagement. And we pull back on our constitutional authority because the Attorney General told us to. I don't know if this is salvageable from General to Select, but I'll continue to work in good faith with all parties. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Senator Conrad, it appears your light is on to be in the queue, but you're on your-- thank you, Senator Conrad. Seeing no one else in the queue, Senator Arch, you are-- Senator Hansen would be recognized to close on the committee amendment and he waives closing. So the question before the body is the advancement or the attachment of AM1504. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 37 ayes, 3 nays on adoption of the amendment.

DeBOER: The amendment is adopted.

CLERK: Madam President, Senator Arch, I have AM238 with a note that you withdraw.

DeBOER: Without objection, so ordered.

CLERK: In that case, Madam President, I have nothing further.

DeBOER: Seeing no one else in the queue, Senator Arch, you're recognized to close on your bill.

ARCH: Thank you, Madam President. Well, this has been an active debate. My conclusion is, I think we all want the same thing. We all want robust oversight. We all want coequal branch. We all want what everybody has said. We, we may disagree on how to get there, but that's exactly what we want. And I've, I've, I've been thinking about Senator Machaela Cavanaugh, some of, some of her testimony, and I, I will say that she and I have been through quite a bit over the past 7 years, 4 years on the HHS Committee together. And in those years, we saw some really bad things happen. She mentioned the YRTC, the Geneva YRTC. We did not know that the program had actually been stopped, that there was no program. How did we, how did we, how did we think that the youth were going to respond to something like that? But we weren't aware of that and when we then-- I, I chaired that special committee. When we got into that, we all went and visited. I remember, I, I remember Senator Cavanaugh called me one night and said I just want you to know I went unannounced. And, I mean, that's terrific. That's what we should be doing. And, and we discovered that there were some things that definitely needed to change. As a result of that, we said we can't, we can't bunk these youth in a, in a, in a dorm setting, where we have rival gang members at night looking at each other across this dark room. That's not right. We appropriated money for the building of a cottage. We, we, we got involved in the education efforts for these youth. And we, and we got the Department of Education in there, and we created a superintendent. The education was, was an afterthought to the treatment of these youth. It was all behavior. That's all they were thinking about. We changed that. All these good things. And I'm sure there's more. Right now, slipped my mind. Saint Francis, I chaired that special committee. Again, what we saw was a procurement system that was broken. Revised the manual, changed statutes. They were in a situation where with contracting, they were, they were required to give preference to the lowest bid. And as a result of that, when Saint Francis came in and had a 40% below contract bid, below PromiseShip at that time, that was a required preference. And the points then went off the scale as the grid was established for the bid, and they won the bid. We said, well, who would do that? We changed the procurement process, we changed the statute where now low cost is considered. You can't come in and just underbid something and get the bid and then come back and say, oh, we need more money. This, this has been a long experience with the issue of oversight. I am fully committed to this Legislature being a coequal branch of government. We-- I'm hoping we will pass this statute. We will establish that now, again, clear, clear. We've cleared up things in our statutes that we even, we even said needed to change. And we will go forward. So I would ask for your green vote on LB298. I'm sure

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that there are things that-- there are, there are ideas that people are going to want to discuss between here and, and Select, and I'm certainly open to that discussion. But I just remind people as well that we're threading a needle, we're threading a needle with this bill. That, that we are the only state in the United States that has the, the oversight IGs located within the Legislature. All others are within the executive branch and I think that makes us unique and I think that makes us better and it is something to protect and it is something to exercise. Thank you, Madam President.

DeBOER: Thank you, Senator Arch. Senator Sorrentino would like to recognize 64 special guests, fourth graders from Hillrise Elementary, located in the north balcony. Please rise and be recognized by your Nebraska Legislature. Colleagues, the question before the body is the advancement to E&R Initial of LB298. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 3 nays on advancement of the bill, Madam President.

DeBOER: It is advanced. Mr. Clerk, for the next item.

CLERK: Madam President, General File, LB298A, introduced by Senator Arch. It's a bill for an act relating to appropriations; amends Section 21, LB261, One Hundred Ninth Legislature, First Session; appropriates funds to aid in carrying out the provisions of LB298; changes an appropriation; repeals the original section; declares an emergency. The bill was read for the first time on May 19 of this year and placed directly on General File.

DeBOER: Senator Arch, you're recognized to open on your, your bill.

ARCH: Thank you, Madam President. This is the A bill for LB298. It is not, not, should I say that again, not a new appropriation. It is merely a shifting of funds from one legislative division to another since we're taking the Offices of Inspectors General out from under the Office of Public Counsel and moving them under the new Division of Legislative Oversight, as well as moving the Office of Performance Audit under the new division, we need to move the funding as well. Program 129 is currently the Office of Performance Audit and Program 129 for appropriations purposes will essentially become the Division of Legislative Oversight should LB298 become law. Thank you, Madam President.

DeBOER: Thank you, Senator Arch. Senator Conrad, you're recognized.

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CONRAD: Thank you, Madam President. If Speaker Arch would yield to a question, please?

DeBOER: Senator Arch, will you yield?

ARCH: Yes.

CONRAD: Speaker Arch, this moves around some resources that are available through our appropriations to carry out legislative functions and programs within the auspices of our branch of government. Could you please just provide, maybe, a, a quick reminder to the body based upon your tenure and your leadership about how the Legislature's budget has fared in the appropriations process over, over the last few years? Have we taken cuts to our branch of government? If Senator Arch would yield?

DeBOER: Senator Arch, would you yield?

ARCH: Yes.

CONRAD: How, how many cuts? How deep?

ARCH: I, I, I, I honestly don't know, I mean, I haven't been that deep into the appropriation process for the Legislature. When, when, when the Executive Board meets, of course, that's a question of are, are we able to do our work, and that is a question to the division directors, and, and, and the answer has been yes. And so we've-- we, we as the Exec Board, not me as Speaker, we as the Exec Board have, have approved.

CONRAD: Right, which, of course, you are a member of and have been a party to those discussions as well. But there have been, I think, multiple instances over the last biennium during the special session and this biennium wherein the Governor's proposal has cut legislative resources. And, in fact, the Legislature has capitulated to those cuts. Has-- is that not a fair assessment? Have we not taken cuts?

ARCH: I didn't know if that, I didn't know if that was a question. Capitulated, we're back to that again.

CONRAD: Sure.

ARCH: But I, I would say that, yes, the Exec Board has agreed to those reductions.

CONRAD: Why?

ARCH: You'd have to ask-- I mean, all--

CONRAD: You're a member of the Exec Board.

ARCH: Why did I agree? Because I'm trying to save taxpayer money. If we don't need the money, we, we, we can reduce the, we can reduce the dollars. That's, I mean, simple, but we depend upon the division directors to tell us as to whether or not that money is essential for performing their duties, and if, if that's the feedback we receive, then I, I, like, I'm sure everybody else in the room, is if there's an opportunity for government efficiency, we seize it.

CONRAD: Sure, but the Governor has been proposing cuts to our coequal branch of government, the judicial branch's coequal branch of government, and other aspects of state agency not under the auspices of streamlining government operations, but to fill structural deficits and to pay for unaffordable tax cuts.

ARCH: I-- you know, I-- again, I don't know if that was a question, but I would say, I would say that the Governor can propose anything that he wants, and it is, it is the Legislature that appropriates. If the Legislature does not agree to accept that Governor preliminary budget or proposed budgets or anything else, it doesn't happen. We have the votes and so I don't see that as an abdication or capitulation of our responsibility. In the end, we cast the votes. We are the only ones who can legislate and appropriate and we have to protect that.

CONRAD: That, that is true and that is accurate.

ARCH: We have to defend that.

CONRAD: Well-- and I, I think it's endemic of exactly where we are and my concerns about this oversight legislation and about the present relationship that undercuts good public policy, wherein this proud institution acts like a code agency to Governor Pillen, instead of standing in its power as a coequal branch of government, whether it's overrides, whether it's giving up our budget as the smallest legislative branch in the country, for property tax relief or to fill budget holes which you also helped to create, pushing back when the executive branch reaches into our internal matters in regards to referencing of key aspects of legislation. We give up our budget, we give up our power, and we wonder why the people can't get better results when they vote or for their tax dollars because the people's

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branch has capitulated on oversight, on appropriations, on internal matters to the executive branch. Thank you, Madam President.

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

CLEMENTS: Thank you, Madam President. The-- I would agree with Speaker Arch that this A bill does not affect the general funds. It's just moving funds from the Public Counsel to the Audit Program. And regarding cuts in the Legislative Council, the Legislative Council has actually been building up extra money, we haven't been spending all the authority that we've had. And our budget this year decreased \$420,000, but not because we cut anything, we have \$27,900,000 this fiscal year, \$27,500,000 next fiscal year and funded the salaries of employees. And as far as I know, we're functioning without drastic cuts or much cuts at all. Thank you, Madam President.

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

CONRAD: Thank you, Madam President. If Senator Clements would yield to a question, please?

DeBOER: Senator Clements, will you yield?

CLEMENTS: Yes.

CONRAD: Thank you, Senator. I think it was perhaps LB2 during the most recently concluded and disastrous special session, which sought to provide additional property tax relief to Nebraskans. And that resulted in only a missing year, depriving many taxpayers in millions of dollars of tax credit benefits. But, nevertheless, I think as part of LB2, you helped to usher through and approve cuts to the Legislative Council as proposed in mid-biennium budget adjustments in that special session by Governor Pillen. Is that right?

CLEMENTS: Do you have a dollar amount?

CONRAD: Not off the top of my head, but I could probably find it.

CLEMENTS: We had to fund the special session, otherwise, it'd be-- it might have been something, but it would be minor.

CONRAD: Right, but there were actual cuts to the legislative budget in the special session.

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CLEMENTS: I'd have to review that.

CONRAD: OK, very good. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Seeing no one else in the queue, Senator Arch, you're recognized to close on your-- Senator Arch waives closing. The question before the body is the advancement to E&R Initial of LB298A. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 2 nays on advancement of the bill.

DeBOER: The bill is advanced. Items for the record.

CLERK: Communication from the Governor: Engrossed LB69, LB120, LB385, LB470, and LB614 were received in my office on May 15, 2025, and signed on May 21, 2025. These bills were delivered to the Secretary of State on May 21, 2025. Signed Sincerely, Jim Pillen, Governor. A committee report from the Government, Military and Veterans Affairs Committee concerning an appointment to the Nebraska State Patrol. A-- an amendment to be printed from Senator John Cavanaugh to LB316. That's all I have at this time. As it concerns the agenda, Madam President, General File, LB6-- LB306 from the Education Committee, Senator Spivey would move to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

DeBOER: Senator Murman, you're recognized to open on your bill.

MURMAN: Thank you, Madam President. LB306, along with AM1440, represents quite a bit of collective work from the Education Committee. I'll explain the first piece of LB306, as well as my other part in the package, and then I will yield to the other senators to have them explain their parts. LB306 originally was brought at the request of the state college system. The most significant change was based on last year's LB915 brought by Senator Brewer, which came out of committee 8-0, but ran out of time. This would allow better financing authority with the Board of Trustees to replace existing facilities on the three campuses. Current statutes impose restrictions limiting the pledged source of financing of revenue for the leased facilities to cover lease payments. This bill would remove that limitation, allowing the board to reenter into public-private partnerships. With this, the schools have a better opportunity to secure finances for buildings like new dorms. There is still accountability within this process as the Coordinating Commission for Postsecondary Education would have standards to approve the projects.

I know the Board of Trustees and the Chancellor are always working hard to make sure our state college system provides a professional and affordable education to their students, and this is one tool they can add to their toolbox to create affordable housing opportunities for their students. The bill also increases minimum capital expenditure from \$2-\$5 million, and facility operations and maintenance costs from \$85,000 to \$200,000 without legislative approval. These maximum limits have not increased in years. Finally, this allows school-equivalent diplomas, such as GEDs, to be used for eligibility to door to college-- to the door-to-college scholarship. I think the whole point of the door-to-college scholarship and the YRTC system, as a whole, is to help young adults who have some roadblocks in their lives to get back on track. In many of those cases, they have had difficulty completing their high school because they have-- their high school education because they may have been out of their high school for months or even years, and they may have attended several different high schools. If they showed initiative to get their GED, they ought to have the same opportunity for the scholarship. The other piece of mind in this bill is what was previously LB682. LB682 is a basic accountability bill requiring two basic measures of superintendent contracts to limit other sources of employment income, as well as requiring superintendents to file a statement of financial interests. Why is this necessary? There was a concerning instance in Iowa City a couple of years ago in which a superintendent was additionally profiting through a private consulting firm because the same district he represented happened to be awarding high-paying contracts through the same consulting firm he worked on-- worked at. To be clear, I'm not noting that anything this terrible is necessarily happening in Nebraska. But what I am saying is that if it can happen in Iowa, it can happen in Nebraska. Furthermore, basic accountability and ethics rules are not just about preventing any wrongdoing from happening. They are also about ensuring public trust with high-level officials by limiting the potential of wrongdoing from even being possible. So these are the two pieces of the bill that I have and I will yield to other senators or ask them to describe their bill starting with Senator Andersen, would you answer a question?

DeBOER: Senator Andersen, will you yield?

ANDERSEN: Yes.

MURMAN: Senator Andersen, would you be able to give a brief summary of LB378?

ANDERSEN: Certainly. Thank you, Mr.-- Chairman Murman. Good afternoon, colleagues. I rise to speak on Section 13 of AM1440, which represents my bill, LB378, as amended by AM825. I want to begin by thanking Chairman Murman and the members of the Education Committee for including this measure in the, the committee package. I also extend my appreciation to University of Nebraska System Dr. Jeff Gold and Mr. Matt Blomstedt for working closely with my office to refine this legislation into the practical commonsense, consensus-driven policy you see before you today. At its core, LB378, as seen in Section 13 of AM1440, is about transparency. It requires public and private 2- and 4-year institutions in Nebraska to report biannually on certain funding they receive from foreign adversarial sources, whether through contracts, gifts, grants, or donations. These reports will be submitted to the Coordinating Commission and made available to the public on its website. Importantly, the bill explicitly excludes tuition payments for individual students and represents confidentiality protections under federal and state law. When I first introduced LB378, the goal was to ensure we shine a light on financial relationships between Nebraska institutions of higher learning and governments or entities identified as adversarial by the federal authorities. This is not about singling out any particular institution. Indeed, I have never alleged any wrongdoing on any part of any of the Nebraska colleges or universities. Rather, it's about protecting the intellectual assets, our students, and our tax dollars by ensuring we know where certain outside influences may be coming, coming from. Fiscal concerns addressed-- additionally, originally the fiscal note was, LB378 raised legitimate concerns. University estimated a cost of \$195,000 per year, citing staffing, legal, and data management burdens, tied to the original quarterly reporting structure and broader definitions of reportable funds. We took those concerns seriously with AM825. We made substantial adjustments, reducing the reporting frequency, limiting the scope to the adversarial sources as defined by federal regulation and routing reports through the Coordinating Commission instead of the Attorney General. I'm pleased to share that these changes that the University of Nebraska System has indicated that they no longer anticipate any fiscal impact under the current language. That's a, that's a win for good governance, achieving transparency without overreach, and enhancing oversight without creating unnecessary burdens. In closing, colleagues, in a time when transparency and vigilance is more critical than ever, LB378, as seen in Section 13 of AM1440 offers us a prudent and principled path forward. It does not disrupt the educational mission of our institutions, nor does it impose unnecessary costs or bureaucracy. What it does is reaffirm our responsibility to taxpayers,

to students, and to our state and national interests to ensure foreign adversarial influence is not quietly shaping our academic landscape. Thank you, Chairman Murman.

MURMAN: Thank you, Senator Andersen. Senator Dungan, would you yield to a question?

DeBOER: Senator Dungan, will you yield?

MURMAN: Senator Dungan-- or excuse me.

DUNGAN: Yes.

MURMAN: Senator Dungan, would you be able to give a brief summary of LB408?

DUNGAN: Absolutely. So LB408 represents a bill that I brought this session as well as 2 years ago. It actually made it into our education package 2 years ago but unfortunately was struck at the last minute I think on Select File for a couple of different reasons. What it is is it creates a program of forgivable loans for special education teachers. This bill was originally brought in an effort to address the acute problem of not having enough special education teachers in Nebraska. As we know there's not enough teachers across the entire state, but this was a specific problem where there were not enough special ed teachers to literally fill the classrooms. And so we realized we have to do something now to address the pipeline of more of these teachers getting involved in the program. So the intention of this is to create forgivable loans that are run by the Nebraska Department of Education. The Nebraska Department of Education worked with me in writing the bill both last time and this time. And it effectively allows an individual at an eligible institution to apply for these forgivable loans, they only can apply for these loans once they've already exhausted all other means of scholarships and grants, and then if the loan is granted, they then sign a contract, and that contract requires them to work for up to 5 years to pay off their loan at 20% forgivable loans per year, or the amount of years that they actually took the loan. The idea being we want to keep them in Nebraska working here. The bill had a very small fiscal note originally, given the very few amount of people this would affect. Ultimately, that fiscal note is taken down to zero from the General Fund impact by virtue of using leftover money that would come from Senator Spivey's bill, which I anticipate other folks will hear about later. So zero fund-- zero dollar General Fund impact and encouraging more folks to become special ed teachers to address an acute problem.

DORN: Thank you, Senator Dungan. Senator Andersen, you're recognized to speak. Senator Andersen waives. Senator Brandt, you're recognized to speak. Excuse me, Senator Brandt, wait. Senator Spivey, you're recognized to open on your amendment.

SPIVEY: Thank you, Mr. President. So I do have an IPP up and a couple other priority motions just to help structure debate, I do plan on withdrawing. And my bill is actually a part of this package, LB306. And so I wanted to make sure I got some time up front before we get to other amendments and some of the other motions and things as it happens. LB440 is my priority bill, and there is some information that is being passed out now to all of my colleagues just around the intention of the bill, what does it look like, and some data pieces. It is a bill that would provide 3 weeks of paid family medical leave for certified teachers and professionals within our system. This bill was heard before the Education Committee and it really had an impactful hearing. There were 18 folks in support, zero opposition, zero neutral. In terms of online comments, there were 129 in support and only 6 in opposition. And so LB440 establishes the Education Leave and Support Act to provide critical support for our teachers. We've had a lot of conversations in this body already this year around how do we retain teachers, support teachers, their pay, and other mechanisms. And when you talk about making sure that people have the resources that they need to navigate both professional and personal events, this is what this allows. It would reimburse school districts for the cost of long-term substitutes for teachers during their first 3 weeks of certified teachers' family and medical leave. And I'll talk a little bit more about what FMLA is just to make sure we're all on the same page. It would cover the costs of that actual teacher's pay and then it would allocate unused funds to be used for teacher retention and recruitment as mentioned by Senator Dungan's bill as a pay source. You cannot plan for significant life events, and this bill will allow for teachers to take care of their health and while still being able to maintain employment, they don't have to choose. And so I want to make sure it's really clear what FMLA is and what it isn't. You cannot take FMLA because you have a cold or you want to travel Europe and see the world. FMLA is actually a federal protection which entitles eligible employees of covered employers to take unpaid, job-protected leave for specific family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. You should be getting a chart, if you haven't already, around the different types of leave and how FMLA works compared to how my bill works as well. Eligible employees are entitled to 12 work weeks within a 12-month

period for a birth of a child, to care for a newborn within that 1 year, the placement with the employee of a child for adoption or foster care, within that first year for an employee's spouse, child, or parent who has a serious health condition, a serious health condition that makes that actual employee unable to complete essential job functions, and then a qualifying existency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty, which there is a carve out and a specific language around active military. And this is really important because it helps to prevent teacher burnout and turnover. It strengthens our education workforce which, again, we've talked about a lot in this body. It promotes long-term savings by reducing the cost associated with hiring and training new teachers due to preventable attrition, and invests in the stability of Nebraska's classrooms, really benefiting students in our communities statewide. And so with this policy, it would establish a 0.35% payroll fee for the teachers on taxable wages, which is matched by school districts. This would start January 1 of 2026. This is about an average of \$20 a month per teacher, for each teacher. It would then create the State Education Leave Fund administered by the Department of Education, which then they would do the reimbursement and manage the processes. This would allow teachers to take FMLA without exhausting their personal leave or sick leave and stay in their profession. So just as a reminder, if you are at an eligible employer, you have 12 weeks of FMLA. It is unpaid. This is saying that for those certified, qualifying events under that federal protection, you have 3 weeks paid so that you don't have to choose between your job and that major health event. So negotiations around this bill started earlier this year and it included a couple other conversations. Specifically one that I wanted to highlight was just the pay-in for teachers and districts on the retirement package. We know that that has been lowered, that package is moving, and so this, again, has the payroll tax for teachers that are matched by the district so that there is some balance there so it does not become an unfunded mandate and it doesn't require districts to use their other fiduciary power to provide this program. So I want to get ahead of some feedback and conversations that we had on the floor and just uplift for everyone since they were not in that conversation that collectively this would generate about \$10 million in revenue, 5 from each stakeholder that would pay into this fund. There was an actual science behind the calculation of 0.35 that was dependent on my original bill, which was 6 weeks of paid family medical leave for certified teachers and professions, which has now been negotiated down to 3. And so there's more than enough based on that calculation at the 0.35 to cover estimated FMLA because that percentage was based on

actual usage of FMLA from the years of '23 and '24, that school year, and then that was multiplied by the cost of the sub and divided out by the wages of the teachers. So there is a rhyme and reason to the math that we have in front of you. This is about 0.2% of a district's budget. This would not create or add to the sub shortage. Teachers are already taking FMLA, it is just unpaid. And so-- and then they are potentially leaving the profession if they're going to have to make that decision based on that significant health situation or circumstance that they're navigating. And so teachers are already taking it. We're saying stay in the profession. We recognize that you are a full person and that you need to be able to balance really significant personal unprecedented health concerns while not just giving up your career. There are other states that do have paid family leave. There are 13 others, including D.C. And there was actually a study done in 2023 by the Department of Labor for Lincoln that showed 44% of businesses offered some type of paid family medical leave. About 8% offered it to some employees, and about 37% offered it to all employees. And so this is happening in both the public and private sector, as well as NAPE just negotiated around paid family leave as well. And so I've had a couple of conversations as I mentioned earlier on the mic around some potential amendments specific to my part of this bill, which I am committed to working on the language between now and Select as this bill moves forward. So you have to have 50 or more employers to offer FMLA and so it would be a technical change to my portion that says any districts that have 50 or less or 49 or less would not be subject to this type of benefit because they do not offer FMLA now. And so that is a place that I know some people have some concerns. There are about 11 districts in Nebraska that would qualify and that would be updated with that language. And then, lastly, this is for any certified professional in the school, so that would include counselors for example. And so right now how the language reads, that is not very clear and so I would update and have an amendment for that so that you know that it's for any certified professional not just teachers in the classroom. And so, again, I have a couple of measures up just to ensure that debate is structured, how it happens. There will be some conversations in an amendment up later around removing LB440, which I will let my colleague discuss why they don't want to ensure teachers have what they need around significant health events like new moms, people that have cancer. And I will end before I pull this motion with one of the testimonies and some information from the hearing. So Kim Turnwall came and testified and I will read this in her first person. She's a newly retired teacher. I taught 34 years with Seward Public Schools. I was asked to come here today to share my experience as a teacher and a wife and a mom and how, and how an

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effective state leave for teachers could have made a huge impact on myself, my family, and, ultimately, my classroom. My experience starts with a 7-year journey of my dying husband. My husband of almost 30 years suffered from a fatal disease called multiple system atrophy, which is described as severe form of Parkinson's and ALS combined. She goes on to say-- and I see I only have a minute-- that the beginning of the journey, her leave bank was full. Never again did I take that for granted as I knew that would be unplanned days that would find me back at the ER and hospital with my husband. She goes on to say that she lost time because she could not afford to take time off to be with her dying husband, that she can never get back, and how this type of bill would allow for her to not just choose her profession but really be alongside her husband in the process. Thank you.

DeBOER: That's time, Senator.

SPIVEY: Thank you, and I withdraw my IPP.

DeBOER: Without objection, so ordered. Mr. Clerk.

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

DeBOER: As the Clerk has mentioned previously, there is a committee amendment. Senator Murman, you are recognized to open on the committee amendment.

MURMAN: The committee amendment to AM1440 is that amendment that pulls all the bills that we have discussed together. And I'll yield the rest of my time.

DeBOER: Thank you, Senator Murman. Turning now to the-- we have one more amendment.

CLERK: Senator Murman, I have FA238.

MURMAN: I'll [MALFUNCTION]--

DeBOER: Without objection, so ordered.

CLERK: Senator, Senator Hunt would move to amend with AM1440.

DeBOER: Senator Hunt, you are recognized to open on AM1440.

CLERK: Excuse me. Sorry, Madam President, FA267.

DeBOER: Excuse me, FA267.

HUNT: Thank you, Madam President. OK, so FA267 strikes Section 12 from the Education Committee bill. And Section 12 is LB550. And it is a bill that allows for released time religious instruction. For some background on this, colleagues, this bill was included in the Education Committee package on accident. It did not have a majority of votes from the committee. Some miscommunication in our exec session resulted in it getting attached. And I will not support the bill if it is in the package. And, oh, big scary, Megan won't support it, what's new? I know nobody cares about that detail, but the bill is bad. LB550-- well, what I want to do is I want to share the opposition testimony from Dr. Charles Riedesel at the University of Nebraska-Lincoln. He came in-- we had a very long hearing on LB550. And we had a guy come in in support from this organization called LifeWise. I handed out quite a bit of handouts about LifeWise and what they are and who they are. And he came in, his name was Jesse Vohwinkel, the Vice President of Growth at LifeWise Academy. And he explained how LB550 would allow LifeWise Academy to come into public schools in Nebraska, which is part of their growth strategy as a business, to have students during the school day, during public school instruction get on buses, be taken off campus to a church or something for religious instruction during the public school day. And I can talk a little bit about how that business works and why this bill, LB550, is really special legislation. It's a bill that was drafted as a gift to one company called LifeWise Academy. Some members of the committee, Senator Lonowski is one I could think of in particular, in our executive session, were saying I don't think that if this passes, LifeWise is really going to be involved in Nebraska. I don't think they're interested in Nebraska, that's not what this bill is about. Folks were saying, oh, you're going to see just as many kids leaving for Jewish religious education, for Muslim religious education, for Catholic, for Christian, for all kinds. But my colleagues on the committee have forgotten what we sat through and heard during the hearing. Because during the hearing, LifeWise came in in support and talked about how they are going to be doing this in Nebraska. So I want to share some of the opposition testimony because it sort of outlines the point, I guess. So as I said, this is from Dr. Charles Riedesel at UNL. He says: I was handed a packet of promotional material for LifeWise Academy, which is seeking access to the Beatrice Elementary School. So once again, colleagues, and colleagues on the Education Committee, LifeWise is already trying to do this in Nebraska. They're seeking access to the Beatrice Elementary School and via LB550 and to many other Nebraska public schools. I carefully examined the promotional material, then dug into the LifeWise website and into reports from around the country regarding their practices and

reputation. My conclusion is that virtually everything they claim is deceptive, inaccurate, unsupported and shoddy. The 1952 Supreme Court decision which they use as justification for their pulling kids out of school being misinterpreted and could open them up to a lawsuit. I'll skip forward. LifeWise insists on using regular school time as released time religious instruction, ostensibly as to not conflict with extracurricular activities. Here's why. They make a show of taking kids out and returning them using red buses. So these aren't buses that belong to the school district. These are special fun red buses that, that if your kid is going to be doing this religious instruction, they get to leave school during the school day, go on the fun red bus, and they get uniforms, they get t-shirts to wear for free, which creates an isolationist perception for kids whose parents don't allow them to participate. The kids return from their religious classes during the school day with treats and goodies and promises of rewards for recruiting classmates. So what this LifeWise business does is they take the kids out of school on the fun red bus, they give them free candy, they give him free t-shirts, then they say to them, hey, if next time, if all of you bring a friend to church during the school day on the fun red bus, you'll get a popcorn party. This is like Avon, this is like Tupperware in the school. So they got to all bring a friend. The friends who aren't allowed to go are already feeling bad, because they're excluded, they're not on the fun red bus, they're getting the t-shirt. And now if they don't go with their friend to church during school, their friend doesn't get a popcorn party. So then they're ostracized even more. He goes on, there is a deliberate disruption of the school day when a third to 90% of students are pulled out of school time. That leaves few alternatives for the remaining students adding to the coercive pressure. This also creates gaps in instructional delivery for the teacher to navigate. Using early out or late start has been unacceptable because they wish to take advantage of school bussing. So this sort of just outlines-- I mean, this is-- I think that in any normal course of a session, a bill like LB550 would be seen for the radical piece of legislation that it is, taking kids-- like, be serious, taking kids out of public school for up to-- what, what did the amendment say-- for up to 120 minutes or up to 90 minutes or something during the school day to go to church and then come back and then meanwhile the kids that get go to church during school, they get rewards for next time they bring their friends. All of this is happening in a public school. I think that as a Legislature, we need to put a stop to this and say this isn't something that we want to have in the Education Committee package. So I've introduced FA267. It just strikes Section 12. That's the section of the bill that is this bill. It did not have the majority of support

from the committee. There was a miscommunication. And I confidently say members of the committee were misled and lied to into supporting this amendment to go into the package, this bill, and it just needs to come out. And so, colleagues, I would ask for your support of FA267, then we can move on to other parts of the bill to discuss. I also passed out this packet. It's the, it's the thicker packet that I passed out. And my pieces have the blue writing on them. This packet was shared by us by Dr. Charles Riedesel in the Education Committee hearing, and I only-- you know, we had a lot of opposition testimony. We were in there for hours listening to opposition testimony, as my colleagues will remember. And I'm sharing his work because he's a research professor at UNL, and he actually dug really deeply into the materials that were shared by the LifeWise guys and sort of debunked it. Like he kind of showed how the studies that he was sharing were not valid. The statistical analysis was unsupported, and so I share his material just because it has some scientific backing behind it, which you may or may not find convincing or interesting. But one thing I also want colleagues to understand is that Omaha Public Schools has expressly been identified as a target of LifeWise. There is a plan that LifeWise has their followers follow. It's 10 steps. It starts with collecting 50 signatures. And then everyone who signed the list watches a kickoff meeting online where they're asked to raise \$500 to show that the school is serious about having LifeWise come. Then they have to form a steering committee. And then they have to draft a plan for how LifeWise will operate locally. So what that involves is they have to decide what locations the LifeWise classes will be held. Typically, a church is used. If there's a church within walking distance, LifeWise will have the kids walk to that church during the school day. If not, then they have to find a bus or a van to take the kids. And then all of these logistics are put in a presentation that's given to the school. That's the phase that LifeWise is on with Omaha Public Schools. Beatrice is further along in their steps. And I can confirm that they've approached Beatrice Public Schools with Beatrice is not that interested in this. They do not really want to have LifeWise. But, colleagues, I just don't think that we should have the backing of the state behind a private business like this that is seeking to take kids out of the public school day for church. Obviously, parents can send their kids to whatever religious instruction they want to, but part of a public education in Nebraska does not include 120 minutes for church, it includes reading, writing, arithmetic, and bringing them up--

DeBOER: Time, Senator.

HUNT: --for a successful future. Thank you, Madam President.

DeBOER: Thank you, Senator Hunt. Senator Brandt, you're recognized.

BRANDT: Thank you, Madam Chairman. I'm not real thrilled with this bill, half of it is pretty good, and I've gotten 3 letters today from a superintendent at Tri County, a superintendent at Fillmore Central, and a superintendent at Thayer Central. And these are just 3 of the 14 schools that I represent. And I'm going to read Thayer Central: Dear Senator Brandt, I'm ready to share several concerns regarding LB306 and its associated amendment, AM1440, which is currently under consideration. As a superintendent of a rural district, Thayer Central Community Schools, I am deeply committed to ensuring sound policy decisions that support our staff, students, and community. Unfortunately, several provisions of LB306/AM1440 could have unintended consequences for school districts across Nebraska, particularly small systems like ours. Section 1, statewide leave fund, LB440, the proposal to create a leave fund that reimburses districts for substitute teachers during the first 3 weeks of an employee's FMLA leave raises both fiscal and legal concerns. While the intent may be to offer broader leave access, this policy mandates full salary and benefits during the leave period without requiring use of accrued personal or sick leave and abrupt shift from the current federal FMLA standards. Furthermore, the amendment's lack of clarity around whether reimbursements are based on local substitute rates or a uniform state rate could create significant disparities among districts. This is particularly problematic for rural districts that often must pay higher rates to attract qualified substitutes. This provision may also conflict with existing collective bargaining agreements already ratified for the '26-27 school year. If implemented without consideration for local negotiations, this would not only erode local control but also potentially violate contractual obligations. And I would say I've talked to Senator Spivey about this. She is more than willing to work on this. And I promised her that we could contact some of our superintendents, and they seemed very happy to work on this in the interim, and so I thank her for that. The next part of this letter is on religious released time. Allowing, but not requiring, districts to adopt policies for religious released time during instructional hours opens the door to considerable legal risk. Granting academic credit for religious instruction, in particular, challenges constitutional boundaries and raises serious equity and accountability concerns. Even as an optional policy, this provision places significant pressure on local boards to navigate complex legal terrain without clear guidance from the state. And this seems to be a theme, this seems to be the one item in here that all of the districts have a real problem with is excusing kids during school time. They, they feel

it kind of cheapens the class that they're getting out of. If you're using a shop class or a math class or whatever it is, and then they have the problem of disruption, when does that child come back? Where is that child? Who's responsible for that child? And they do not see this as necessary in any way, shape, or form, and I absolutely agree with them on that. When I went to school, and a lot of us went to school, Wednesday night was church night. If you had catechism class or something like that, the football coach knew that, everybody in the school system knew that, they tried to shorten your practice times so that you could get out and, and go to school. So I, I am opposed because of that and the next one, superintendent outside income prohibition. This section's prohibition on outside income for superintendents, unless specifically included in their contracts, presents constitutional and practical problems. It may be viewed as an overreach into individual economic rights and could deter capable professionals from serving in rural leadership roles where supplemental income is often necessary. Moreover, the amendment lacks clarity on enforcement mechanisms and consequences for violations, creating further legal ambiguity and potential conflict with the Nebraska's Wage Payment and Collection Act. A lot of my superintendents do work odd jobs, let's say. They may be a referee for football or basketball in hours when they are not working and so that would be in conflict with this.

DeBOER: Time, senator.

BRANDT: Thank you.

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

MURMAN: Thank you, Madam President. First, I'd just like to quickly answer a few of those things that weren't true that were just talked about. First of all, the school released time is not a mandate. It's only a "shall." The outside entity is totally responsible for the students from the time they leave the school. The outside identity can't come onto the school grounds. But I am going to have Senator Lippincott speak further on that, but just quickly, also core subjects aren't affected, and constitutionality of the bill, we did get a, a, a-- not a, not a legal opinion, but the Attorney General did say from his looking at the bill it is constitutional. And with that, I would like to yield my time to Senator Lippincott to talk about his part of the bill, LB550.

DeBOER: Senator Lippincott, you're yielded 4 minutes, 2 seconds.

LIPPINCOTT: Thank you. LB550, which is part of LB306 now, empowers parents by giving them a stronger voice in their children's education while equipping schools with additional resources to support student success through released time religious instruction, or RTRI. Through this bill, each school district may adopt a policy that excuses any student to attend a released time religious course for an hour a week. This bill would be at no cost to the school district, and as you can see from the fiscal note on the original bill, all study of any religion/character training would be off school grounds and all transportation would be provided either by a parent or a sponsoring entity. Any such program would only be allowable with written parental permission. The aim is to support families who seek religious education for their children while strengthening character education in our public schools, fostering a well-rounded and inclusive learning environment for every student. This type of programming is nothing new. There are currently 30 states with laws similar to this one, including South Dakota, our neighbors of Iowa, and Minnesota, and even states like California and New York. There's no liability to our school systems. The constitutionality of RTRI was affirmed in the 1952 *Zorach v. Clauson* case. The court ruled that such programs do not violate the establishment clause as long as it's voluntary, off campus, and it does not utilize public funding. We currently provide a breadth of elective courses in our schools, and this would not be an elective course, but an enhancement to character development programs. Schools are challenged each day to prepare students academically and behaviorally to succeed. And released time provides the opportunity for students to develop a stronger sense of morality and work ethic. It can lead to better academic performance and can help schools by decreasing behavioral issues. Most religions emphasize similar core character traits that promote moral living in strong communities such as compassion, honesty, respect, self-discipline, gratitude, humility, forgiveness, perseverance, generosity, and justice. These traits contribute to a well-rounded ethical society. This can also help students perform better academically, have fewer behavioral issues, and be less likely to have truancy issues. If students are allowed this additional educational opportunity, the positive outcomes for students would aid in reducing the time that teachers are spending addressing behavioral issues in the classroom. Again, to highlight this bill, any school district may create a policy with the parameters being anywhere from 42 minutes to 120 minutes a week. We wanted to give the flexibility while allowing for transportation time. And it is my understanding that there are now special class periods lasting only 20 minutes, which would not allow for transportation time, but we also know that block scheduling also might be hard to work around. So

that's why we have that range so the school district can make a policy that best fits them. Children will not miss core curriculum time. This originally was not spelled out in the bill. We assumed that the school districts would write the policy in good faith. However, it was the request of some in the committee that this--

DeBOER: Time, Senator, but you are next in the queue, Senator Lippincott.

LIPPINCOTT: Thank you. However, it was the request of some committee members that this be placed as a guidepost in the bill so no child will miss out on core curriculum time to attend an RTRI program. Additionally, written parental consent, this makes it an opt-in program. Parents have to expressly want to have their child attend one of these programs. No child will be swept up and allowed on their own to attend. This is the parental rights piece. And, lastly, no school district funds are to be expended. What I want to make clear is that we are giving school districts the ability to create this policy and any school district that chooses to have a policy on the books won't immediately have programs popping up to do this. And any program that does not-- that does pop up will have to meet the requirements the school district puts forth. Any program that tries to do this will be community-led. Thank you, ma'am.

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

KAUTH: Thank you, Madam President. I rise in opposition to AM1440. I have real concerns with school districts or, or teachers' unions asking the state to weigh in on what is essentially a labor issue. When we start having a union ask us to force the people they're supposed to negotiate with to give them added benefits, I think we're putting our thumb on the scale. To me, asking for FMLA pay needs to be something that is a negotiated benefit between the teachers' union and the districts. And the same with, with Senator Dungan's bill, the, the phrase extra money left over, there should not ever be extra money left over. That is from taxpayers. It's not left over to fund every little thing. And while I agree we need special education teachers, again, I don't know if we want to have the state start paying for teachers. This, this all seems to be leading towards a, a cry for the state to completely take over education and take over the property taxes with it to make all of the decisions. And I, I think that if people would stop and think about asking the state to weigh in on labor discussions, they would realize they are really asking for the state to just take over. And I don't think that's where anyone wants

to be. And I also want to speak to the competitiveness. Districts can use these issues to compete for teachers. That's an important part of building a strong school district. Now, I personally think Millard is the best school district in the state, and I know there are people who disagree, but one of the things is they work very, very hard to find those things that our teachers want and our teachers need. So rather than asking the state to weigh in and force a district to pay more money or give a benefit, I'd like to request the teachers' unions to talk with your districts. And each teachers' union, I think Millard has his own union, I'm not sure if everyone else does, but should be talking to their district to say, hey, here's what we need, what can you give us? So, again, I, I rise in opposition and primarily for those reasons. Thank you.

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

GUERECA: Thank you, Madam President. Yeah, I'm going to rise in support of FA267. Creating time for a specific vendor to be able to take 120 minutes, I believe, of our kids already packed calendar or school days, that's asking a lot. And, I mean, I was able to go to catechism, I don't think on Wednesdays like Senator Brandt, I think mine were on Mondays where we went to catechism and I think it was just fine. I think everyone in this room was able to go to their sort of religious institutions. The evenings are on Sundays. Let's not-- and if I'm not mistaken, you could already pull your kid out if you wanted to for whatever reason, including religious institutions-- instruction, sorry. Yep. I'll talk on LB440. I believe there's an amendment coming to strip that out, so we'll, we'll talk a little bit about that then. I keep hearing the scary word unfunded mandate, ooh. Well, folks, people have babies in every corner of this great state, people get hurt in every corner of this great state, FMLA is already federal law that these people can take. And guess what, they got to find a sub, that's going to happen anyway. But we'll talk more about that at that time. Thank you, Madam President.

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

JUAREZ: Thank you very much. Senator Lippincott, I'd like to ask him to yield to a question, please?

DeBOER: Senator Lippincott, will you yield?

LIPPINCOTT: Yes.

JUAREZ: OK, thank you. First of all, before I get started, I wanted to say I don't know yet how I'm going to vote on this bill. And so I'm going to continue to listen and ask more questions before I make a final decision. But, Senator Lippincott, one of the concerns that has been raised to me in regards to LB550 is section (6) of the bill, which reads, "Any person or organization aggrieved by a violation of this section may bring an action against the school district responsible for the violation and seek appropriate relief." So, obviously, the concern that has been raised to me by the school districts is that they really want to completely remove that section of the bill and I just wondered if first could you just give some comment to this section and, you know, why did you think that this had to be a part of the bill?

LIPPINCOTT: To my understanding, whatever entity, let's just make one up for instance, let's say the "First Church of Smallsville" is going to host off-campus education. So when they pick the child up from school, they provide the transportation, the education, transportation back to school, so they accept all liabilities. The school assumes none.

JUAREZ: OK, so would you be in agreement to removing section (6) of this bill because of the school districts being so concerned about a lawsuit which, of course, means that the taxpayers would be the ones who would pay for that? What are your thoughts?

LIPPINCOTT: Yeah, I will certainly look at that more closely, but as I just said a few moments ago from my understanding, the entity that hosts these students, they provide the liability.

JUAREZ: OK, I think that we need to give a serious look at this and whether or not we need to have it more explicitly state what you're saying so that the school districts are not concerned about their liability because I honestly don't think it's that clear. Thank you.

LIPPINCOTT: You're welcome.

JUAREZ: The other thing that I would like to say about this serving on the Education Committee and being in the hearing was that it was absolutely amazing to me that we were going to have this considered in our school districts. And, of course, all the superintendents have told me that they don't want it to be a part of their school day. The ones that are in my district have explicitly stated that to me because, of course, they want the time focused to be on the core curriculum. And they want religion to be a focus after school. And the

one thing that I am very concerned about, and I raised this up in our committee meetings, is that although LifeWise has come up with-- as one of the entities that is interested in this program, I made sure to be explicit in my views that all religion entities who wanted to participate would be able to. And I reminded folks that one of the groups that came to the hearing was a Satan group. So they would also be allowed to participate in this program. And I want to make sure that all the religious entities, if this bill passes, that they're going to have access to participate in the programs like everyone else besides the main religion. And I am very adamant on wanting to make sure that there is equity to all the religions that are out there, that they'll participate if this is the route that we're going to go. But I don't think that it's the right step to take. And I agree that religion should be outside the school day. Thank you and I yield the rest of my time.

DeBOER: Thank you, Senator Juarez. Senator Clouse, you're recognized.

CLOUSE: Thank you, Madam President and colleagues. I'm glad to see that the pages are getting some rest. I have never seen such a beehive of activity from when this bill was opened and the paperwork flying all over. So thank you, pages, you worked hard. What I want to talk about are the 3 things that I submitted and, and handed around to everyone. And the first one I'll talk about is the pie chart. And the pie chart is what I use for reference when we talk about what are we doing with taxes, what are you doing with the expenditures? And I refer back to this one, especially when we're talking things coming out of the Education bill. Because when you look at that pie chart, 66% of your property taxes in Kearney go to the schools. And so I take a, a, a very serious approach to what are we doing with our schools, what drives up costs, what are we doing to help them lower their costs, and just anything that the action that we take at this level, at the city level, at the county level, how does it impact our school? So I just handed that chart out so that the body could understand where I'm coming from when I'm talking about property taxes. The other 2 papers that I handed out were notes that I'd received from a couple of superintendents in my area. Now, I purposely blocked out their names just simply, you know, for protection because, obviously, they make some comments that maybe not everyone would agree with. And, certainly, a lot of their staff would not agree with it necessarily either. And that's the role of the superintendent, they have a tough job. But in these 2 documents, they touch on all these issues in this bill. So when I make a reference or have a point of reference for a decision that I make, it's who do I trust and what are they telling me and what am I, what am I hearing? So when you read these documents,

they're both very common themes that I'm hearing from them. And one's from a very small school and one's from a pretty large school. So it's, it's a common theme. So as I sit here and listen to the discussion, that's, that's what formulates my baseline for where I'm at on these decisions. So I'd encourage you to read through some of those and I'm sure everyone's got those from their school districts as well. We have a lot of things going on in the last few days, and it's unfortunate that we get called out in the lobby as often as we do, because I really do enjoy listening-- well, I shouldn't say enjoy, I really do sit here and listen to all the comments and the discussion and debate. There's good things in everything that's said. And so I apologize if I've missed some of the dialogue that's been taking place here in the last 45 minutes. But I just wanted to share what these documents were, and my point of reference and where my starting point is on a lot of these things. And, and when we get to Senator Spivey's bill in a little more detail, I will have some questions for her, but we'll talk about that later. I yield the rest of my time. Thank you.

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

FREDRICKSON: Thank you, Madam President. Good morning, colleagues, or not good morning, jeez, good afternoon, colleagues and Nebraskans. So we've got quite a big committee bill in front of us today that's a bit of a doozy. So my understanding is the underlying, or the vehicle for this bill, LB306, is actually pretty much kind of a bit of a cleanup bill for higher education. So I certainly support that. With the amendment where we bring in all the other bills is where I certainly have a lot of concern. I was listening to Senator Hunt's opening on her FA267, and that actually got me doing a little bit of research on this LifeWise program. And I know there was a handout placed on this that specifically calls this program out. And there, there, there, there are fascinating stories here. So one, one thing that I wanted to highlight and uplift that, that I think is incredibly problematic about these types of programs is that there are school districts that have this where if there are a number of students who decide to attend this, there are teachers who will then pause curriculum for the students who aren't going on this. So if a bunch of students are out, they will have to pause the teaching for the students that are left behind there or they'll have to reteach it for those students who are out. So how, how is that in any way, shape, or form fair to all the students? And we're talking about public education to be clear. I wonder if Senator Lippincott would be willing to answer a question?

DeBOER: Senator Lippincott, will you yield?

LIPPINCOTT: Yes.

FREDRICKSON: Thank you, Senator Lippincott. Are you aware of any organizations in Nebraska that are not evangelical Christian that do this type of program?

LIPPINCOTT: You mean currently?

FREDRICKSON: Or that, that, that would offer this type of program?

LIPPINCOTT: No.

FREDRICKSON: No. OK. Thank you, Senator Lippincott, that's all.

LIPPINCOTT: Yeah. Thanks.

FREDRICKSON: Yep. So I, I want to talk about a bit of the elephant in the room here. And I'm starting to get really frustrated because this has been a theme throughout a lot of the session. But all of these programs and a lot of the bills we pass in here are focused on one religious perspective. And we have Nebraskans of diverse religious beliefs. Many of you in here know that I'm in a mixed-faith marriage, for example. And we have pushed forward bills that directly violate other faiths. We've got another bill this session on anti-Semitism. The Jewish community in Nebraska was never consulted on that bill. So on the one hand, we're acting like we respect all this diversity of faith and diversity of religion, and then we're pushing forward bills like mandatory internments for fetuses that directly interfere with other faith practices. Speak with people who identify as other faith perspectives and ask yourself if your piece of legislation is infringing upon their beliefs and their practices. You can speak to my family. But it's incredibly frustrating. And programs like this that are going to leave behind kids in school who do not practice evangelical Christianity, and then their teachers are going to have to reteach different lesson plans, this is not serious. This is not what public education is for. This is why we have private education, private schools. Go to a parochial school, do CCD. There are options available, but it's not your right to trample on people of other faith just because you believe your faith is superior. It's frustrating. I have one of the most religiously diverse districts in the state. I have the only Hindu temple in the state in my district. I have most synagogues in the state in my district. And my constituents reach out to me all the time. We're not legislating for everyone in our state. It's one perspective, and we've got to stop it. Thank you, Madam President.

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

J. CAVANAUGH: Thank you, Madam President. Well, I think I'm in support of FA267. I'm not sure where I'm at on AM1440 yet or LB306. It sounds like there's a lot of moving parts here. So I-- Senator Brandt made me push my light because he was talking about catechism, is what he called it, but religious ed is what I call it. I think it actually technically has a different name now, but my kids go to religious ed on-- oh, no, we called it CCD, now it's called religious ed. There you go. But they go on Wednesday night. As I said, my daughter got the best student in religious ed this year award on Wednesday nights. So this is already available, something people do pretty regularly. I'm able to execute on it myself, even though I'm here all the time. My wife takes them. But-- so it's, yeah, something that's already existing. I don't know why we need to do this. But I appreciate the conversation with Senator Lippincott and Senator Juarez. And I wondered if Senator Lippincott would answer a couple more questions along those lines?

DeBOER: Senator Lippincott, will you yield?

LIPPINCOTT: Yes.

J. CAVANAUGH: So I heard your conversation with Senator Juarez, and I'm looking at the amendment. It's page 9 at the very top, and Section 6 of-- well, it's subsection (6) under Section 13 [SIC]. It says: Any person or organization aggrieved by a violation of this section may bring an action against the school district responsible for the violation and seek appropriate relief for purposes of this section. And you talked about that the, the organization was liable, but this sounds to me like an organization-- so we'll use OPS as an example because that's my school district. If OPS does not take up the opportunity to allow for this, could an organization sue OPS if they feel aggrieved?

LIPPINCOTT: Could what?

J. CAVANAUGH: Could, could this "life watch" or whatever the organization is that people are talking about, could that organization sue OPS if OPS refuses to let them come into the schools or to take kids out of the schools?

LIPPINCOTT: To my understanding, no. But if I might just add a note with Senator Fredrickson, this bill does allow other religions, not just--

J. CAVANAUGH: OK, well, I'll get to that, that part of the question. So you're saying that if-- so OPS, if they create a procedure, they have to follow this bill. Is that right?

LIPPINCOTT: To my understanding.

J. CAVANAUGH: Well, it's your bill. Is that your intention?

LIPPINCOTT: No, as I said-- stated earlier, whatever entity has this, it's, it's like a marriage. First off, the community, the-- whatever church or organization that hosts this, they accept liability. The school has to agree to that. The school has to agree to whatever entity that is.

J. CAVANAUGH: Right.

LIPPINCOTT: So the school and the entity, they're both in agreement that they're going to have this program.

J. CAVANAUGH: OK.

LIPPINCOTT: And so that entity then they accept the liability for those students.

J. CAVANAUGH: Sure, but that's a different part than what I'm talking about. What I'm talking about is this part where it allows that-- your entity, your religious group, to sue the school district. That's the section I'm talking about. And so I guess I'm asking, what purpose does that serve? Why is that here? If, if OPS can choose not to, to undertake this, what couldn't they be sued for?

LIPPINCOTT: Yep. We did just ask legal counsel for the Education Committee to look at that. And I haven't gotten a word back from them yet. But I want to give you a clear answer, because that's a good question.

J. CAVANAUGH: OK. So-- well, thank you, Senator Lippincott.

LIPPINCOTT: You're very welcome.

J. CAVANAUGH: So, yeah, the question is, there is a cause of action in here that says they can be-- that a school district can be sued if

someone feels aggrieved. And then it says that they can sue for actual damages, they can sue for preliminary or equitable declaratory relief, and they can get reasonable attorney's fees. So, you know, we've had a number of times here where we've talked about litigation in this legislative session. And we have taken away a lot of people's abilities to litigate, to sue financial institutions for mismanagement of their information. And one of the arguments was full employment or it would cause lawyers to look for lawsuits if we covered attorney's fees and things like that. That's what we're going to have here. We're going to have an opportunity for a lawyer. So I don't know, I mean, maybe this is something that a lawyer should be in favor of because it'll create a whole lot of opportunities for lawyers to be suing school districts and getting attorney's fees and damages. So-- but, again, we don't know what purpose it serves or the intention it serves in the bill. So at the moment, I still support FA267 because I think the current system where I take my kids on Wednesday night at 6:30 works fine. They're getting a great religious education through that method. Thank you, Madam President.

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

BOSN: Thank you, Madam President. I rise in support of FA267 and in opposition of AM1440 for a variety of reasons, but among them, Senator Cavanaugh just pointed out, specifically relates to subsection, or excuse me, Section 12, subsection (6), which, as he noted, allows for any person or organization aggrieved by a violation to bring a cause of action. So you don't have to be a parent of a student in that school. You don't even have to even be an educa-- or a religious program that feels you've been aggrieved by a violation of this section. So while I understand and appreciate their intentions in subsection (4), which is on page 8, says: A school district may adopt a policy-- and I think Senator Lippincott's intentions were to, then, make it less of a "shall" directive and more of a "may" opportunity for schools that want it. The inclusion of subsection (6) removes any opportunity for schools to opt in or out, because any person can bring a cause of action. And in that, they can seek actual damages, equitable or declaratory relief, reasonable attorney fees, and other litigation costs. So that will be an enormous undertaking for the schools. But it also isn't even limiting this to parents who said, oh, I didn't want my student going on Wednesday mornings. I wanted them going on Thursday mornings. It could be, my kids have graduated high school, and I just wish the school did this program differently. So I think that that is-- that subsection, at a minimum, creates a whole host of problems. So I do rise in opposition of this bill, or excuse

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me, in support of the floor amendment and in opposition of the bill as a whole, and thank you, Madam President.

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

MURMAN: Thank you, Madam President. There's been a lot of misrepresentation of the bill so far. As far as the LB550 part of it, there-- that's Senator Lippincott's bill, it only allows for released time. It's, it's not a "shall," it's a "may." And as is mentioned, the entity takes total liability, and the entity can't come into the school. And, most importantly, the parents of whatever students would participate have to agree to their child participating. So if it was a Satanist group, and by the way, there were no Satanists that testified, but if it was a Satanist group, the parents would have to agree that their child, their student could go to the Satanist church or whatever it would be. The bill itself had, I believe, 13 testifiers-- proponents, and only 2 opponents, and LifeWise was only, I believe, on 2 of the, the testifiers out of the 13, so there were several other individuals and churches or entities that did testify. So there wasn't tons of opposition. There was actually tons of support and very little opposition. And the, the paid family leave part of it, this is-- also the teachers do pay into that part of it. So the teachers do have skin in the game on that. And, of course, there, there are no mandates in the bill. And then addressing the superintendent part of it, so superintendent income-- the superintendents can act as hearing examiners. They can teach at a postsecondary education institution. The, the only thing they can't do is another school-- get income from another school. The superintendents do have to register with the NADC as many other public officials in our state do, including the coaches at the university. They, of course, can be an independent contractor for noneducation work, and they can be an official referee or judge for an activity or sporting event sponsored by a school or activities association, of course they can do farming and ranching, receive income from that, leasing real estate, stocks, bonds, and other investments, and any other source that's not specifically stipulated in the contract for employment as a superintendent. So it does encourage superintendents to focus on the school district that they work for. We would like to see more of, of our limited resources going to frontline teachers. I do think we do spend more than we should for administration in the state. Like I said, I'd like to see it go more to the teachers. So what we're doing, and it's nothing against superintendents, but the, the superintendents would not be able to receive income from foundations also, so the superintendent will have to focus in a big way on their district because that's where they should be focusing if

they've moved up into the district or been hired by the district to run that school. That's where the focus of the superintendent should be. Thank you, Madam President.

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

DUNGAN: Thank you, Madam President. Colleagues, I just wanted to speak briefly to a couple of points here. First of all, I do rise in favor of FA267 and I'll talk about that in a second. But I'm also in favor of teachers having access to the paid family medical leave, in general, as a concept. I want to push back a little bit on what Senator Kauth said earlier with regards to a concern that the state is going to take over our schools. The state is in charge of our schools. It is a state function, so I have no issue with the state being involved with our schools, in addition to that, you know, Senator Kauth and a number of other folks were in favor of the state getting more involved in our education during the special session when the Governor was talking about the need for the state to continue funding our schools at a higher rate. So I just think it's interesting that we're OK with the state being involved in our schools for certain reasons, but not when it comes to giving teachers paid time off when they're sick or pregnant. In addition to that, I do have concerns surrounding FA267, or the issues that it brings up, rather, specifically as it pertains to truancy. So for those who are not as familiar, Nebraska Revised Statute 79-209 is the statute that governs our compulsory attendance laws, and within that, essentially, somebody can become truant if they have more than 20 unexcused absences. And the current state of that law is that an excused absence generally means the school has given you their blessing to be gone, but the, the current state of it essentially is only that they can do so with a medical note. So if you are a parent who calls your kid in sick, and some of you may have seen this actually where you call a kid in sick a number of days, that does not count as an excused absence. If you are a parent that calls in to the school and says I'm keeping my child home today for x, y, and z reasons, it gets marked down as parental, you know, called in. It does not get marked down as a medical note absence, therefore it is not an excused absence. So if you were to, say, have a child that has chronic health conditions and you can't afford to go to the doctor each time they have some flare-up of said chronic condition, you call, say hey little Johnny is sick again, I'm sorry he can't make it, that's an unexcused absence. And if they have a chronic condition that goes on for a long period of time and you continue to call them in, you will potentially get a truancy referral. Now the law has been modified to say that the illness cannot be the basis of the referral, but certainly an excused absence is only

excused with that doctor's note. What I find, I guess, alarming about this particular provision, as contemplated by LB550, the, the Senator Lippincott portion here, is there is, I think, an effort being made to address the issue of an excused absence. If you look at page 8, I think it says: For any period of time a student is excused, essentially-- my computer is acting up here-- for any period of a time that a student is excused from a school district to attend a released time course in accordance with this section, each student shall be considered as attending the school from which such student is excused for the purpose of determining school funding and satisfying attendance requirements. There's no cross-sections there that specifically reference the compulsory education statutes, and those are very complicated. There are multiple sections of law and entirely separate chapters that reference truancy and when you can be adjudicated as a 3-B truant student in juvenile court. So it's a very complicated area of law. I don't think that that provision is probably sufficient to address some of the issues as it pertains to what is an excused absence and what is, what is not an excused absence. But even if it does, I find it concerning that this creates a weird carve out. So if you're a parent and you call in and say that your child is going to be at home that day with you, that's unexcused. But if a child is participating in these LifeWise courses, or whatever they are, that would be excused. And so I think you create this disparity and this discrepancy where, yet again, I think to Senator Hunt's points, you are essentially providing an added benefit to a student that participates in this very limited program that is not also imbued upon students who stay at home because their parent asked them to. And so I think we're creating just caveat after caveat and carve out for these students. And so that's part of my objection. I would agree with some of the comments that have been made by others with regards to the specificity of this program and the concern that I have about that. But in reading the law and in reading this particular provision, truancy issues seem to be implicated and it seems inappropriate for us to create a very narrow carve out when it comes to excused absences for folks that are participating in these kind of programs. So I do rise opposed to that portion, so I'm in favor of FA267, and there are other provisions of the bill that I do support. Thank you, Madam President.

DeBOER: Thank you, Senator Dungan. Senator Riepe, you are recognized.

RIEPE: Thank you, thank you, Madam Chair-- President. I've sat here for the last couple of days, haven't said a lot, because I didn't feel like I had anything to contribute. I think at this point in time, I only come from a standpoint that I did serve as a member of a school

board. And that was a very learning experience for me. I also have 2 school districts in my legislative district. And that happens to be Ralston and also Millard. And both of them are very attentive to their students and to their community and to their families and I respect and appreciate that very much. I've sat here and I've worked hard to try to identify some pieces in this particular, if you will, Christmas tree legislation piece, and I have yet to find one piece in here that I really can, can get excited about. I think from a matter of family leave, as far as I'm concerned, from a school board member, it's a negotiating piece. It's not something that the state needs to impose. And, quite frankly, something that we have to fund. And I'm a firm believer of what you do for one, you do it for all. And so if we do this for education, we probably need to do it for hospital workers and we need to do it maybe for a lot of other people. I also have a real concern about a red bus showing up at school. I want the kids in school learning about reading, writing, arithmetic, and the things that are basic and civics even, if you will. And I also find that it has a high potential of being very discriminatory against other faiths, religious, or just spiritual beliefs. I also find that in terms of loan forgiveness, I think that as having been a hospital administrator, if there's a shortage of nurses, employers have to step up. They need to step up with childcare centers if that's necessary to recruit a staff, or that if they have a problem with shortages, then they need to fund some scholarships to recruit those personnel. I could go on a bit, but I think I've maybe irritated all of you enough so I will quit. And thank you, and I'll yield my time. Thank you.

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

LONOWSKI: Thank you, Madam President. I stand in support of LB550, and I'll give you some reasons why. Every morning on this floor, we have someone invited in to say prayer. We're all welcome. We've had someone from the Hindu religion, someone from the Catholic religion, some Methodists, some Baptists, on and on and on. When I was in the Army, we had a nondenominational preacher with us every day that said prayer. No one seemed to mind when we were in Afghanistan. The U.S. Supreme Court hires a preacher to say their prayer. So taxpayer dollars are going toward this man that says a prayer every day at the, at the-- in the U.S. Congress and Supreme Court. Why did we decide that school is a bad place to pray? Well, I'm going to give you a real quick reference. There was a U.S. Supreme Court justice by the name of Hugo Black back in the '50s, and because our media didn't do so good at following people, this guy that became Supreme Court Justice had previously been a Ku Klux Klan member. And he decided, well, as a KKK

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member, he hated African Americans, he hated Catholics, so once he was a Supreme Court Justice, he decided that church and religion, or excuse me, religion and school, church and school didn't match. A separation of church and state. So we've been onto that, and 1962 was the last time that we were reading any scripture or any Bible or anything in school. Now I also know that the Lord asks me to help people every minute of every day, not Wednesday night, not Sunday morning, but all the time. LB550 does not require any school to do anything. It gives them the option to create a policy. And I know it's difficult for different schools, but I also know that there's an absence in some schools. They might not have CCD or religious education on Wednesday evenings. And if people are paying attention, the bill stipulates that you will not use academic time, but it must be during your planning period or the study hall or time that the student has off. It also said they must have the parents' note saying that they get to be released at a certain time, picked up by a certain person, will be back by a certain time. And, again, it doesn't require any school to do anything. It asks that they write a policy if they wish to have a policy. Now once again, I know why we're called here, and it's not to always turn our back. I yield the rest of my time.

DeBOER: Thank you, Senator Lonowski. Senator Juarez, you're recognized.

JUAREZ: I'll waive my time. I'm sorry, I am looking for something. Yield my time.

DeBOER: Thank you, Senator Juarez. Senator Andersen, you're recognized.

ANDERSEN: Thank you. And thank you, Senator Juarez, for yielding your time to me. I rise in opposition to FA-- I was just kidding by the way-- I rise in opposition to FA267. I think religious education is still education. The released time religious instruction, the RTRI, I think is a great option. In my humble opinion, the removal of God and religion from society is a problem. We've had this challenge for, for the last number of years where we want to step away from God and you turn into a godless culture. So I think providing this alternative to parents and students to have religious education, I think is a positive. Kind of as Senator Lonowski mentioned, I appreciate at the start of our day, I appreciate the pastor regardless of whether it's a pastor or preacher of any religion, I appreciate their [INAUDIBLE], insightful words. I appreciate that [INAUDIBLE]. I also appreciate the Pledge of Allegiance, it allows me to have just a few moments of reflection before we start our busy day every day. I think it provides

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a, a good option for both parents and students. As everybody knows, there's no fiscal note and it provides a greater choice to the families and the schools. And for those reasons, I support-- or I'm opposed to FA267 and I support the RTRI effort. Thank you, Madam President.

DeBOER: Thank you, Senator Andersen. Senator Hughes, you're recognized.

HUGHES: Thank you, Madam President. I just wanted to stand up and say I, I do serve on the Education Committee, and Senator Clouse had come over and, and asked me a question, and I thought, you know what, I'll just get on the mic just in case other people maybe have the same question. Prior to this, I'd served on the, the Seward School Board. And the school board-- as a school board member, you have 3, 3 big things to do: create policies for school; basically, hire, fire the superintendent, set up their contract; and then go through the budget and approve the budget yearly for the school. So I just wanted to mention on this specific piece, the religious time instruction, schools today in Nebraska, any school district absolutely could do this policy right now. It does not have to be in statute. They have the capability of writing up the policy, figuring out a time that these kids can leave, you know, that's agreed upon, that doesn't take away from learning, whatever. They can do that today. So by putting this into-- you know, whether you put it in a statute or not, a school board could have a group come to it and set up that policy. So I, I just want to make that clear. So it's not like if this doesn't go through that they can't do it, that's not true. They can do it today. Prior to the bill, this bill was amended out with a "may" instead of a "shall." The original bill that we had the hearing on had a "shall," and so that was saying every school across the districts here in Nebraska had to make a religious time policy, which meant because it was "shall," any group that shows up at that school board that wants that-- wants to do that, you have to let them do it. And we got that amended to say "may." So right now it's a "may." A school board can create this policy or not, but I just want for the record that a school could do that today whether this is in play or not. Thank you. I yield my time.

DeBOER: Thank you, Senator Hughes. Senator Hunt, you're recognized.

HUNT: Thank you, Madam Chair. I, I know I have my clothes, but I wanted to read a letter from a constituent, and I just didn't-- I wanted to give enough time for that letter to be sure. So this is from a woman who contacted my office at 3:14, just 9 minutes ago. She

said-- she's a former teacher, she said: LB550 creates an accountability issue for teachers, administrators, school boards, and the state itself. Most glaringly, any time students are taken off school grounds, whether by teachers or other individuals, there are safety issues regarding the child's safe transport to an identified location, and safe transport when returning to the school grounds and reporting directly to the assigned location. This puts added unnecessary obligations on teachers, staff, and attendance personnel, as well as teachers and administrators should there be a missing child, issues with inclement weather, and unforeseen disruptions in the routine. Anyone who has worked in an elementary school or with busing issues knows how many things can come up with just transportation alone. Allowing such disruption, in addition to safety concerns, makes this idea a nonstarter. As a retired teacher, I'm frustrated with the idea that children, again, can be so easily opted out of the classroom, denying teachers they're allotted time to communicate their assigned curriculum goals that parents, administration, school districts, and the state will hold them accountable for. This is what's missing in attracting teachers to teach, the lack of respect for what they are paid to do. And she goes on: In addition, this bill is another back door to proselytizing in public schools. Why does it allow the providers of this program to sue a school district? What? Simply not acceptable in a democracy. Please do not allow this bill to advance with provisions for off-grounds daytime religious instruction. Thank you for considering my thoughts. That's from a woman named Carol [PHONETIC]. So thank you, Carol, for sharing that with us. I'll also lift up something that Senator Murman mentioned in his previous remarks. Yes, we did have the church of Satan come and testify in support of this bill because they are interested in starting a program to take your kids out of school during the day for satanic religious instruction. Under this bill, if this advances, that's something that, you know, I, I do believe that they will do. And I do think that there will be kids in some public schools who will be taken out of school by the church of Satan for lessons, because that's how the church of Satan operates, they're kind of provocative, they're trolls, they like to take laws like LB550 and show you what those laws really mean. If you are allowing kids to go with this business, this company, LifeWise, in the fun red bus with the free t-shirt for the popcorn party, yeah, they'll, they'll pick up the kids, too, and they'll have the children of parents who are fine with their kids going to Satanist religious education to prove the point. So, yeah, just look, just look at the, the road we're walking down here. Think about that. From an article in Slate, there, there was a big-- you guys can do a little bit of research on this. In Ohio,

there was a really big dustup with LifeWise, this company that LB550 was written as a favor to, this business, LifeWise. And this article says: LifeWise students are bullying their non-LifeWise peers by saying they're going to hell. Kids are feeling left out when their friends return from the program with chocolate, lollipops, and free t-shirts. Parents raise concerns about hiring practices. By the way, the, the people who are involved in LifeWise doing this education, colleagues, they do not have to have education training. They do not need to be licensed teachers. They don't need to be licensed childcare, anything. They can just be whoever, Joe Schmo, who wants to talk about Jesus to the kids. Parents describe kids who didn't opt into the Bible program being plunked into classrooms without instruction while their classmates are away. Quote, you know that there are good Christian people out there who think they are just sending their children to sing Jesus Loves Me and color pictures, said Molly Gaines [PHONETIC], a parents against LifeWise group member. Quote, and that's not what's happening. These kids are coming home and crying about burning in hell. LifeWise was also a sponsor this year for Turning Point U.S.A.'s Believers' Summit. And the Heritage Foundation and the Family Research Council, which are both Project 2025 signatories, have hosted LifeWise on their podcasts. Their funders include Patriot Mobile, which is a wireless company that funds conservative causes. So, colleagues, this isn't about-- thank you.

DeBOER: Time, Senator. Senator Juarez, you're recognized.

JUAREZ: Thank you very much. I just wanted to correct myself that I finally found, or my staff did, I got to give credit to for the sheet that I was looking for. And on February 24, someone came from the Satanic Temple of Nebraska, and it was on LB549. So I got my bills confused by one number, not LB550, it was LB549. However, that doesn't mean that the Satanic Temple, you know, couldn't possibly be a group that would want to participate in the religious education opportunities that we're thinking of giving to students. Because, like I said, once we go down this route and open this door, all religious groups are going to be able to participate if they have the interest, want to go before the school board, apply to be allowed time to have students participate in their program. Because there's no way, obviously, if we pass this, which I'm not recommending, but if this gets passed, you know, the schools are going to be-- have to be that much more cautious on how they're going to move forward with this. And, honestly, it's, it's why they don't want us to approve this. They want to focus on what they see as their primary purpose, which is to educate in our core classes. But I did want to correct what I said earlier. The sheet was found. I, clearly, remembered them coming to

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one of our hearings, but I just had the wrong bill, bill number, and I wanted to, to definitely clarify that. Thank you, and I yield the rest of my time.

DeBOER: Thank you, Senator Juarez. Seeing no one else in the queue, Senator Hunt, you're recognized to close on your floor amendment.

HUNT: Thank you, Madam Chair. And one thing I want to say to, to seriously remind you guys and especially my colleague Senator Hughes who, who just spoke, yes, schools-- yes, parents can take their children out of school now for religious instruction if they would like to. I'm sure there are many parents who already do this. That doesn't mean this bill, LB550, isn't harmful because that's not all the bill says. The bill also says in section-- subsection (6), "Any person or organization aggrieved by a violation of this section may bring an action against the school district responsible for the violation and seek appropriate relief." It has this cause of action. That's what makes the bill a little less benign than some people may think. It's not purely permissive. It also includes this cause action so that's a thing. That's something to think about. When you look at this company, this business, LifeWise, who this bill is for, it's not about allowing kids to go to church. It's not allowing them, as Senator Andersen said, to have a beautiful moment of reflection about "one Nation under God," as he does every morning here in this Chamber. It's about empowering a business with the endorsement of the state of Nebraska to take children coercively out of public education classes, put them on a fun red bus, give them free t-shirts, and have them pressure and bully their peers into coming to church with them during the school day. And if anything stops them from doing that, under this bill, any person or organization aggrieved may bring an action against the school district. So it's not that simple. It's not, it's not such a nice idea. In March of this year-- March of 2024, last year, one of the parent organizations in Ohio that I was kind of talking about, they received-- what, what happened in Ohio was that a school district had to take corrective action after an elementary school principal led LifeWise representatives all around the school during the school day, and allowed them to recruit elementary school students to attend their classes during the school day. They found out about this because a Hindu student informed one of LifeWise's representatives that they are Hindu, so they probably weren't going to do the class. This is during the school day. And then the representative from LifeWise responded, telling the student that they needed Jesus, and they have to ask their parents' permission to come to LifeWise classes or they risked eternity in hell. Does that sound extreme to you? Colleagues of mine on the Education Committee who said, oh, this isn't what's going to

happen in Nebraska, this is what happened in Ohio. It's the same company, it's the same business that you would like to give a platform to with sanction and support of the state. At a hearing regarding an Indiana released time bill earlier this year, LifeWise COO Steve Clifton bragged about how 82% of grade 1-8 students at one school district attended LifeWise. 82%. Imagine the coercive pressure if you're part of the 18% of students who did not attend the club during the school day. When you're left with busy work, or nothing to do at all in school because the rest of the class is leaving together and then they return with matching outfits and the promise of an ice cream party if they can convince you to attend next time. It's no surprise that bullying has resulted when all the non-Christian students inform their classmates that their parents won't allow them to attend. Now maybe for some of my colleagues that's the goal. They want non-Christian students, Hindu students, Jewish students, Muslim students, students who are nonbelievers to be coerced into accepting Jesus Christ by this company, this for-profit business, during the public school day. Many of you have said that much, and that's your right to think that. But for, you know, moderate thinking, reasonable colleagues who would like to protect public school as the institution that it is, as a place for learning that's open to all students, I urge you to vote for FA267, and we can move on to the other parts of the bill. Thank you, Madam Chair.

DeBOER: Thank you, Senator Hunt. Colleagues, the question before the body is the adoption of AM267 [SIC]. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays to place the house under call.

DeBOER: The house is under call. Senators, please record your presence. Those unexcused senators, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Bostar, Senator Kauth, Senator Dover, Senator Hansen, Senator Strommen, please return to the Chamber and record your presence. The house is under call. Senator Hansen, will you check in? Senator Kauth, will you return to the Chamber? The house is under call. Senator Kauth, the house is under call, please return to the Chamber. Senator Hunt, we are missing Senator Kauth, would you like us to proceed or wait? Thank you, Senator Hunt. We also have a vote in the middle, would you like to take call-ins? Mr. Clerk.

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CLERK: Senator John Cavanaugh voting yes. Senator Prokop voting yes. Senator Bostar voting yes. Senator Spivey voting yes. Senator Arch voting yes. Senator Hughes voting yes.

DeBOER: Record, Mr. Clerk.

CLERK: 25 ayes, 9 nays on adoption of the amendment, Madam President.

DeBOER: It is adopted. Mr. Clerk, for the next item. I raise the call.

CLERK: Madam President, Senator Hallstrom would move to amend with FA268.

DeBOER: Senator Hallstrom, you're recognized to open on your amendment.

HALLSTROM: Thank you, Madam President, members. I bring to you FA268 to AM1440, which makes revisions to Sections 24 to 26 of the underlying amendment. Students currently qualify for college scholarships and career opportunities based on the results of an ACT test result. Understand-- I understand that Senator Murman wants to assist homeschooled students. And while that is a laudable goal, the ACT results are a proven commodity, and other alternative tests such as the CLT, Classic Learning Test, are neither appropriate nor necessary. Those tests can be taken, but they should in no fashion be set on the same level as an ACT standardized test. Some of the concerns that I would express with regard to using the other college admissions tests have to do with test security. Many concerns have been raised regarding the CLT company, in particular, and that company is still rolling out new security features at the request of states which have not accepted but are only vetting the potential for use of that testing program. A CLT and other admission tests that are not as robust as the ACT utilize remote test proctoring to review video testing, which is less effective at deterring cheating than test centers with live on-site test proctors overseeing test takers. And those ACT tests involve live on-site exams, which are much more robust in terms of their protection of the integrity of the process. And I think that's basically the reasons why I believe that this amendment should be adopted. We should go back to the existing law, which recognizes the ACT and does not put those other tests on the same tier or level as the ACT test. And with that, I would ask for your green vote on FA268 to AM1440.

DeBOER: Thank you, Senator Hallstrom. Turning to the queue, Senator Hughes, you're recognized.

HUGHES: Thank you, Madam President. The only thing I did want to mention on this, I dug into this a little bit, the Classic Learning Test, CLT, there is currently the only college or university, I guess, in the state of Nebraska that accepts it right now is Concordia University, which interestingly enough is in Seward in my district. So they are the only entity that does take-- accept that test. And Senator Hallstrom is correct in that right now that test is actually not proctored or monitored and so I think the worry there is if somebody could submit-- if, if we start accepting this test at some of our university systems, is it truly the students' work or, you know, how that went about. Right now, it's not just the ACT, it's any standardized tests that are actually proctored that are accepted at the universities, and this is for to, to be able to get scholarships. So it's important that they are proctored, and I know there's been some comment of, well, the CLT is used a lot. It's for homeschooled students and things, and that, well, the ACT doesn't fit that. The ACT is math, science, English. I'm assuming that's what our homeschooled kids are learning also. So I guess I don't see that as a conflict of interest. And I know just from having three kiddos that went through the process and took the ACT each a couple of times, I-- even with my kids in the public school-- high school system, we had booklets with practice tests that they could practice for it. Those kind of materials would be very readily available also for a homeschool family. So I guess I don't understand maybe why we have to have the CLT on there, especially if it's not a monitored test. So that's just my opinion on that piece of it. Thank you.

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

MURMAN: Thank you, Madam President. This actually just opens up the testing that can be used for the career scholarships program to other tests that I should read the exact wording out of the bill, but any admission test equivalent to a standard college admission test. And, actually, this wording was brought to me by Chancellor Turman, the Chancellor of the State Colleges, and independent colleges are in support, and the Coordinating Commission of Postsecondary Education is in support, and the university is not opposed. But it only affects the career scholarships. It doesn't have anything to do, do with admissions. But, actually, some very prestigious colleges in this country including the University of Florida and Florida State do accept the CLT test and over 300 colleges nationwide accept that test for admissions and for some scholarships. It was mentioned that it is not a secure test. I'm going to read exactly what-- how secure it is. In every state where policymakers and higher education leaders have considered adopting the CLT, the SATs, and the ACTs, lobbyists have

argued that the exam is not secure. In particular, they have focused on CLT's remotely proctored option, a key service that we provide to rural and homeschooled students nationwide. The memo seeks to answer their malinformed protest. And the CLT is remotely proctored. And the exam is highly secure. Once a student enters the exam, all actions made on the student's computer are tracked and recorded by CLT's program, including the student's screen, every click, keystroke, physical movement, and sound made by the student. The student has to look directly at the screen, can't look away to background or anything like that. Prior to beginning the exam, students must move their camera to show the entire room and their desk, ensuring that they are alone and don't have any books or anything there that they could refer to. Contrary to proctoring facilities, which can have one proctor attempting to watch dozens of students, the proctored test of the CLT offers one-to-one scrutiny, so actually one-on-one. CLT complies and review data, including score and duration-- section scores and duration, historic test scores, testing behavior, and test location. A machine learning program compares commonality of student answer patterns and performance. New CLT test forms are created monthly. Students are required to read CLT's honor code aloud. If all instructions are not followed, then their test will be voided. In the summer of 2025, all RP exams will be administered using a locked down browser program created by Respondus. Find further details here. The CLT does not operate independent proctoring facilities. CLT administrators-- administrates its exams either in schools or via the remote proctoring system. For in-school administration, we partner with and train school employees to be proctors. This has proven to help CLT build strong relationships with school staff and homeschool families who see CLT as an integral part of their education offerings. It has allowed us to keep financial costs to students low. So I just want to emphasize that the colleges, the colleges, and the colleges accept the career scholarship are-- brought this to us. They, they favor it. It's used in a lot of other colleges, and it is very secure. I talked to someone that took the test just last night, and he said that he, he couldn't even look around the room. No one else could come into the room, it was very closely monitored. So there should be very high confidence in the CLT test, and our colleges have expressed that to us, and it's been expressed all around the country, and that's why it is used all over. Thank you.

DeBOER: Senator Murman, thank you. Senator Andersen, you're recognized.

ANDERSEN: Thank you, Madam President. I support FA268, and thank Senator Hallstrom for bringing the floor amendment. I appreciate those

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who, who can do something that I can't, and I certainly could not homeschool children. I do believe children who are homeschooled need to be held to the same standard as institutionally or a school, I don't know what you call it, public or private school children. ACT and SAT are the standard for testing for college entrance. I don't see any need to accept a different testing standard for different students. Standards should be the same and fair for all students. I'm supporting FA268 to keep ACT, SAT as a standard and not CLT. Thank you, Madam President. I yield my time.

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

MURMAN: Thank you. I see there's not a lot in the queue, so I just want to say again that it's brought to us by the colleges and they have high confidence in the test. Colleges all around the country have high college-- high confidence in the tests and I'd appreciate if you would vote no on FA268. Thank you.

DeBOER: Thank you, Senator Murman. Seeing no one else in the queue, Senator Hallstrom, you're recognized to close on your floor amendment.

HALLSTROM: Yes, thank you. I'm glad we didn't have to spend too much time on this, but we did have some good debate on both sides of the issue. I believe the right thing to do is to vote green on FA268 and would appreciate your support as such. Thank you.

DeBOER: Thank you, Senator Hallstrom. The question before the body is the adoption of FA268. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 5 nays on adoption of the amendment.

DeBOER: It is adopted. Mr. Clerk, for the next item on the bill.

CLERK: Madam President, Senator Lonowski would move to amend with FA269.

DeBOER: Senator Lonowski, you are recognized to open on your floor amendment.

LONOWSKI: Thank you, Madam President. Thank you, Senator Spivey and Tim Royers from NSEA for the work you've put into this. My amendment removes Sections 1-6 of AM1440. I would like to share my experiences with all of you. The school where I taught for 30 years had something very similar in place to what this is for several years, a community

sick leave bank. Each year staff could donate to the sick leave bank 1 day with the intention that if they were ever sick or there was a situation where they needed days back, they could borrow from this bank. With 70 teachers each throwing in a day voluntarily, that's 70 days per year that you could use. This is very similar to what is being proposed in the Education Leave and Support Act, just 0.35 of wages with the district matching that amount. This is from a superintendent in my legislative district. After seeing the philosophy and action of several years where people threw a day into the sick leave bank, here are the things we observed. Over the years, more days were built up than could ever be used, meaning more people added to this fund than ever could get the benefit. I suppose that's a blessing. The vast majority of people who donated never saw a benefit from it. The very few who did benefit from it were never around long enough as they would move on to give back to the bank, or they were habitual users of the system. After studying this and sharing the information with staff, we switched back to a more beneficial system where each staff member is able to build up their own personal sick leave bank. This put the staff member in control of their own, which has been received very well by the staff. The superintendent says he points this out because he believes the Education Leave and Support Act, as written, has several flaws, which include everyone will contribute, but very few will ever see the benefit. And I would like to add, they will involuntarily contribute. After a few years, there will be an excessive amount of money built up, which will never be spent. We will have some people in schools that take advantage of the system at the expense of everyone who contributes. I personally believe the Education Leave and Support Act is the wrong way to approach this topic. As you have seen, local school districts working with their local education associations can solve this locally. There is no need to put a bad system in place at the state level. So let me add to this a little bit. If you have 100 teachers in your school district and each teacher puts in 1 day from their 15 days of PTO or sick leave or depending on the district, how they call it, then you've got 100 days built up. That's in addition to the 15 days that person already has, to any other leaves they might have built up. The teacher retirement fund will require teachers to put in at a lesser rate. So if you require-- so if you remember Senator Ballard had a bill which passed to reduce teacher input into the retirement fund, the state's amount was also reduced. This amendment will take that teacher surplus without the consent of each teacher and place it in a common fund to pay FMLA up to 3 extra weeks. The school would match teacher inputs. Back to Senator Ballard's bill. When the percentage in the teacher retirement fund drops below a certain threshold, let's say 98% or 96%,

the teacher's percentage to pay out would involuntarily increase. And now they would actually be paying more than they were before. The school's matching fund would also increase. Now, the school has to also put in additional money that it doesn't have. And speaking with Senator Ballard, this would be millions. Where does that money come from? Probably levy increase, property tax increase. Also, there's a fiscal note from the Nebraska Department of Education, \$280,000 per year for additional employees. Here's a note from a teacher that's been in the, in the system for 20 years. I received an email, like many of my friends, from the teachers' union encouraging me to write to you to support 3 weeks of paid FMLA for educators. However, Senator Lonowski, I'm writing to you to express that I do not support this. Educators deserve every break we get. The job is exhausting, and while working with students is rewarding, it also burns you out. But we get 2 weeks of winter break, 1 at spring break, 2 months of summer-- 2 months of summer break, and that is well deserved. In her case, we get 10 days and 10 sick days, 2 personal days, all deserved in my opinion. We also can build our leave up. Despite me being in support for time off for teachers, 3 weeks of paid FMLA at all teachers' expense and our employers' expense is not necessary. I have 60 days built up and I have taken 2 maternity leaves where I exhausted all my sick leave days during my tenure at my current district. I take, I take a couple of days a year when my own children are sick and I still have built 3 days up-- these days up, excuse me. I watch some of my colleagues irresponsibly burn up 10 sick days a year and now they want me and my responsible colleagues that save our days to pay for them to get more time off. I would be fine with a teacher that has been in the profession less than 3 years being able to take some sort of sick leave if they have not built up. From my personal experience, when our school went to PTO, personal time off, many teachers thought that meant they had 13 days that they had to use each year. They did not have to call in and say they were sick. In fact, some of them went to Disneyland. Now if they go to Disneyland and I'm working and I am coaching and I continue on and they come back, need some sort of long-term leave, misfortunate accident or something, then they're going to ask from the FMLA sick leave bank. Do they deserve it? Certainly, we want to help everybody out. Certainly, if someone needs long-term, term leave, we want to help them out. I also know of teachers in small districts that have gotten cancer and their school board has voted we're going to support this person until they're over this cancer or until they decide they're no longer a person-- or an employee in this, in this system. I've seen that a few times in my years. My concern is that we give a few more days to people, and they will take advantage. Not everybody that's a teacher is honest about

the days they take off. My other concern is the amount of money this will cost the state if our retirement fund doesn't stay above 98%. It seems to me, schools at the local level volunteering to throw their day in, volunteering to add to the sick bank for their fellow teachers at their school, in their district, is much better than a mandate, whether you call this funded or unfunded, much better than a mandate from the Nebraska Legislature where very few have had the experience of being in the classroom with kids over years. I yield the rest of my time.

DeBOER: Thank you, Senator Lonowski. Senator Spivey, you're recognized.

SPIVEY: Thank you, Madam President, and good afternoon, colleagues. I rise in opposition to A-- FA269, and I do appreciate Senator Lonowski acknowledging the hard work that I put in, because, one, this is my priority bill. And I have spent a lot of time talking to teachers, people in this body, about their concerns, and about the implications and actual facts of the bill. I did provide information to Senator Lonowski without any feedback back that he had any questions or that he wanted to remove my entire bill out of this package. So it's unclear of the motives there. And so I want to start again and draw your attention to the handout that I gave earlier during my original priority motion, which I think will help ground us in definition of the words that we are using. So this is not paid time off. You can take paid time because you're having a bad day and you need to rest. You can take paid time off because you're sick. You can take paid time off because you are going to Disney World and that's absolutely OK. This is a federal protection that we are talking about under FMLA. That is Family Medical Leave Act. So, regardless, everyone that works for an employer that has 50 or more employees gets this federal protection for 12 weeks unpaid. I also provided out a chart so folks can understand how this works with paid sick leave and other types of leave benefits like short-term and long-term disability. So for Family Medical Leave Act, you can access the 12 weeks of unpaid leave for a significant health event that has to be certified. So there is a list of qualifying events that you would have to submit to be able to see if it is acceptable that you take your unpaid 12 weeks. Those things are a birth of a child or care for a newborn child within 1 year, the placement with the employee of a child for adoption or foster care and to care for the newly placed child within 1 year of placement, to care for the employee's spouse, child or parent who has serious health condition, a serious health conditions that makes the employee unable to perform the essential functions of his or her job, and then there's a military leave, as well, that has a specific carve out. So this is

not I, I'm sick, I've used all my PTO for other things, and now I have a cold, and I'm going to use FMLA. This says I have cancer, and I don't know how to predict my treatments, but I know that I, I can get in right now, and I'm going to have to be gone from my job for 2 weeks. This would allow for that certified professional or teacher to then submit for FMLA, get it approved, and have it covered so they don't have to choose between keeping their job or finding a new one that will allow them time off to get the cancer treatments that they want. This says, I am having a baby, and despite some of the feedback, you can't necessarily plan for when you have a child. I know Senator Clouse passed out some handouts that he talked about, and some of the comments said that teachers should plan to have-- well, really women should plan to have their children in the summer because there is time off. Most teachers are working summer school or have a part-time job because we know that they are underpaid and that is not how fertility works. You cannot say that you are going to get pregnant at a certain time and even have that child. And even, even if you try to plan that, what happens if you have complications and you have to be induced early and your child is in the NICU or that you become-- you hemorrhage and you have to go into ICU or you're on bed rest? These are significant life events that we are talking about that would be covered under this type of leave. A couple of other things that I want to name just to make sure that we have it in the record around the facts of this bill that some could say that we are paying into Social Security and would never see it and it's a community benefit and it is a mandate. I pay into Social security now and I will not be able to access it. Some folks in this body will because you're nearing the age that you can have access to it. When I can, it won't be here in the same way, but yet I pay it happily because it's a community benefit. As I mentioned earlier, and I'll get back on the mic to talk a little bit more about what this bill does and doesn't do to make sure that it's clear on the record, the retirement portion was a part of the original negotiation. And so there's an actuary study that shows over a period of time what the districts and teachers will pay into. It is not in Senator Ballard's purview to be able to estimate what this bill would cost. We actually have a fiscal note. I provided information earlier around what it would produce and the cost. But the districts and teachers are paying less and there is a payroll tax to this, absolutely, and they were OK with that because of the adjustment of priorities. They believe retirement is important as well as this and we've adjusted the amount so that they can make sure that it works within their budget. And so I see my light is on. I will punch back in to talk more about how this is not an unfunded leave, that it actually

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pays for itself, the impacts, and why teachers deserve to have paid time off.

DeBOER: Time, Senator.

SPIVEY: Thank you, Madam President.

DeBOER: Thank you, Senator Spivey. Senator Storer would like to recognize 4 very special guests, her son Braden, her daughter-in-law Alyssa, her grandchildren Lewis and Alen, most recently from South Africa. They are located underneath the north balcony. Please rise and be recognized by the Nebraska Legislature. Senator Sorrentino, you're recognized.

SORRENTINO: Thank you, Madam President. I rise in support of FA269. I had the pleasure of dealing with employee benefits and payroll deductions for my entire career and federal and state rules that govern those deductions. In Nebraska, like all states, we have laws regarding withholding from paychecks and specifically the garnishment of wages. Specifically with regard to garnishment, a creditor, and that's an important word here, a creditor can garnish wages in the state of Nebraska up to certain limits to apply to a debt. FA269 amends LB440, Senator Spivey's bill, which is part of the LB306 package that mandates that teachers contribute to a supplemental FMLA plan without their prior approval or permission. These contributions will or can first be drawn from the fund that was referenced earlier for monies owed them from their over contributions to their pension plan-- we talked about that a few weeks ago here in this body-- or from current wages when that fund is exhausted. The question I have for this body, in general, not necessarily for Senator Spivey or Senator Lonowski, is I ask you this, where does this body get its authority or power to mandate that an employee, perhaps without their will or permission, to pay for a benefit that they may or may not benefit from or want and place this state into the role of a creditor? Employee you owe us this money that makes us a creditor. A brief review of the Nebraska state statutes is I don't find that power in this body. This is not like withholding federal or state income taxes which are governed by ERISA or SUTA or deductions for benefits which employee has approved and which was voluntary, there being the key, or that they can opt into or out of on an annual basis with or without evergreen clauses. This is at best, at very best, a rudimentary form of illegal wage garnishmen, and, at worst and perhaps likely, unconstitutional. I would like to know what legal research has been done on this issue, on this amendment, that can prove without any doubt, at least to me and other members of this body, that we are not

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painting this state into a legal corner that will be difficult to defend as an illegal wage garnishment or perhaps even worse. I yield the rest of my time. Thank you, Madam President.

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

McKINNEY: Thank you. I rise in opposition of FA269, I believe. Looking through the committee statement, it's, it's interesting because Senator Lonowski, according to the committee statement, voted this out of, I'm assuming, voted this out of committee. I don't see his vote on amending LB440 into the package. But from the looks of this committee statement, he voted the package out. It's also interesting, LB440 had no opposition at the hearing, but Senator Lonowski has voted for things that was in this that had opposition. So that's also unclear. So, overall, my point is that there's a lack of consistency. And I also have a total lack of understanding of his whole argument because, for example, I'm paying into Social Security and I'm a millennial and I have zero faith that by the time I turn 65 that I'm going to be able to access that by the way this nation and this government is going. I'm not complaining and I wouldn't complain if I was a teacher if other teachers were able to access some benefits that they needed. Maybe I wouldn't need to use it. Some teachers don't take time off and some need to because of just different, different issues dealing with their family. But that don't mean you stand up and try to strike something out of a bill, especially a bill that's forced into this package that is a senator's priority bill, but the chair of the Education Committee wouldn't allow this bill to come out on a straight vote, and it's her priority bill in her first year. That's more disrespectful than even this amendment, but we're, we're not on that topic right now. But it's, it's just interesting how people vote and the things they say because, one, they're hypocrites and, two, it's a total lack of consistency in messaging completely. And I'll leave-- I'll yield the rest of my time to Senator Spivey. Thank you.

DeBOER: Senator Spivey, you're yielded 2 minutes, 41 seconds.

SPIVEY: Thank you, Madam President, and thank you, Senator McKinney. So a couple of follow-ups for Senator Sorrentino. I appreciate your comments, and I think two things. The good news is that we have an AG ready to fight for us. We've talked about that a lot. His budget is growing. And so if there happens to be any litigation, we do have someone ready and willing to defend the statutes passed in this Legislature. The other piece of that is that teachers came in to testify at the hearing, as I mentioned earlier, with such an

impactful, really emotional hearing about the experiences of our neighbors, of our everyday folks, that they are willing to pay into this benefit even if they are past childbearing age, even if don't foresee a significant life event, because they understand the importance of this community benefit and what it does for their fellow educators. So going back to a couple of things that I didn't have time for before, Senator Lonowski specifically talked about having the sick banks and what does that look like. And so we pulled some of that information specifically in your district that I wanted to bring up. And so Adams Central, for example, does not have a sick bank, Minden, they did and they removed it in 2023, ESU 9 does not, they removed it in 2024, Wilcox, Hildreth, Silver Lake, Doniphan, Blue Hill, and Kearney does not have a sick bank. So, again, districts can have these sick banks if they so choose. That is not the same as FMLA because it's for certified events. Districts are moving away from that and it becomes inequitable. So I donate to the, the sick bank or PTO bank. I'm giving up my time because I'm a caring, wonderful individual and how is that dispersed across? So when I am diagnosed with cancer and I go to use the sick bank, will there be any time left? Will I get the actual time that I need that doesn't make me choose between my health and my career? These are the questions that don't have answers and I don't think are appropriate for how we think about providing a benefit to some of our most important frontline staff workers across the state. And so I see the light is on, I will get back in and talk a little bit more about what the bill does, how it's not an unfunded mandate, and continue to answer some more of the questions that have been proposed. Thank you, Madam President.

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

GUEREC: Thank you, Madam President. Good evening, colleagues. I rise in opposition to FA269 for one big reason, is that the state of Nebraska has a constitutional duty to provide primary education to its residents. This state, just teachers, is short 669 teachers. And that's not including a lot of teachers we have here on temporary visas to try to fill holes. Primarily in our rural communities, 60% of those vacancies come from our rural schools. In every single school, public school in this state, there are public school teachers. And every day, teachers retire, and they have to be replaced by new teachers. That's kind of how that works. Well, reality is, is that one thing these new generations, millennials like myself and Gen Zs coming up behind us, is that one of the major things we look at when looking to accept a job or when weighing out job offers is the leave policy. And I read emails of people saying, oh, but you get summer off and this, this, and that. True, but as I said before earlier on the mic, people have

kids in all corners of the state, people get sick in every single corner of Nebraska and in every community accidents happen. That is why FMLA exists. You cannot on a whim take FMLA. You, basically, have-- you have to have a doctor's note. I have used FMLA, I had to get a doctor's note. Earlier, Senator Spivey listed the reasons that you could take FMLA for. This is something when teachers from out of state or in-state teachers are weighing out job offers is something they look at. So where does our constitutional authority come from? We have to educate the kids, and we're in a crisis, 669 teachers alone. That's not including school psychologists that we're in desperate need of, especially in our rural communities. That's like including school nurses, which we're in desperate need of in our school community-- in our rural communities. This bill helps address that issue. And guess what, people currently take FMLA right now, and the schools have to pay for those substitutes. What this bill offers is a mechanism to offset that cost. And what teacher after teacher after teacher have told us, especially younger teachers, who we need to recruit to come and stay in our state, is that this is something that they look at. My personal priority bill, which you probably will not see this year, is 12 weeks paid maternity leave for state employees. That is something that my generation looks at, looks at, looks at. It's an organic bill that was brought forth because a friend of mine, and prior to the most recent round of negotiations, the state gave no maternity leave. Now we have 6 weeks, but we're bleeding good talent, including talent in this building to private industry and to other governmental entities. In this case, my friend who worked for a state agency left to go work for a municipality that provided 12 weeks paid maternity leave. Now this is 2.5 weeks to cover catastrophic injury, pregnancy, caring for some loved one. That's what this is for. It's a little thing that the teachers will pay for and that will even provide a mechanism to cover the costs of the substitutes. So let's continue to have good debate, consider it, this is a serious thing, and it's something this state desperately needs. Thank you, Madam President.

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

DUNGAN: Thank you, Madam President. Colleagues, I rise opposed to FA269 for a few simple reasons. First of all, I support our teachers and I'd like a few more of them to work in that profession. One of the things that we've heard over and over and over again in this Legislature for the 3 years that I've been here is how do we get more teachers to work in Nebraska? Senator Guereca just mentioned this, but we are bleeding teachers. We are losing teachers left and right. They are going into the profession, and then they're leaving within 1 or 2 years because of just the institutional issues they run into, the

social issues they run into. I have a friend personally who went into teaching who wanted to do it for years, and after about a year or two bailed on it, not because she didn't love her kids, not because didn't care about being somebody who, who made future generations better, but because of the amount of struggle she was having, financially, emotionally, the lack of support that she was getting from administration, certainly the lack of support she was getting from parents. It's a hard profession, and we need more people going into it. Senator Lonowski is absolutely correct, I'm sure not every teacher agrees with every decision we make about education. But like every other profession, the teachers who work in the state of Nebraska are not a monolith. They were reached out to. And this bill, Senator Spivey's priority bill, I'll remind people again, comes from polls that were done of hundreds of teachers who identified this as what was one of, if not the most important thing that they could ask us, the Legislature, to help them out with this year. So this isn't some whim, this wasn't some kooky idea we came up with because we were trying to help people as a Legislature, this was the teachers asking for this. And they're asking for this because they literally cannot continue to afford to work. So this is a very simple thing that we are trying to do, which, by the way, does not cost school districts any extra money, thanks to the retirement bill that was already passed this year. It is a operation where teachers are agreeing to pay in to have a little bit of skin in the game, and school districts then match that, but, again, it is a net savings for them because of the retirement package that's already been passed this here. This is literally one of the least things we could do for teachers to try to make their lives a little bit easier. And, frankly, colleagues, teachers don't want to work in the state of Nebraska right now for a number of reasons, but it certainly is predicated on a lot of the things that we-- just things we do, decisions that we make as a Legislature. I stand with my teachers, I stand with the people who live in my neighborhood who work in the schools in my district, both private and public, who are dedicating their lives to making the next generation a little bit better. And I understand not everybody probably wants this, but guess what, a lot of my taxes go to a bunch of stuff that I think is dumb, too. But I don't get to pull my taxes from the state of Nebraska. You don't get to decide what your money goes to all the time. So I think that what we've done here is we have balanced a number of considerations. Senator Spivey's bill originally called for 6 weeks. There was negotiations that actually agreed down to 4 weeks, I think, and here we are at 3 weeks and you still have people saying that's too much. We don't want to give them that either. So this bill already represents a compromise and an effort to provide teachers with

assurance that they are able to, during tough times, during unexpected life events, during things that are not vacations but are instead usually tragic events that they have no control over, we are saying to them you will be protected. You have a little cushion. We're not giving them a lot. We're not sitting here increasing pay. I had a bill this year that increased the take-home money for every single teacher in the state of Nebraska. And, colleagues, it cost a little bit too much, and I understand that, so we didn't do that this year. We're not giving people a ton of money, we're not giving people free vacations, we're literally saying to teachers that in these times of great need and in emergency situations, we have your back because we appreciate the work that you do. So, colleagues, when you consider this amendment, please consider that taking this away, voting for this amendment taking away this option for teachers represents yet another step back in supporting our schools, and it gives teachers yet another reason to leave the profession. They already have a lot, we don't have to give them one more. Thank you, Madam President.

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

ANDERSEN: Thank you, Madam President. I support FA269 and Nebraska teachers. I did the lower level math and the cost to each teacher would be approximately \$204 a year. The latest estimate I saw that for the number of teachers in Nebraska is approximately 23,751. So you do the basic math of multiplying \$204 a year times 23,000 teachers, the bill works out to about \$4.8 million. So we're going to take \$4.8 million from the hardworking teachers in the state of Nebraska. And that's what Senator Spivey's bill does, involuntarily penalizes the teachers to a tune of \$4.845 million each and every year. I understand the fiscal cost of schools might be as much as \$9 million. Additionally, it may have an impact on the teacher's retirement and property, property-- or retirement fund and property tax increase would probably be part of the solution to make up the funds. FMLA is not a social program that everybody should have to contribute to. Many businesses, including the Department of Defense, allows employees to donate paid time off or sick leave to people going through a hardship. Like too many times in the past, people want to rely on the government to cover the hardship and unforeseen costs. I'd submit, instead of relying on a handout or forcing others to pay for you, people should focus on the charitable efforts of others. For Senator Dungan and Senator Guereca, they talk about the lack of teachers in the state, and that's a fact. But take more money from the teachers and see how many more of them will leave. For Senator McKinney, he talked about blanket support for a priority bill that we should allow this to go

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forward because it is Senator Spivey's priority bill, that's just not the case. That's not the normal practice. I'm an example of that, my LR12CA, as amended by AM1101, is sitting in Revenue, and that's my personal priority bill. Lastly, I would say it's not our right to take the teachers' money. If somebody's having a hard time, they should ask for help. What it comes down to is somebody is looking to capitalize on OPM, other people's money. For that I support FA269 and the Nebraska teachers. Madam President, I yield the rest of my time.

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

ROUNTREE: Good afternoon and thank you, Madam President, and good afternoon, colleagues, and good afternoon to all of those who are online. I rise today in opposition to FA269 and supporting Senator Spivey's bill. I just want to read an email that we got back on March 3, I think everyone may have gotten that email, from the NSEA retired President John Heineman. On March 3, it said: Dear State Senator, on behalf of the nearly 6,000 members of the Nebraska State Education Association, retired, we extend our gratitude for your service and dedication to Nebraska, particularly your vital role in shaping education and school finance and policies. This year our members look forward to visiting you in person on Tuesday, March 4, on the NSEA retired member lobby day. In advance of this event, many will reach out via email, mail, and phone to discuss critical legislative priorities impacting public education and retirement security. But in the first paragraph in support they said: We urge you to support-- your support for policies that strengthen our schools and educators. That's what we're trying to do here. Among these is LB440, the Education Leave and Support Act, which addresses financial burdens on districts by creating a State Education Leave Fund, funded through modest payroll contributions to cover substitute costs during federally mandated FMLA leave, ensuring instructional continuity, and supporting teacher well-being. Surplus funds would bolster retention and professional development, promoting a sustainable educational workforce. And I appreciate what everyone has had to say today, so great respect to each one of my fellow senators. Sometimes we do pay for something that we might not get a use from. I have rented a home down in Albuquerque since I came to Nebraska back in 2008. Many of you remember, it was at the top of the market crash. I couldn't sell the home, it was underwater, so I became a mandatory landlord. I didn't know how that was going to work out, but as I have sat in the Judiciary on our landlord-tenant days and listen, that has been a handy part for me, having been a landlord, so I have some experience when I listen and it gives me a good basis for questions. I take care

of my tenant, but I don't want to talk about that. I talk about the fact that my insurance on that one home, a 3,000 square foot home in Albuquerque, New Mexico, my rental insurance on that to cover it is \$2,100 annually. \$2,100. I have never filed a claim on that home since I bought it in 2005. So that's about 20 years that I've had to pay insurance on that. So God willing, I'll never have to file a claim, but I won't be caught without the insurance. I come from a family of educators. A lot of the things that we do, my brother taught in the classroom for 30 years, and he went down to central office, he retired, and now he's back as a substitute or an assistant principal at a charter school. Didn't want to be in charge anymore, he's done all of that. A lot of the things that we deal with here, I bounce it off. I have three sisters that are teachers. One that's a CPA. They've moved it along. So a lot of things that-- because we are here in this United States and a lot of things that affect us come from above and that-- but I want to say when we talk about that Voluntary Leave Transfer Act in the government, I, too, was able to transfer leave over to those who had long-term illnesses. I was not able to transfer my sick leave but I could certainly give my annual leave. And we were limited on that but that was enabling someone to be able-- and to still have funds and also take care of themselves. As a substitute teacher I just had to let Bellevue Public Schools know that I would not be coming back to substitute until my term here in the Legislature is over with that. But, however, as I've been in the classroom with our young students that are doing their student teaching, getting ready to come into the profession, this is an opportunity to also give them something stable they can stand on-- I know my time is getting ready to go-- and what I have learned in my time here in this Unicameral-- and thank you, Madam President, and I--

DeBOER: Time, Senator.

ROUNTREE: --might come back again. Thank you.

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

CLOUSE: Thank you, Madam President. I thought I had another in between here. Listening to the discussion, a lot of good valid points being brought up. Would Senator Ivey [SIC], would you yield some questions, please?

DeBOER: Sorry, sir. What senator?

CLOUSE: Spivey.

DeBOER: Spivey.

CLOUSE: Did I say Ivey?

DeBOER: Senator Spivey, will you yield?

CLOUSE: Sorry.

SPIVEY: I thought you said Senator Ashlei, but it's fine. Yes, I will yield.

CLOUSE: Just a couple questions, can you clarify for me when we talked about that 50 or more employees or 50 less, tell me how that works?

SPIVEY: Yeah, absolutely. So earlier I mentioned that I'm working on an amendment between now and Select if the bill moves forward because FMLA is a federal protection and they have regulations that you have to have 50 or more employees and then it's mandated that you offer the protected leave. And so the amendment will say that for districts that have the 49 or less that they will not have to participate in this because they don't offer FMLA now as it stands.

CLOUSE: OK, and so would they still have to pay in?

SPIVEY: No.

CLOUSE: They would not have to pay in. OK. Can we talk a little bit about the excess funds? What happens to those? And I think I kind of know, but let you--

SPIVEY: Yeah, absolutely. So earlier I mentioned we did calculations based on the 6 weeks of the original intention of the bill, and so now we've redone some calculations around now having from 4 to 3 that there will be potentially some excess funds that can-- that will roll into the teacher retention and recruitment fund. So this policy in itself is around teacher recruitment and retention, right, offering this benefit and so if there are any additional funds, then districts that have paid into this absolutely can use that, continue to invest in their employees how they see fit through the traditional application process of how that fund is administered.

CLOUSE: OK. And then so they don't have the option to opt out, teachers, and I think that was discussed, that teachers do not have the option to opt out, so they will be assessed, whatever this fee is, all teachers across the state unless you're 50 or less.

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SPIVEY: Yes, unless you're in that district that has 49 or less.

CLOUSE: OK. Thank you, that was the questions I had. And I apologize, I got-- I wasn't quite ready so it caught me off guard. Thank you. I yield the time.

DeBOER: Thank you, Senator Clouse and Senator Spivey. Senator Juarez, you're recognized.

JUAREZ: Thank you very much. So I wanted to ask Senator Ballard to yield to a question, please.

DeBOER: Senator Ballard, will you yield?

BALLARD: Yes.

JUAREZ: OK, thank you. So I serve on the Retirement Committee with, with Senator Ballard, and I wondered if you would clarify for me or summarize the action that we took in our committee, was that we froze the contributions for retirement, so that's how teachers were going to get an increase in pay. Is that correct?

BALLARD: Kind of correct. I don't know if I would use the word froze, but we reduce, we reduce their contributions based on the funding level of the plan.

JUAREZ: OK, we reduce their contribution. So how long will that reduction last? Is it going to be until the fund-- if the fund fell down below to a certain amount, then we would start it again. Is that right?

BALLARD: That is correct, below 96% and the probabilities of that is very low that it will fall that low.

JUAREZ: OK, thank you, I appreciate that. So I know that there have been comments made about forcing teachers to pay into this fund. However, I do want to read a letter of a teacher. You know, not all teachers are against this. There's definitely teachers who are supportive of having this benefit. And like others have stated, I think that it is an attractive benefit to have for new teachers who are looking at this career field for the long term. And, to me, anything that we can do to attract teachers to the field is really important. And it's a good recruiting tool, I believe, to emphasize the benefits that teachers can achieve. So this letter was from someone who was in testimony on March 10, and it says: Hello, my name is Bryant Bull and I'm a Millard Education Association member. I'd

like to thank committee members for the opportunity to testify today in support of LB440. My reasons for supporting this bill are very personal, so I'd like to briefly share my story. In March of 2011, after extended illness, I was diagnosed with Crohn's disease. My health deteriorated while treatments were getting started, so I ended up losing 40 pounds and being hospitalized with complications in April. My recovery kept me out of work for the last 10 weeks of the school year. Since teachers in my district are allowed to bank unused sick leave, I had built up several days from prior years. But my illness and recovery caused me to use all my accumulated leave, and I had been saving up for a very important reason. My wife and I were expecting the birth of our daughter, Matilda, that September. Nebraska teachers do not have maternity, paternity leave, so we must use our sick leave if we want to stay home to care for newborn children. My plan was to use my bank of leave to spend some extended time with our daughter, but I used it all during my health scare that spring. My ongoing treatments took me out of school several times during the 2011-12 school year. So I ended up with only 5 days of leave that I could use to stay home with Matilda despite planning on spending a few weeks with her. If I wanted to spend more time with her, I would have needed to start using unpaid leave. Between outstanding medical bills, which were a major issue during this astronomical expense of my treatment, mortgage, car payment, childbirth, we simply couldn't afford for me to take unpaid leave, so I spent a single week with Matilda. So I know I could go on with the letter, but I just wanted to give you an idea of what happens in, you know, teachers' lives, why they need the benefit of having this sick leave available, and I yield the rest of my time. Thank you.

DeBOER: Thank you, Senator Juarez. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam President. I rise in opposition to FA269. So one thing that I think is not maybe widely known by my colleagues is that when you have a newborn, assuming all things go perfectly and you are discharged from the hospital, you know, you can be discharged the same day or the next day, and you return to work, you cannot put a baby into a licensed childcare facility in the state of Nebraska under 6 weeks of age. So what are they supposed to do? I'll yield the remainder of my time to Senator Spivey.

DeBOER: Senator Spivey, you are recognized for 4 minutes and 14 seconds.

SPIVEY: Thank you, Madam President, and thank you, Senator Cavanaugh. So I just want to reiterate a few points that this bill did start out at 6 weeks, was negotiated to 4, and now we're here at 3 weeks. This bill was not brought in a vacuum. I do think it's a good idea, but it wasn't my idea. I got this bill from teachers and folks that we surveyed. There was a survey that went, that went out to teachers, and only 8% of respondents out of nearly 3,000 said that they felt supported by the Nebraska Legislature. And so we can stand up here and say that we support teachers, but it's by our actions that that is determined. And this bill does just that. This legislation, LB440, had 18 folks in support for the in-person hearing, it had 29 comments online in support, there was no opposition to the in-person hearing, there was 6 opposition-- folks in opposition online, and then zero neutral testimony. So, again, I have reached out, I have talked to teachers, teachers have reached to me, superintendents and districts around the impacts of this bill. A couple of things that I wanted to reiterate and make sure that it was clear, that this is about a specific type of leave. This is not PTO used in the same way. You have to have a certified health event under our federal protections of FMLA, which you get for 12 weeks. So it's not like teachers are not taking it, they're just doing it unpaid. So then it becomes a decision, do I continue to prioritize my health with no support in my career or do I choose my career and ignore my health decisions? Does that mean that I can't take care of my sick and dying partner? I gave and read some of that testimony earlier. A teacher missed out on time with her dying husband because they could not afford for her to take time off to be, to be present and to be there, even though that was a qualifying health event that she could have taken FMLA for. And so, again, folks are taking it, they're just doing it unpaid, and so this is a tangible way for us to say that our frontline workers educating our most prized possessions have what they need to better balance their personal significant health decisions and what is happening in their career. So this is not an unfunded mandate because, as stated, there is a payroll tax of the modest 0.35% that the teachers pay in. They have skin in the game that is matched by the districts. And so there is a fiscal note. It's about two hundred and some thousand dollars, which comes out of the fund to pay for the Department of Education to administer the program. The districts are not administering the program like they don't administer other types of programs that are similar. The Department of Education will administer this fund and the subsequent excess dollars, if there are over 20%, and then that fiscal note is tied to that. So there is a fiscal note. The administration is wrapped up with the Department of Education, not those individual schools. For the, for the rate for a substitute, so

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that was passed out in a handout, so the average rate for a substitute is about \$140. It does vary based on district, and so this would cover the actual cost of long-term subs. So, again, folks are taking unpaid FMLA, districts are still having to pay for that long-term sub. This will pay at cost for that long-term sub, again allowing the districts to have continuity of learning for those students as well as making sure that they're able to actually cover the cost of a quality sub. And this does not change any federal regulation around FMLA. It does not change the process. It does not change what are qualified events. All it says is that for those qualified events already set by our federal government that there are 3 weeks paid that that person can take for those-- for that specific criteria. If they then choose to take PTO for the rest of that time, they can. If they choose it to be unpaid, it can still be that. But they-- we are not changing the federal policy. That is, that is absolutely not true. There is no language around that.

DeBOER: Time, Senator.

SPIVEY: Thank you, Madam President.

DeBOER: Thank you, Senator Spivey. Senator Lonowski, you're recognized.

LONOWSKI: Thank you, Madam President. Would Senator McKinney yield to a, to a question?

DeBOER: Senator McKinney. I'm sorry, Senator Lonowski, he's checked out at the moment.

LONOWSKI: Oh, thank you. I don't see anyone in here that's a hypocrite. I don't consider myself a hypocrite. My name is pronounced Lonowski. I appreciate that, Madam President. But Senator McKinney is correct. I did vote for this package to come out of committee. In fact, we all had to do a little bit of wringing our hands here to vote this out. And we also had to wait for the vote to continue as members were often absent from our exec sessions. Earlier, FA267 was introduced and several members, including Senator Spivey, voted for FA267, which broke the package. Bi-weekly, I am on a call with the superintendents in my district and a couple of neighboring schools that are close by. Every one of them thinks this is unnecessary, as they take care of their teachers, their staff, their cooks, their janitors, anyone else working at the school, their paras. Do we not trust our superintendents to do what's right for their teachers? Do we not trust our school boards to make good policy to take care of their

people? Do we not trust our local teachers' unions to do what's best for them, that we need the all-knowing Legislature to step in? Quite simply, I urge school districts to iron out their own leave programs. Teachers, decide with your colleagues how to create your own efficient program. Work with your local union to keep the Legislature out of it. We don't always need to spend money when there are issues. It's not always the answer, regardless of where it's coming from. My concern isn't that we're breaking even now, despite the fact that NDE says they have to hire 2 more people at a cost of \$280,000 or whatever that price was. My concern is in 2 years, when the retirement drops down in our teacher retirement fund, that those funds will be raised. And local districts in order to match the teachers or in order to make up a shortcoming, we'll have to raise their property taxes. We need to look really closely at what districts are the ones looking for this. It seems as though everyone that has rose up against FA269 is from either Lincoln or Omaha. I hope I'm wrong. I hope those districts are taking care of their teachers. I hope those unions are looking out for people who have issues and not just going with a hard policy. Just because somebody has cancer, I'm sorry we cannot help you out. At the same time, I feel blessed that I'm in rural Nebraska. I trust those that I've worked for and those that have worked for me in my business that we can always come to an agreement where we can help them get through tough times. I yield the rest of my time, Madam President.

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

GUERECA: Thank you, Madam President. Folks, we got a teacher shortage everywhere in the state. We have a school psychologist shortage everywhere in the state. We have a school nurse shortage everywhere in the state. 60% of teacher vacancies are in rural Nebraska. And this is an interesting statistic, so 10 years ago, 80% of teachers that left Millard Public Schools was due to retirement. This last year, the number was 25%. Only 25% of the teachers leaving Millard were because of retirement. Senator Dungan was very correct when he spoke earlier, teaching is a hard profession. And I'm sure if my colleague, Senator Lonowski, was in the room right now, he would also agree with that. And I don't think anyone in this room disagrees with that statement. Teaching is hard, teaching is very hard, and folks are leaving the profession, they are, especially in the amazing business environment that we have here in Nebraska. So I think doing something to help address that issue is a good thing. And as to this whole concept of involuntary penalty, as a millennial, I have no hope, I don't think of seeing that Social Security fund or getting that money when I retire. And I'll tell you what, I contributed a whole heck of a lot more than

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\$250 a year. I'd ask Senator Sorrentino, he's the CPA in the room, if I could get that money back, but I don't need to be a CPA to know that I cannot get that money back. I yield the rest of my time to Senator Spivey.

DeBOER: Thank you. Senator Spivey is yielded 2 minutes, 49 seconds.

SPIVEY: Thank you, Madam President, and thank you, Senator Guereca, for your comments and the time. So I just want to be clear that I worked again with the teachers' union, who has local unions across the state, and so that did happen. And I also want to name that the folks on Retirement Committee are Senator Ballard, Sorrentino, Clements, Conrad, Hardin, and Juarez. Senator Juarez just had a conversation and asked questions on the mic to Senator Ballard about if the retirement changes would dip down from the pay contribution and what does that look like from the districts-- from the teachers and districts and he just said no. So the fact that Senator Lonowski said that as a fact from 2 years from now, the contribution is going to go up, does not have any data to prove it, he's not a part of Retirement, nor did he get data from anyone on the committee to make sure that his statement was rooted in fact and is applicable to the conversation that was in front of us. The other thing that I want to bring up is that I did not break a negotiation. Senator Lonowski was not even at the table during the negotiations. The conversations around LB440, one was-- it wasn't even supposed to be in the structure that it is now, but here we are. The conversation was around what is happening on the retirement side and how does my bill impact that because bills sometimes impact different areas and so we want to make sure that there's continuity and that there is conversation. And what does it look like for other bills that are a part of other packages. My bill, my priority bill, was put into an Education package with other, with other bills, including Senator Lippincott's, Senator Andersen's, Senator Hughes has a bill in there, and that was at the discretion of the chair Senator Murman. And so I want to be clear that I'm a person of my word. If I say I'm going to do something, I'm going to do it. If you don't like it, I still am honest and transparent, because that's important to me about my character and how I show up in this place and how I move around the world, how I move in my job, how I make decisions. And so I want to be clear and put back into the record that I did not break any negotiation that was had or that was discussed. And Senator Lonowski would not know that because he was not at the table when my bill, LB440, was discussed. Thank you, Madam President.

DeBOER: Thank you, Senator Spivey. You're next in the queue, Senator Spivey.

SPIVEY: Thank you, and I yield my time to Senator Dungan.

DeBOER: Senator Dungan, you're yielded 4 minutes, 55 seconds.

DUNGAN: Thank you, Madam President, and thank you, Senator Spivey. I just wanted to respond to a couple of things here real quick. I think I've made my points with regards to the importance of paid family medical leave and what it actually brings to the table. I just want to respond briefly to Senator Sorrentino's concerns about constitutionality. First of all, I think it's great that we're concerned about constitutionally because we've passed a number of bills already that have legitimate constitutional concerns. So I, I hope we have that same fervor about constitutionality when those are later brought up and when we see those challenges in the courts. As it comes to paid family medical leave, there are a number of states that actually have paid family medical leave programs, none of them have been found unconstitutional. And where it actually comes into play constitutionally is that we have powers that are reserved to the states by the federal constitution, and then we have various protection powers and commerce powers that are imbued upon the Legislature by the Nebraska State Constitution, and so to say this is unconstitutional, I have not seen any cases or case law that would imply it to be unconstitutional. But, again, if there is a concern about constitutionality, certainly I would hope that we share that same concern about other pieces of legislation that we have raised legitimate issues, citing cases and citing case law and current active cases that are before various levels of courts. And there does not seem to be any fervor to be worried about those. So I just want to, to gently push back on that and respectfully disagree with any of the analysis there. As it pertains to some of the other things that have been brought up by Senator Lonowski and about relying on charity or relying on local, I guess, banks of sick, sick leave. Senator Lonowski, I would just point out that in your district, you have 12 school districts, of those school districts, 3 of them offer sick banks. Those sick banks are up to 10 days in Axtell, up to 30 days in Kennesaw, and up to 20 days in Hastings, and the Hastings sick bank can't be used for pregnancy. So for those teachers who live in those districts, there are no options. And it's great to get up here and say you wish that charity would work or you wish people could rely on that. The reality is, in a lot of areas, those don't exist. And the sick banks don't exist for people to rely on. It is our job, I believe, to ensure that our teachers are protected and that our teachers have the proper things necessary to allow them to do their job and keep their job, even if they're sick. So this idea that they would be able to rely on a sick bank or able to rely on some sort of

ambiguously defined charity, I think is simply incorrect. This is a benefit that everybody in this room benefits from in one way or another. Your students benefit from it, your kids benefit from it, many people across the state, everybody benefits from teachers staying in the state. So this is something we all benefit from as a state. It certainly falls within our purview in the constitution, and it certainly isn't something that we can rely on charities to give. I would be curious if the people who are opposing this would like to get up on the mic and explain to me whether or not they think Medicaid is a hand out? I would like to hear whether they think Social Security is a hand out? I would like to hear whether they think Medicare is a hand out? Certainly, I would like to hear about whether or not the PPP loans, all of which were ultimately forgiven, are a hand out? I'd like to know how many businesses my colleagues had that were benefited from the PPP loans that were, ultimately, forgiven and whether or not those were a hand out? I'd like to hear the various services or subsidies that agriculture receives, whether that's a hand out? I have a lot of questions about hand outs, because it's really easy to get up here and wag your finger in the face of teachers and say, uh-uh-uh, you don't get this, you better work harder. You better be more responsible with your time. And if I sound a little annoyed, it's because it seems incredibly paternalistic for us to say these things, and it seems incredibly out of touch with the people who are dedicating their lives to being teachers who are struggling through tragic situations, through getting sick, through pregnancies that may or may not happen at the times they originally intended. And for us to say just be more responsible is abdicating our duty as a Legislature to make sure that our teachers are supported. So I do stand opposed to FA269. I should have started with that. And, colleagues, I just encourage you to talk to your teachers in your district and see whether or not this is something that they would support based on the data that I've seen of a poll of over 3,000 teachers across the entire state, spread across different geographies, this is absolutely widely supported. So with that, thank you, Madam President.

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

CLEMENTS: Thank you, Madam President. I stand in support of FA269, and primarily because of the mandate of the match by the school employer. The-- I look-- I do look at this as an unfunded mandate on the schools. The 0.35% of the employees, if they wanted to create a fund on their own, might be all right with that. But the retirement payroll deduction is dropping due to LB645, the retirement plan, as long as the teacher retirement plan is funded at 96% or more, and the school

portion here would be 0.35%. In my calculation, that would be \$9 million per year for the employer share. And if the funding ratio drops below 96%, there would be a property tax increase to fund that \$9 million plus the full retirement contribution. I think, in my opinion, this benefit needs to be negotiated in teacher contracts, not mandated by legislation. The schools should be allowed to negotiate. But no matter the funding level, this will cost schools \$9 million a year. They could reduce property taxes by that much if the mandate is not imposed. I just say let the schools and the employees negotiate this rather than creating this by legislation. Thank you, Madam President.

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

CLOUSE: Thank you, Madam President. And to answer Senator Dungan's comments, I have paid in for well over 50 years on all those and never looked back. So, hopefully, the money's still there when it's time for me to start collecting on that. I do have some questions. I don't know if Senator Spivey-- oh, she did come back in. I have a couple more questions for her if we could?

DeBOER: Senator Spivey, would you yield?

SPIVEY: Absolutely.

CLOUSE: OK, thank you, Senator. On these, and, and I think Senator Clements just referenced that, will this require renegotiation of all these contracts for all the schools?

SPIVEY: Can you repeat the question? I didn't hear Senator Clement's comments.

CLOUSE: Oh, I'm sorry.

SPIVEY: I apologize.

CLOUSE: Yeah, he talked about the need to negotiate with the teachers' contracts all across the various--

SPIVEY: For, like, collective bargaining and all that?

CLOUSE: Pardon?

SPIVEY: For, like, collective bargaining and--

CLOUSE: Right.

SPIVEY: --for some of those things? OK.

CLOUSE: To withhold and all those types of things. Does that require them to open up their contract or do you know?

SPIVEY: It does not.

CLOUSE: Does not. OK.

SPIVEY: This does not require them to open up their contracts.

CLOUSE: OK, and another question. Was there any thought given to having a voluntary contribution? You know, there's, there's other organizations that do that. I don't know how effective it is, and I don't even know if it's even practical. But was there any discussion on that?

SPIVEY: We looked at it, and if you look at other models within the public and private sector, so like state agencies or for a bank or-- for example, they don't make it voluntary, and so it's a benefit that everyone can access. And we didn't make it voluntary here, especially, because we didn't want to say, for example, if OPS offers it and your school district doesn't, that is a retention tool. And so does that mean that we're going to pull teachers away and create this internal competition with districts? And so we know and what we heard from teachers were that whether they can access it now because of a baby or they know that they, you know, have this medical issue or they're unsure, they still believe it's important and they're willing to pay into it even if they do not themselves actualize any benefit. Like, that's what we heard in the testimony and that's what our teachers have said when we reached out.

CLOUSE: OK, and I think I heard you say that there will not be a set rate for reimbursement.

SPIVEY: So it's the actual cost of, yes. So then if your district is 190 and this district is 130, what they found is the actual cost of that long-term sub.

CLOUSE: And will there be some type of system to track which school districts are paying in, who's getting reimbursed, just to, you know, just kind of determine the equity of what's coming in and what's going out?

SPIVEY: Absolutely, so that was a part of the fiscal note with NDE because we put in parameters around auditing the program in yearly reports so that if we see that something was in here that needed to be adjusted, we had the actual data and documentation to adjust it. And so that's where that administration fiscal note comes from that, again, doesn't touch General Fund, but from the actual tax that's charged for payroll will cover that cost. And so there will be opportunities to review that data to see if it's equitable or if any changes need to happen.

CLOUSE: So you could, I guess in essence, tell if there are some school districts that are managed differently with regard to how they're treating their teachers.

SPIVEY: So it's-- the, the process of accessing this will be all ran by NDE. So there-- it will be systematized across the district. But we'll be able to see, is this district using it? How much FMLA are their teachers taking? Did they take their 3 weeks-- of course, aggregate data, right, so did they take 3 weeks and then use PTO or did they take the rest unpaid? Like, we'll be about to have that data through reports and, and audits to see-- making sure that it was used effectively and if there are changes that need to be made. So we will see that, but it will be from NDE's perspective, they are the managing backbone entity.

CLOUSE: OK, good. Thank you. And I have no more questions, Mr. President.

SPIVEY: Thank you.

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

CONRAD: Thank you, Mr. President. Good evening, colleagues. I rise in opposition to my friend Senator Lonowski's floor amendment and in support of my friend Senator Spivey's priority bill, which seeks to provide a modest but meaningful leave program for our frontline educators. It's undeniable that Nebraska consistently ranks in the top 10 when it comes to student performance and in the bottom 10 when it comes to teacher compensation. Now we have made some strides together in recent years to try and provide recruitment and retention stipends and bonuses and other programs, loan forgiveness, to address our long-standing teacher shortage which impacts our ability to educate our kids in both urban and rural environments, which was one of our most important obligations in society and in a democracy to have a strong public education and an informed and educated and empowered

citizenry. But we, we still have more work to do. And I don't disagree with my colleagues on the right that say this should be happening at the local level. It should. It absolutely should. But guess what, it's not. And in some instances, they have negotiated for certain aspects of leave. In some instances, they've created voluntary sick banks wherein teachers can donate their own leave to other teachers without costing a net impact to the district as an employer, which is really just more like a voluntary program of mutual aid rather than an employment benefit that employers, including big government employers, should be affording to their teachers and to their employees. And it's actually very close to what Senator Spivey has put forward here. This proposal lets teachers pay for their own leave when they have a baby, a sick spouse, are facing illness themselves, or are caregiving for an aging relative. We heard from countless teachers that having a benefit like this, particularly as they're starting their family and their career, helps them stay in the classroom in those first few formative years, which are critical to setting them on the right trajectory. We've heard from educators who are nearing the end of their career that a little extra help like this helps them to stay in the, in the classroom longer rather than seeking early retirement if they're helping out with a sick parent. We know that programs like this have worked in our sister states, and we know that they can work here. My only criticism with Senator Spivey's proposal as it made it out of the Education Committee is that it's too modest, and it won't go far enough to help enough, but we need to start somewhere. I do want to note that while local districts should be taking care of their teachers and should be providing competitive compensation and benefits, including leave programs, in some instances they are, in some instances, they're not. But what they are doing is making sure that our superintendents are amongst the most highly paid in the, in the country according to Auditor Foley's recent research that dovetails on the findings of the Education Committee. And, finally, the same people that are working hard tonight to attack and fight against a modest but meaningful paid leave program for teachers on the front line that are paid-- that is paid for by teachers, are the same people that were attacking a presumption in providing workers' comp benefits for firefighters who get cancer on the job. The same people who are fighting against a modest but meaningful leave benefit for teachers here tonight are the same people, who are gleeful, running around the Chamber gleeful about taking up a reconsideration tomorrow to undercut minimum wage workers and keep working poor poorer. The same people fighting against a modest but meaningful leave provision for teachers on the front lines are gutting the voter approved sick

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leave law. So when I say every day is a shocking display of what people will do with their power to punch down on those without,--

ARCH: Time, Senator.

CLOUSE: --that's what's happening--

ARCH: Seeing no one left in the queue, Senator Lonowski, you're recognized to close on your floor amendment.

LONOWSKI: Thank you, Mr. President. May I ask Senator Spivey to yield to a question during my closing?

ARCH: Senator Spivey, will you yield?

SPIVEY: Yes, I will.

LONOWSKI: Thank you, Senator Spivey. I have a quick question. Is Mr. Royers-- does he represent the entire state or does he represent, like, just the eastern part of the state, like Lincoln and Omaha? Can you answer that?

SPIVEY: So he works for NSEA that represents teachers across that are within the union.

LONOWSKI: OK, thank you. I just have a couple of quick emails from superintendents, neither in my district: I'm emailing with concern with a component of, of LB306, the Education Leave and Support Act, a bill that I don't believe all teachers know what will take place if passed. It's also a bill that supports larger school districts over the smaller ones like mine, as they have more teachers and would take more FMLA leave from that. For me, the bookkeeping and negotiation issues with this act make it a liability for school districts. We do not support this act. He's from the northeast part. I'm not even sure who's district. This gentleman, another superintendent, he's a-- I believe he's in Senator McKeon's district, I'm not sure. I write to express opposition to AM1440. This would add an unfunded mandate to school districts to pay for the employer match on payroll fees. In addition to the additional cost to the district, this would also take pay from teachers, most of whom will never use the leave provided. This amendment will cost all districts and all teachers to benefit a very few people. Our district already has a support in place at the district level through sick banks and disability coverage for insurance for those very few teachers who ever need to use FMLA. Thank you for your consideration in imposing this bill. Fellow Senators, I ask that you support FA269. I yield the rest of my time.

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ARCH: The question before the body is the adoption of FA269 to AM1440. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 31 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 under call. Senator McKeon, please return to the Chamber. The house is under call. All unexcused members are now present. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Andersen voting yes. Senator Arch not voting. Senator Armanderiz. Senator Ballard not voting. Senator Bosn not voting. Senator Bostar not voting. Senator Brandt not voting. 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 not voting. Senator Dorn not voting. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom not voting. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting no. Senator Hunt voting no. Senator Ibach not voting. 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 no. Senator Riepe not voting. 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. Senator DeKay voting yes. Vote is 22 ayes, 16 nays, Mr. President, on adoption of the amendment.

ARCH: FA269 is not adopted. Mr. Clerk. I raise the call. Items for the records, Mr. Clerk.

CLERK: Mr. President, the committee report, report from the Natural Resources Committee concerning gubernatorial appointments to the Department of Water, Energy, and Environment, as well as the Nebraska

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Environmental Trust Board. Notice of hearing from the Judiciary Committee. And new LR, LR272 and LR273, LR272 from Senator Prokop, LR273 from Senator John Cavanaugh. Those will both be laid over. That's all I have at this time. Senator Spivey, I have MO263 and MO262, both with notes that you'd withdraw.

ARCH: So ordered.

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

ARCH: Senator Murman, you are recognized to close on AM1440.

MURMAN: Thank you, Mr. President. Very disappointed on some of the earlier votes on the bill. I do think there are still some good things in the bill, especially LB306 for the colleges in our state supporting career scholarships, and I ask for your green vote on AM1440.

ARCH: The question before the body is the adoption of AM1440 to LB306. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armanderiz. Senator Ballard voting yes. Senator Bosn voting no. Senator Bostar. Senator Brandt voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad-- Senator Conrad voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. 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 yes. Senator Hardin voting no. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting 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 yes. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders not voting. 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 yes. Senator Dungan voting no. Vote is 22 ayes, 23 nays on adoption of the amendment, Mr. President.

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ARCH: The amendment is not adopted. Colleagues, we will now stand at ease until 6:05.

[EASE]

SERGEANT AT ARMS: Attention Senators, the Legislature will resume in 5 minutes.

DeBOER: Mr. Clerk, for a motion.

CLERK: Madam President, Senator Dungan would move to reconsider the vote with MO288.

DeBOER: Senator Dungan, you are welcome to open on your motion.

DUNGAN: Thank you, Madam President, and good evening, colleagues. We are now starting up after dinner. It's always interesting when you come back from the dinner break, for those who are watching at home, because rather than all check-in, we just start back up so the room is usually very empty. So I'm talking to a pretty empty room right now. But there's more people funneling in, I think, than we originally expected. But, colleagues, I filed this motion to reconsider for a couple of reasons. One-- and primarily is that this package of bills that came out of Education has gotten a little bit confusing. And I, I mean that genuinely because I think that there's a number of things that were originally talked about going into it. There were some things that were taken out. Today, there were motions made with regards to various different facets of the bill. And, of course, there's still the underlying LB306, which I know we haven't talked about very much, and I was just speaking with my rowmate here, Senator John Cavanaugh, about what was in the underlying bill. And so I think that that's very important for us to make sure that we understand. So I filed this motion to reconsider to give us an opportunity because the vote was very close to have people vote to reconsider the adoption of the committee amendment in the event that they so choose to and I would encourage your green vote on the motion to reconsider, certainly the motion to reconsider doesn't lock you into voting for anything else but I do think it allows us the opportunity to actually reassess the bill and reassess the situation. What I would also highlight is the package of bills that have been put together in AM1440, even with the amendments that have been adopted, thus far, includes what I would say is a pretty big compromise. And the reason I say that is-- obviously, I'm not on the Education Committee, so I didn't get to hear a lot of these bills. I was not a part of the committee hearing, but my understanding is that there is some pretty widespread opinion about

what is contained in this bill still. And you have people on the left, people on the right, and people in the center, frankly, who are not pleased with all the different portions of it. And I, I think that that's part of why I want to be able to have another reconsider vote, is to make sure that folks understand that the underlying AM is not representative of really just one political persuasion's push. I still, all day, have been trying to understand what all the different facets of this bill are. I know we were given a, a spreadsheet here which I appreciate from the Education Committee about the different bills that are in it. I don't know if that was given to everybody or if I was provided that at one point by somebody I was talking to, but it does have a number of things in here. In addition to Senator Spivey's bill which has been talked about a lot today, there's a bill in here from Senator Andersen pertaining to universities, I think, and colleges having to do with foreign sources and funding. I'm still trying to learn more about that. I know there was an introduction about it early on, but I did not have an opportunity to dive too deep into that given that I've been focusing on some other things. There's still the Education Committee bill, it looks like, that updates terminology relating to individualized education programs for high school students. And that's the one that I think had that portion of the superintendent bill that I know we've heard a little bit about here today. So, you know, you hear a lot of times, colleagues, that a compromise means that everybody's a little bit unhappy. I don't know at what point you tip over into this is no longer a compromise. I don't support this bill and certainly everybody in this body is entitled to their own votes but I, I wanted to highlight that the committee amendment before us is still a compromise. And there are people like Senator Spivey, who I know has worked very hard on her portion of the bill with regards to reducing the amount of time available through the paid family medical leave. And in that effort I know has worked deeply with the Education Committee and worked with Senator Murman or Chair Murman trying to ensure that it can be a part of that package along with some other components that I know gives pause to some of my colleagues. And so I know there was some discussion earlier about the deal's been blown up or the deal's off the table. I don't know what all the parameters were that, you know, were talked about necessarily and, and I personally don't care to be a part of all of those discussions. But what I do know is that the committee amendment has things that help, I think, community colleges, universities. It helps every district in the state. And it ensures, I think above all else, that we are trying to be good stewards of our education system here in Nebraska. And the component-- my component of this, which I can speak to briefly in a little bit more detail,

because it's not been spoken about very much, is the forgivable loans to special education teachers. As I said before, this was one of the bills that I brought a couple of years ago that was one of my most important bills, I thought about prioritizing it, I thought about prioritizing it again this year, because it is one of those things that when you knock doors and talk to your constituents, you hear time and time again, you know, there's little things that can help people. And when I talk about our friends in the developmental disabilities community, when I talk about folks who were in the special education programs in Nebraska, it's a thing that touches every single person along my route that I talk to and the constituents that I speak to. Whether it's a personal connection they have or a family friend or, or somebody they work with, this is something that we all know in order to be good Nebraskans, we have to make sure that we are helping everybody in Nebraska, which includes our friends in the developmentally disabled community and the intellectual disabilities community. As others have said here today, there are a number of programs outside of state-governed programs that help with the DD community, but it is also incumbent upon us to ensure up to a certain point, up to a certain education, that it's the schools that provide a lot of these services. And if you talk to anybody with a child who's developmentally disabled or intellectually disabled, you know that the schools, whether it's in Lincoln, Omaha, Gering, McCook, Curtis, Niobrara, wherever you're talking about, it is the schools that provide a lot of these services for our friends in the DD world, and it's through that special education program that I think truly provides them the care they need. So we have an acute problem here in Nebraska. We have an acute issue where we do not have ample special education teachers. And you might remember there were interim studies that actually happened after my first year in the Legislature, if I remember correctly, where there were literally not enough teachers in Omaha Public Schools to be able to teach all of the special ed students they needed. And it was not just a concern, it was a crisis. And that's what, ultimately, sparked this bill and my entire interest in this was a desire to make sure that we were not just trying to keep the special education teachers we have, but to put more people in the pipeline to becoming special education teachers. It is a certification that we don't have enough people getting in colleges and universities. It's a certification that is vital, and it's a certification, frankly, colleagues, is difficult I think for people to kind of work through. It's a, a dedication to a niche profession that I think anything we can do to encourage folks to get into is helpful. We have forgivable loan programs in Nebraska for first responders, which I've been very proud to support. This is modeled after that program, where there are

forgivable loans for college available to our law enforcement and firefighters and their children so long as they stay in Nebraska for a certain period of time. And that is what this program is modeled after is not just giving them the education they need, but keeping them in the schools, keeping them in the schools here in Nebraska to make sure that they're providing the education for Nebraskans, and we're not contributing to the brain drain. So the return on investment that we get from this is absolutely something that is very beneficial. So with that, I'm looking around here. Is Senator Conrad available? I was going to maybe yield her a little bit of time to talk about some education issues. I can get her the next time on the mic. But, colleagues, I would encourage your green vote on the motion to reconsider. This absolutely is, I think, an interesting debate. It's been a really fascinating board. Every time we've looked at a vote, it's not along partisan lines, which I love. I think it's always great when we can have bills up here cut different ways because it means we're actually debating the issues, and we're not just picking sides based on red or blue or where you live in the state, but instead we're actually boiling down and trying to better understand what the issues are in the bill. As I have a little bit more time in my opening, I will just read this one submitted letter that I had in my hearing for LB408, which is the special education teacher loans, and it's from Millard Public Schools. I really appreciated this letter: Dear Senator Murman and members of the Education Committee, we offer this letter in support of LB408. The 2024-2025 Nebraska Department of Education Teacher Vacancy Survey Report has highlighted the critical shortage of educators in Nebraska. This is an important issue for all schools in Nebraska. Millard Public Schools supports legislation which seeks to retain existing educators and make the profession more attractive and accessible to future educators. We believe LB408 has the ability to be an effective tool as part of a comprehensive statewide approach to improve the educator workforce. Millard Public Schools is ready to engage and assist with any future discussions related to educator workforce recruitment and retention. Thank you for your time and attention to this matter. I think that highlighting the vacancies is important because when you look at that vacancy survey report, which I can pull up here in a little bit and will likely keep talking about, you can see that we need teachers across the entire state. But it is a specific crisis point, we need more special education teachers. So I would encourage your green vote on this committee package, and I would appreciate a green vote on AM1440 if that reconsider is successful. Thank you, Madam President.

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

J. CAVANAUGH: Thank you, Madam President. Well, colleagues, I rise in support of the motion to reconsider and in support of AM1440 and LB306. And I didn't talk on the-- kind of the, the amendments to, you know-- but I did appreciate the conversation folks were engaging in about leave for teachers. And I, of course, support that. I think Senator Guereca was at one point saying that being a teacher, you know, is a very difficult job and I agree with that. Today is the last day of school for my kids. They just finished, had the egg drop at my daughter's school and I'm waiting until I get home for her to tell me how she did, but she and her friend did the egg drop at our house on Saturday to practice and this year they dropped-- their, their egg survived the test phase and, of course, I asked before they started, I said what did you learn from your failed egg drop last year and that you're going to implement to improve? And my daughter said she-- they weren't going to use a parachute because the parachutes don't deploy fast enough and they were going to make sure that it didn't break in the testing before they went. And I said, well, that was a good lesson that, you know, if it doesn't survive the testing, it's probably not going to survive the real thing either. So they did do a test on Saturday and had a successful egg drop test, so I look forward-- there's apparently a video that my wife took, so I'll get a chance to take a look at that when I get home, and I'll get a chance to hear if my daughter's recitation of how the egg drop went. It's a fun event, I went to it last year. But-- so last day of school for Omaha Public Schools. Kids are off for summer break now. Unfortunately, we're here for a few more days before I get to spend some time-- quality time with the kids. But I support the, the whole package. And as Senator Dungan said, there's, you know, compromise elements to this package. And a lot of people have had different problems with this along the way. But I-- biggest part for me is Senator Dungan's LB408 and Senator Spivey's LB440. And the educational leave fund reimbursement for school districts, I think, is really important to help recruit and retain teachers. We've had this conversation on Senator Wordekemper's bill, or maybe it was Senator Bostar's bill that then Senator Wordekemper prioritized, if I remember right, but about recruitment and retention through college and investment and college accessibility for firefighters and guards, correctional guards, being able to go to college on a scholarship. Providing these sorts of benefits are the type of thing that allow more people to do these jobs because being a teacher is kind of like being here, it doesn't pay what it should. And the people who do it, do it for their passion for the job here, for

the work we do here and they do it for their passion for educating children and, and, and helping the next generation-- bring the next generation along. So it's a passion project. And so this is a bill I really appreciate because it is us putting some investment and help-- actually, helping them invest in themselves so that they can have an opportunity to have time off when they need it for, you know, health reasons. So-- and then Senator Dungan's bill, the forgivable student-- forgivable special education teachers loans for educational purposes, special education loans. So this is another one, I-- Senator Dungan said he modeled it off of, I think, the college loans for firefighters I think is what he said. Oops, I'm going to run out of time, but I was going to talk about I have a bill. I know I say this all the time, but I have a bill similar to this but for loans for nurses and it was originally a bill for nurses in long-term care facilities in rural Nebraska. And it's a type of thing, there's not enough folks going into long-term care, there's not enough people going into nursing, we need more nurses, we need more nurses in rural communities. So I spent a good portion of the interim, and I'll probably have to push my light to talk about this a little bit more, but working on trying to figure that out and to specifically-- it was originally drafted as loans for community colleges, to go community colleges. And at the hearing, HHS actually submitted a fiscal-- or a, a comment on it that said I should increase the dollar amount and have it go to 4-year colleges as well. So those of you who think HHS can never submit any, any kind of positive assessment of a bill you submit, loan forgiveness for nursing programs is something that even HHS is on board.

DeBOER: Time, Senator.

J. CAVANAUGH: Thank you, Madam President.

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

SPIVEY: Thank you, Madam President, and I rise in support of M0288 to reconsider and appreciate the opportunity to get back on the mic and talk a little bit more just about the education package and then read an email that I received specifically about our last conversation with LB440. I would agree with some of the sentiments that Senator Dungan mentioned that being a part of a package is a compromise. There were original negotiations just around what districts are paying in, in teachers, how does that relate to my bill, what does that look like in the landscape of education? I am not on Education Committee, I am on Appropriations and so spent some time with other colleagues discussing what does that look like and the implications of what the package

would be together. I do appreciate Chair Murman for working to try to get bills together that are representative of different folks' interests and navigating what I felt like was very intentional and specific debate over LB306. It wasn't a filibuster, folks stayed on topic to the bills and the amendments. It was an organic conversation, which I think is the whole point of something coming to the floor and what our role is in really participating in the conversation and in the debate. And so I am-- and as the package came out, I have myself been researching more just about each part of the bill, what is Senator Andersen's as mentioned, what does that actually mean? He talked about working with the state colleges and university systems around, so I've been pulling up his portion. Senator Hallstrom filed an amendment around this, and I had to look up, OK, what was this around the testing? I hadn't done as much research around that and the implications of his amendment. So, again, I appreciate the attentional conversation and the perspective of other folks who are not a part of original conversations or on the Education Committee contributing to the discussion that is in front of us. I want to talk a little bit about LB440, which is my bill, which is a part of the package for AM1440, and read a letter that I received from a teacher at 5:48. Oh-- and before I do that, I needed to uplift-- I always say, like, good afternoon folks that are watching us online or from the Rotunda, and someone actually called me and said that they don't watch online, they watch from their TV. And so they felt left out. And so I specifically said that I will ensure that I say thank you to the folks that are watching via TV as well because I know that people access this information through different outlets. OK, so someone was watching us through one of our many outlets to ensure that the Legislature is accessible and they sent an email at 5:48 and it says: I'm writing to thank you both-- it was addressed to myself and Senator Dungan-- for your words and unwavering support of educators in Nebraska. I've been listening to the debate this afternoon, and I was incredibly disappointed by the introduction of FA269. I've been teaching in the public school system for the past 7 years, and I cannot express enough how much I love my profession despite the many challenges it possesses. Thus far, I've had the privilege of not needing extended medical leave. Moreover, I work in a district that is incredibly supportive of its employees, and I'm confident that they would offer support should I ever need extended leave. However, my situation is not universal in this state, and I am thrilled to know my tax dollars are going toward supporting educators even if I'm never in need of medical leave. Earlier, I believe Senator Spivey who mentioned a poll where only 8% of teachers reported feeling supported by the State Legislature. Admittedly, I fall into the majority and I have been

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disheartened by this session, but you both give me hope for a better future where support of educators extends beyond empty words of what a thankless job teaching is, and instead transforms into real action and benefits the majority of Nebraskans. I am so proud to have representatives such as yourselves truly advocating for teachers. Thank you again and I wish you the best the remainder of the session-- the session. And they are a constituent of District 26, I will not say their name. So, again, I just wanted to uplift that throughout LB306, Chair Murman has and his staff have worked to try to negotiate the package. There are things in there that I think have heartburn for different folks and my hope is that people would reconsider their vote and give an opportunity between now and Select to really work to address some of those things and then we can take it up again on Select to have that conversation. I think the package deserves an opportunity, folks have worked really hard across all of the different bills, again, even if we don't all agree on those whether it's ideology--

DeBOER: Time, Senator.

SPIVEY: Thank you, Madam President.

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

MURMAN: Thank you, Madam President. I would like to explain my vote a little bit. I'm, I'm going to vote no on the reconsider. We had an agreement in the Education Committee and because, you know, all of us on the committee had to compromise a little bit to all the bills in the committee and since some of those things have been pulled out already the compromise is no longer in effect. So on the reconsider, that's where I'm at. Thank you, Madam President.

DeBOER: Thank you, Senator Murman. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam President. Would Senator Murman yield to a question?

DeBOER: Senator Murman, will you yield?

MURMAN: Yes.

M. CAVANAUGH: Thank you. I apologize. I heard you say something no longer in effect, but I didn't hear what that was. Would you mind--

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MURMAN: Well, the total package out of the Education Committee included 5 bills, and several of those have been amended out already. So that's why I'm not in support of the package now.

M. CAVANAUGH: So if the committee, if the committee amendment fails to be adopted, are you still in favor of the underlying bill?

MURMAN: Yes, I'm in favor. The underlying bill is simply a clean up for the state colleges, and I'm definitely in favor of that. We need to get that done.

M. CAVANAUGH: OK, are there things that are in the committee amendment that you're opposed to?

MURMAN: No, on the committee amendment, I'm, I'm-- well, on the committee amendment, yes, I am opposed to it, not-- but I am not on the underlying bill.

M. CAVANAUGH: What are you opposed to that's in the committee amendment?

MURMAN: Well, I'm not-- totally, to be honest, I'm not totally supportive with paid family leave and I would support that with the total package but without the rest of the package in there I can't support it any longer.

M. CAVANAUGH: OK, and what else is left in there after paid family leave? Well, paid maternity leave?

MURMAN: Well, if the amendment-- the reconsider is not successful, just LB306, just the underlying bill is left.

M. CAVANAUGH: No, I meant what else is in the committee amendment after the votes to take things out that you're opposed to? Is it just LB440?

MURMAN: No, I believe the only thing left in the committee amendment is Senator Andersen's bill. I don't remember the number, but that's what's left.

M. CAVANAUGH: That's the reporting of cash from foreign nations?

MURMAN: Yes.

M. CAVANAUGH: OK, so that would go away if we don't adopt the committee amendment?

MURMAN: Yes.

M. CAVANAUGH: OK. So-- OK, you're comfortable with losing Senator Andersen's bill?

MURMAN: I, I support Senator Andersen's bill, but I'm not comfortable with what has been voted out of the bill earlier today.

M. CAVANAUGH: OK. So thank, thank you. I appreciate it. Thanks for answering my questions. People are asking-- people in this building whether they work in the building or just happen to have a shop, a shingle out there in the lobby, ask what happened, and I didn't know what happened. I was very confused by the vote and the landscape of the vote. So I'm, I'm glad-- this has been kind of a confusing debate to begin with because it's a committee package that has 5 bills in it that I think-- I'm not sure when it was voted out, but I hadn't had a chance to look at it. And things were being taken out of the committee amendment and they can only be taken out if 25 people vote for them. So they're taken out of the committee amendment and then we go to a vote on the committee amendment and it doesn't have 25 votes. And if there's things still in the committee amendment that people don't like, I'm questioning why they didn't put up an amendment to take them out. And if they did put up an amendment to take them out and that didn't get 25 votes, why didn't the 25 people who didn't vote to take it out vote to adopt the committee amendment? I know, it seems like I was talking in circles. It makes sense in my head. I don't know if it makes sense on the mic. But I don't-- I'm not quite catching on and sometimes we have confusion in these votes and so-- you know, we've already done it a couple of times this year where we've reconsidered a vote on an amendment because people were not necessarily paying attention and I would like to say that we have reconsidered votes on my motions and I've got 25 votes and I'm very excited about that because I have zero bills passing or moving out of committee so that was, that was real-- hanging my hat on that on a procedural vote. But, yeah, I don't understand not adopting the committee amendment. That's really rarely done.

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you, Madam President.

DeBOER: Senator Dungan, you're recognized.

DUNGAN: Thank you, Madam President. Sorry, colleagues, I was coming back from across the way. I just wanted to highlight what I was

speaking about earlier, which is the 2024-2025 Teacher Vacancy Survey Report Summary. So in looking at the different endorsement areas, you can differentiate the percentages that we talked about, and this is going back again to our lack of special education teachers here in Nebraska. So the vacant percentage of special education teachers in Nebraska is 50%. You go down to elementary education, 25% vacant, career education area is 11% vacant, language arts, 4% vacant, early childhood education, 10. And so you can go down the list and see that there's a number of areas where we have a huge vacancy percentage. But special education is by and large the one that is affecting us the most. And it's the one thing that when I've talked to a lot of my colleagues, people have come in and said they absolutely think this is one of the vital things that we could be doing. And I'm, I'm a little bit disappointed that last year or 2 years ago, whatever it was, we weren't able to do it. I think it made it into the Education package and, ultimately, that package got pared down by virtue of timing and by virtue of the things that were kind of being talked about during that session. But we've almost gotten that across the finish line before. And so I would love to see that get across the finish line now. Now, I'll be frank with you colleagues, if we can't get it across the finish line this year, we can continue working on it and trying to find other mechanisms. You know, to be frank also, I think that there's probably some better ways to structure it overall, and so I would very much appreciate the input from my friends on the Education Committee over the next year of changes we could make to try to make it even a little bit more targeted. It's proposed, my LB408, as a pilot program. And by virtue of being a pilot program it is small in nature, and I know there's been some folks from other parts of the state who have expressed concerns that it's not going to be broad enough to actually address all of the special education teachers or folks, rather, who are seeking to become special education teacher across the entire state. That is part of the reason that we, ultimately, tried to include a certain number of scholarships per institution as opposed to capping it statewide because, to be honest, colleagues, we were worried that a couple of the larger institutions in the eastern part of Nebraska would essentially suck up all of the scholarship dollars and make it impossible for central or western Nebraska to benefit. So the program was specifically crafted in a way that would help people across the entirety of the state, and I really am looking forward to the possibility of that getting across the finish line. There are other facets of the bill, as I've said, that I am not a huge fan of. There are parts of this bill that I think are potentially a little bit problematic, both in the tone they strike in terms of what they are legislating about and also the manner with

which they do that. There's other parts of the bill that, not being on the Education Committee, I've had to kind of try to learn about. And then there's also differences, it seems like, between the original bills that were introduced and then, ultimately, the amended versions that made it into the committee package. So I think that's part of what some of the confusion has been, thus far, is what actually is the language of the bill that has made it to AM1440 where we are today. So, colleagues, again, I would encourage a green vote on the motion to reconsider. I would highlight again, I think there was some potential confusion over what was or what wasn't being voted on at various facets of that last, I guess, slew of votes we took. I will say that during the, the dinner hour, or dinner half hour, I heard some colleagues of mine say they thought they were voting for one thing, when in reality they were actually voting for another, and vice versa. So I think that motions to reconsider are, are valid and that, that ability we have to go back and, and have that conversation, but I am looking forward to continuing the discussion about my program, in particular. I do, again, also stand in support of Senator Spivey's LB440, and I appreciate the hard work that she did with the Education Committee to try to get it to a place where it was acceptable to make it to the floor. And I do also know that the members of the committee have heard a lot about these bills, so I appreciate an opportunity for the full floor to actually debate these issues. So, again, would encourage your green vote on MO288, the motion to reconsider. Thank you, Madam President.

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

GUERECA: Thank you, Madam President. Yeah, it happens when there's a lot of stuff up on the board and we don't know what we're voting on so taking a pause to understand exactly what is left in the package. And then there's, there's still some good stuff in there. I know Senator Dungan was just talking about some of the vacancies that we have with our special education teachers. You know, earlier, I talked about how there's currently roughly 669 vacancies statewide. 60% of those were positions with schools, districts of less than 500 people. So, you know, we're talking about our school districts out in greater Nebraska. So I think programs like LB408 that encourages, you know, our youngsters to go into the profession, right? We talk a lot about wanting to grow and sustain the good life, certainly making sure that our schools are well-staffed, that there's incentive to drive youngsters. And, again, what is a very competitive market, very competitive environment. And that's a good thing. The fact that we have some of the lowest unemployment rates in, in the country is something I think we're proud of, something we brag about. It goes a

lot to the character of, you know, our entrepreneurs, our small business owners, our companies, that are active in the community, that give back, that provide a good living, that provide that good life. But that means, you know, again, we have a constitutional duty to educate our kids. So that means making sure that our schools have special education teachers. It's making sure programs like LB440, which incentivize our teachers staying in the profession. Because what the private-- again, state government in our schools are bleeding workforce to private industry, to other governmental organizations. I'm still staggered by a statistic of 10 years ago, 80% of the vacancies at Millard Public Schools were because of retirement. But now that number is only 25. 75% of teachers leaving the profession are to go on to greener pastures. That's a problem, colleagues. That is absolutely a problem. And that's just teachers, that's not addressing the rest of the workforce at our schools that goes into educating our kids. And we have good schools here in Nebraska. We have the seventh best school system in the country. And we're doing that while, I don't want to be dramatic, but bleeding staff, good, qualified people that are doing a very hard job, that have a passion for it, right? No one gets into teaching because of the tremendous salary. You have to love it. You have to love being an educator. You have love doing the job, and these people do. But every little thing that we could do to help drive them into their careers as educators, to help drive them to be educators in our tremendous rural communities, well, I think that's a good thing. So there is a lot of good things in here. Certainly, we want to support our community colleges that go a long way into educating and training our tremendous workforce to help fill the 60,000 vacancies that we have, job vacancies in the state. Again, that's, that's something to be proud of, that low unemployment rate is something to be proud of. But, nevertheless, we need to be proactive, colleagues. And, you know, there are some things that I don't like, but there is also a lot of good things that would go far to help bolstering our workforce, bolstering our SPED workforce, school nurses, school psychologists, help the community colleges educate and train the tremendous technical workforce that we're really in need of.

DeBOER: Time, Senator.

GUERECA: Thank you, Madam President.

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

J. CAVANAUGH: Thank you, Madam President. Well, I again rise in support of the reconsider, in support AM1440 and LB306. And I was

talking a little bit about my support for Senator Dungan's bill, which is the forgivable loans for special education. And, you know, and as he talked about, that it's a way to get more folks in the pipeline because we need more people teaching special education or being, you know, special education teachers. And so I had a, a bill, it's LB570, that I brought, that I was talking about where HHS suggested that I basically double the amount of money that is in this bill, and it's scholarships for nursing students. And so what I originally did, I was trying to find a way to get more people into nursing, specifically in long-term care facilities. Because the feds were changing the regulation or there was a proposed rule change that would require more nurse staffing at long-term care facilities, which meant, or would mean, I think it's basically been rolled back by this point, but would mean that long-term care facilities so if they didn't have enough nursing staffing, they would have to close. And, of course, the ones that would be most affected by this would be the rural long-term care facilities. And we continue to see a decrease in availability of long-term care in our rural communities and shifting to the cities. And, you know, of course, it's part of a broader problem of people not being able to stay where they want to, live in their, their home community. And that means the families have to travel to visit and things like that. And so, you know, getting care in your community, in your home, is important. And so the, the method of addressing that is to get more people into nursing programs that want to work in long-term care facilities. So I brought this amendment or this bill that was scholarships specifically for community colleges because the nursing program at our community colleges is the level of nursing education that would be necessary to be a nurse in a long-term care facility. And then, of course, on my journey of that bill, I learned that there was way more need and interest in scholarships for nursing programs in both 2-year and 4-year and accelerated programs, but there's also a need for scholarships for nursing students when they're doing their practicums. So when they are going out and working at a hospital or something like that, they have to essentially borrow money to do that work. And so if we could give scholarships for those sorts of things, it allows people to do more of that as well and have, you know, a, a life, I guess, while they're getting their education to do the job that we really need and want them to do. So these types of scholarships clearly are a way that we can incentivize people to take up career paths that they are interested in but can't afford to go to school, or maybe, you know, the reward scenario is skewed just a little too much to the side of not going to school for this. So if we can get more people into the program by giving them forgivable loans that if they become special ed teachers, that's a great thing because

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it serves a great need and growing need and we're matching people up with their passions and helping these kids who need, you know, more teachers to have the accurate ratios and the right care and the appropriate, you know, services that they need to learn and have their fullest life. So I think that the student loan forgiveness for special education teachers is a really important bill. I think the fact that Senator Dungan, Senator Spivey, and the Education Committee have worked to make it have essentially no fiscal note or no General Fund fiscal impact is really impressive and, and great. So I think there's a lot of good in this bill and I think it's really important that we adopt this and we vote for the reconsider. So I'm going to-- I'm encouraging your green vote on the reconsider and then your green vote on AM1440 and, and, ultimately, your green vote on LB306. And I didn't even get to talk about the importance of LB306 to our state colleges, community colleges, and what, what this under-- original underlying bill is and then the parts of it that are in the AM1440 are really important for our community colleges. But I'm going to be out of time, so I encourage your green vote on all of the things on the board at the current time. Thank you, Madam President.

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

JUAREZ: Good evening, colleagues. Good evening to everyone online, and good evening to those of you who are watching us on TV. Senator-- I'd like to ask a question to Senator Murman, please?

DeBOER: Senator Murman, will you yield?

MURMAN: Yes.

JUAREZ: OK, Senator Murman, I'm a little concerned as chair of our Education Committee that you've stated on the floor that you're not supporting our bill now. Did I understand you correctly?

MURMAN: That is correct. The compromise agreement has fallen apart and important parts of the agreement to me have been taken out so I no longer support-- I support the bill, I don't support the amendment, committee amendment.

JUAREZ: You don't support the amendment, but you support the bill?

MURMAN: Correct. The, the bill, LB306, has important things that need to be done by the colleges and that is the reason we need to advance that.

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JUAREZ: OK, well, as a member of the Education Committee, I have to say that I'm extremely disappointed that you're taking that stand. Because, you know, when I'm sitting in the room with you as a member of that committee, sometimes it's a struggle for me to put in a vote also, but I still stay there at that table working with you guys trying to get these bills out. I don't walk out. I don't get mad. I stay at that table trying to work with you guys on getting these bills out. So I stayed in the room working with everyone and now you're not being supportive. And I'm sorry, but I don't think that as a-- the head of our committee that that is the perspective that you should take. Granted you're entitled to your perspective, but I just wanted you to be aware as a committee member how I felt about that.

MURMAN: Could I respond to that?

JUAREZ: Yes, go ahead.

MURMAN: Yes. Actually, I've never walked out of a committee meeting, I've always been there on time for every meeting, most of the committee has been, and I appreciate that, but there are some members that haven't been. And I do agree with you, we had a good compromise agreement, all worked together, but when certain parts of the agreement of the committee package fall apart, important parts to myself and some conservatives on the committee, we're, we're free to vote our conscience after that.

JUAREZ: Well, you know, I'm not here to account for anybody else's behavior, but as the chair of the committee I, I expect the leadership to be different. That's all I'm saying. I think that through thick or thin, as a leader, if it were me, I would be sticking with my bill because I think that it's important. I think it's the message that it's sending. And, quite honestly, I'm going to remember that now. And we got 3 more, 3 more years that I'm going to be on that committee, or at least 1 more year, for sure. Thank you. So I wanted to go on to make a comment about other parts of the bill. And I think that there are-- that we worked hard to put this package together. And I was concerned about how this was all going to fall out because, believe me, they're all, they're all different packages into one. And from the get-go I have had a concern about it. And, of course, here it is playing out just like I thought would happen. There's good and there's bad, yes, but what was important was to try to compromise. And I'm really, as a freshman senator, I'm really learning a lot from what's going on with this Education package tonight. And it's, it's not like I've had any control of what went inside the package. Basically,

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everybody in the committee is trying to do the best job that we can.
Thank you.

DeBOER: Time, Senator. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam President. Would Senator Lonowski yield to a question?

DeBOER: Senator Lonowski, would you yield?

LONOWSKI: Yes.

M. CAVANAUGH: Thank you, Senator. You're on the Education Committee?

LONOWSKI: Yes.

M. CAVANAUGH: And you voted for the committee amendment?

LONOWSKI: I voted for this to come out of committee, yes.

M. CAVANAUGH: OK. Did you vote to amend the committee amendment with the things that were in it?

LONOWSKI: I suppose I must have.

M. CAVANAUGH: Because-- I apologize, but the committee statement doesn't have the individual votes for the individual sections recorded. So I assume that the people who voted for the committee amendment to advance also voted for the things that are inside of it. So if that's the case, then why are you-- why did you try to remove LB440 on the floor?

LONOWSKI: As-- well, it was a bit of a compromise. So there were other parts I wanted in there and, and the deal was we would try to help each other get our bills out. The moment we introduced this bill today, people started dividing the question and started-- or making amendments and it kind of fell apart early.

M. CAVANAUGH: So, so you moved to undo what you did in committee because the majority of the Legislature made a different choice on the floor?

LONOWSKI: Well, I've also received a lot of emails from school districts, school superintendents, and principals talking about the fiscal responsibility and, and the mandate that would be on it.

M. CAVANAUGH: Did you ask them why, did you ask them why they didn't show up to testify in opposition because there's no opposition to that bill?

LONOWSKI: I did not ask them, I assumed they were working at their job.

M. CAVANAUGH: Well, they have paid lobbyists that they are investing money in that would have notified them of this bill. So they had plenty of time before right now to notify you.

LONOWSKI: Which they have.

M. CAVANAUGH: OK. And did you bring any of their concerns to Senator Spivey?

LONOWSKI: I did not. Likewise, I was not asked any questions as a 35-year teacher of what I thought of the bill.

M. CAVANAUGH: Well, it's not incumbent upon her to ask you that. She-- you were in front--

LONOWSKI: Roger that.

M. CAVANAUGH: --she brought the bill to your committee, you sat on the committee, you could have used that opportunity and that platform to express how you felt about the bill.

LONOWSKI: Thank you, Senator Cavanaugh, for this learning opportunity.

M. CAVANAUGH: Yeah, thank you. That's-- thank you for yielding to my question, Senator Lonowski. I do believe that this is what we call not being a-- you know what, never mind, it doesn't matter what we call it. This is who we are now. Thank you, Madam President.

DeBOER: Thank you, Senator Cavanaugh. Senator Storm, you're recognized. Senator Storm waives. Seeing no one else in the queue, Senator Dungan, you are recognized to close on your motion.

DUNGAN: Thank you, Madam President. Colleagues, again, this is a motion to reconsider on your vote as it pertains to the committee amendment to the Education Committee package. There are a number of things in here I know that are supported by various different folks. There are things in this package that I know some people are hesitant about. That being said, I, I appreciate the debate we've had both earlier today and then again this evening just to make sure that we're

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clear about what is and what is not in the package. And I would encourage your green vote on the motion to reconsider and I would ask for a call of the house.

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

CLERK: 27 ayes, 3 nays to place the house under call.

DeBOER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel outside-- please leave the floor. The house is under call. All unexcused members are present. The question is the motion, the question is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 19 ayes, 27 nays to reconsider.

DeBOER: The motion is unsuccessful. I raise the call. Seeing no one else in the queue, we're going to go to the next amendment. Mr. Clerk, for a priority motion.

CLERK: Madam President, Senator Machaela Cavanaugh would move to adjourn the body until May 22 at 9:00 a.m.

DeBOER: Colleagues, you've heard the motion. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 8 ayes, 29 nays to adjourn the body.

DeBOER: The motion is not successful. Mr. Clerk.

CLERK: Madam President, Senator Hallstrom would move to amend with AM1241.

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

HALLSTROM: Thank you, Madam President, members. Senator Dungan suggested that this was a little bit of a winding road and a little bit confusing. It's about to get even more so. Seems like Groundhog Day, perhaps. We had FA268, which had to do with the ACT test issue that I described earlier. And a funny thing happened on the way to the forum, we took that language with a successful amendment out of the

committee amendment. And when the committee failed to be adopted, we're back to the green copy of the bill, and the green copy of the bill contains the same language that we had removed out of the committee amendment. So what I am asking and hoping is that the more than 25 senators who voted for FA268, if you would be so kind as to vote for AM1241, we will put the green copy back into the position that we had intended not much more than an hour ago. So I would appreciate your green vote on AM1241, and thank you.

DeBOER: Thank you, Senator Hallstrom. Next in the queue is Senator Machaela Cavanaugh.

M. CAVANAUGH: Thank you, Madam President. So now we're going to just redo everything we did before dinner, which is super fun. Looking forward to that. I rise in opposition to AM1241. And I just asked at the front, cloture is at 10:39 on this. So I guess we'll just see how these compromises continue to go, and hopefully everybody gets 25 on their things and 33 at the end. Thank you, Madam President.

DeBOER: Thank you, Senator Machaela Cavanaugh. Senator Murman, you're recognized.

MURMAN: Thank you, Madam President. Once again, I'm going to talk about the CLT test. I talked about a-- I talked to a kid that took it last night. He actually took all 3 tests, the ACT, the main test, CLT, and the SAT. He said that they were all approximately the same as far as difficulty. If he actually had to rate them, he'd say maybe the ACT was a little bit tougher, CLT was in the middle, SAT was underneath. But he said they were about the same difficulty. And the reason we're even debating this tonight, today at all, is because there are lobbyists out there that are lobbying for the ACT. There's no lobbyist here lobbying for CLT or the SAT. But, really, all we are doing in LB306 is making any of these equitable tests-- not sure I had the language last time, but available to be used for career scholarships. And the state colleges, the independent colleges, and the Coordinating Commission of higher education all support opening up to using all of these equal-type tests for the scholarship, and that's the reason we have it in there. They're totally supportive. The university didn't weigh in on it, so I assume they're OK with it too, but all the others are supportive. But I'm going to just read about how it is remotely proctored and it is, I'd say, almost impossible to try and, I guess, cheat would be a word that you could use and I'd say it's even more secure than the other tests. But once a student enters the exam, all actions made on the student's computer are tracked and recorded by CLT's program including the student's screen, every click, keynote,

physical movement, and sound made by the student. Prior to beginning the exam, students must move their camera to show the entire room and their desk, ensuring that no one else is in the room and that there is nothing in the room, no open books or papers or anything that they could use to reference for the test. Contrary to proctoring facilities, which can have only one proctor attempting to watch dozens of students, the remote proctored test offers one-to-one scrutiny. CLT compiles and reviews data including score and duration, section scores and duration, historic test scores, testing behavior, and test location. And another thing, by the way, I'm going to add this, on the CLT test, you have to show the whole process of whatever the question is. On the other tests, it's more checking boxes, not showing your process. But I don't have anything against the other tests, we just want to open it up to the tests that the colleges would like to see. The CLT compiles and reviews data, including score and duration, section scores and duration, historic test scores, testing behavior, and test location. A machine-learning program compares commonality of student-answered patterns and performance. And the tests are updated monthly, and students are required to read the CLT honor code aloud. And if all instructions are not followed perfectly, then the test will be voided. So, like I said, the colleges are comfortable with this test. CLT doesn't have a lobbyist out there in the Rotunda, ACT does. They want to-- those lobbyists want to just use their test and not opening it up to other tests like the CLT or the SAT. And, of course, proctoring facilities are independent for students and they have had difficulties--

DeBOER: That's time, Senator.

MURMAN: --finding locations for SATs and ACTs. Thank you.

DeBOER: Thank you, Senator Murman. Mr. Clerk, for a priority motion.

CLERK: Madam President, Senator Machaela Cavanaugh would move to bracket the bill until June 9.

DeBOER: Senator Machaela Cavanaugh, you're recognized to open on your motion.

M. CAVANAUGH: Thank you, Madam President. Colleagues, you know, feel free to go to the lounge, eat some ice cream. We're going to be here for a while. So I just, you know, like, globally speaking, think that things are not going well in this body. Making votes that are just for retribution or to teach a lesson that comes at the expense of good public policy and helping your own constituents, it's, you know, it's

not great. It's not. So I'm neither here nor there on Senator Hallstrom's amendment, but I don't believe that the other amendments that will be coming after this should be allowed to be adopted if we couldn't-- they could have filed them again at another stage of debate. They did not have 25 votes. And, you know, at any minute today, we're going to get the line-item vetoes from the Governor. And there's going to be a choice that has to be made here about what we want to override. And that's going to take 30 votes. And you're going to need friends to override what you want to override. So what have we done, colleagues? We clawed our way across the finish line for SNAP for convicted drug felons. It got vetoed, and people flip-flopped on their votes and showed their lack of profile and courage in acquiescing to the Governor. We clawed our way for a bill that is a "may" not a "shall" allowing permissive for the city of Omaha, that the city of Omaha said if we don't do that, they can't do it. We clawed our way for that for bed bugs. You talk about victims and how much you care about victims, but you don't care about those victims if they're small children living in subsidized housing and getting eaten alive by bed bugs in government buildings, then you're cool with it. Then you're cool with the victims getting screwed. That gets vetoed. We know other bills are going to get vetoed, we know the line-item vetoes that are coming are going to impact your districts. And I know that you're going to need me. I said it at the beginning of this session, at some point, everybody needs another senator. At some point the landscape shifts. At some point you have a brand bill that has you in conflict with one another when you were lock-stepped the whole time. And when those vetoes come to that budget you are going to need me. And I got to tell you, the way you just abused your colleague, Senator Spivey, I have zero inclination of showing up to work for you. This Legislature has worked systematically to undo the will of the people of Nebraska at every turn, while also lining your own pockets at every turn. And we're going to get line-item vetoes from the Governor because we sent him a turnip that still had some drops of blood left in it. And that bloodletting couldn't go unnoticed. He had to do it. And now you have a choice as to what you are going to do. And I know for a fact that there are not 30 Republicans that are strong enough to stand up to the Governor. So you're going to need Democrats. The math is not there without us. But you turn your backs on us when we try to help your constituents and our constituents because it's just petty politics to you. It's just a game. I was asked by a reporter today to say how I thought session was going and on camera I said not well, not well, nothing good is happening here. Nothing. I can't point to anything that I am proud of that we have done this year. I have worked in public policy, advocacy, nonprofit,

pretty much my entire life. I have volunteered for candidates that I believed in since I was a teenager. I have gotten involved on university campuses in issues that I cared about deeply. I have always shown up to advocate for communities that don't have a voice. And I have been defeated more times than I could ever possibly begin to count. I stood here for 60 days in 2023, got up every morning and talked to defend a community of individuals that were invisible and under attack. And yet, still, this session is the worst. I was sexually harassed on national TV by one of my colleagues while the rest of my colleagues didn't do anything. This is worse. This session is an abomination. Nebraska, wake up. Get rid of this Legislature. Vote better people. This is awful. When we can't pass the committee priority package bill because the committee chairman won't even vote for his own committee amendment because a bill that he doesn't object to gets taken out because somebody else is petty. A member of the committee that voted the package out is just being petty. That's what is happening here. This is a tragedy. It's genuinely a tragedy. So I hope when you need my vote to override the veto for the Governor's bloodletting in your communities, I hope you remember this. I hope you remember this because it is not going to be easy for you. You have harmed the most vulnerable people in this state. And you're going to need me, Senator Spivey, Senator McKinney, and others. You're going to need us. Do you think we should show up for you? Thank you, Madam President.

DeBOER: Thank you, Senator Cavanaugh. Turning to the queue, Senator Hansen, you're recognized.

HANSEN: Thank you, Madam President. Just had a couple questions, in particular, to Senator Hallstrom's amendment if he'd be willing to yield to a couple of questions, please?

DeBOER: Senator Hallstrom, will you yield?

HALLSTROM: I thought we were going to rest for a while, but, yes, certainly.

HANSEN: But, yeah, I, I did talk with Senator Hallstrom before and asked him some of these questions and, and he obliged me with some answers, and so maybe just some kind of-- some of my thought process is about the amendment and kind of where, where I'm trying to justify voting for or against it. It's more about the understanding about what the CLT exam is, and so from my understanding Senator Murman is trying to put in his bill that the CLT would be included as what state colleges could use as a test to determine state scholarships and I

think your amendment then would solely limit it to SAT and ACTs, correct?

HALLSTROM: Well, in essence, what it does is there's language in the current bill that was in the amendment as well that basically says that you're looking at something that's going to be deemed to be college admission test equivalent. And because of the differences in the testing protocols, the stability or, or the structure of the test, the proctoring, when you look at the CLT, you're looking at something that's done at home with a remote proctor, if you will, and reviews video. And there's been a number of states that have vetted this system but are not using them because there are other issues that need to be taken to bring them up to speed and up to snuff in terms of being comparable to the ACT. And as we discussed, Senator Hansen, I don't have any specific statistics with regard to the likelihood that someone is or has been caught cheating under those circumstances, but I think that's the logical rationale is that if you don't have an on-site proctor that the potential or the propensity for something of that nature is probably much greater.

HANSEN: Yeah, and I, and I do appreciate you mentioning that earlier, because, because I think if we're considering-- it, it-- so it almost sounds like there's not even a concern that the CLT exam is the equivalent of the SAT or the ACT, it sounds like there's more of a concern about the potential for misuse or cheating with the CLT, from, from what I've been hearing anyway.

HALLSTROM: I, I think that's part of it, yes.

HANSEN: OK, but from what, from what you've heard of what you understand, have, have people mentioned or have they said is there a specific reason why this CLT is not on the same equivalent of an SAT or ACT besides it being from home?

HALLSTROM: That I don't know. I know that's the major issue.

HANSEN: Yep, and that's fine. And, and you did mention, like, you're unfamiliar, and so maybe, maybe after I'm done speaking somebody can mention to me or I can look it up maybe further about has there been any instance of cheating on the CLT exam from being at home that would then, you know, rationalize the reason why we don't want to keep them as the same equivalent, so. And you just mentioned you haven't seen-- you're unfamiliar with that, which, which is fine. I think I just have to do a little bit more of a digging, I think after this, so.

HALLSTROM: You bet.

HANSEN: But I appreciate you answering my questions, though. Thank you.

HALLSTROM: Thank you.

HANSEN: All right. So, so, colleagues, here's also, I think, to help me rationalize what to do with this amendment, I'm also under the understanding that every college who gives out these state scholarships has a scholarship committee. And so if you have a scholarship committee sitting there and they have concerns about the CLT, they might put more weight as a committee or as decision-makers to the SAT or the ACT. They have that decision, I think, as well to determine what they might put more weight on to determine who they're going to give scholarships to. So I think the idea of making sure that, you know, or taking this option maybe away or rationalizing it that it's the same equivalent or getting that away from these decision-makers, I think, I don't know, I think Senator Murman might be on the right track here with what he's, what he's trying to accomplish here. I think it provides more options to people who are making decisions about state scholarships. Ultimately, they can decide that they don't like the CLT exam for various reasons, but we're still at least kind of putting it out there like, hey, you know, this is on the same equivalent. And if there are, are instances of people cheating at home or, you know, other concerns that they might have, then the, the scholarship committee can weigh that, I think, on their own. I think they should be able to do that, so. I'm still deciding what to do with the amendment, but I do appreciate Senator Hallstrom answering some of my questions. So thank you, Madam President.

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

RAYBOULD: Thank you, Madam President. Good evening, colleagues. You know, I've been listening to this debate all day and I'm, I'm just going to make an observation. It seems like it's really quite messy and I think in the past when we've encountered somewhat of an impasse about trying to move it forward and, and get amendments on and get amendments taken off and reconsideration, it indicates that maybe this, this bill wasn't ready for prime time. However, you know, in the past, I think we've done this with one of the Judiciary bills that needed some tweaking and some fine tuning. We, you know, pulled a bunch of stuff off, and then we just passed the, the base bill onto consideration for Select. And in between the General and Select, they

worked out all these issues and these impasses and, and come to some type of agreement as a committee and then they come back on Select and it should be a little bit tidier and cleaned up. And so Senator Machaela Cavanaugh, may I ask you a couple questions?

DeBOER: Senator Machaela Cavanaugh, you're-- will you yield?

M. CAVANAUGH: Yes.

RAYBOULD: So, Senator Cavanaugh, what did we do with the Judiciary bill or another bill, does that ring a bell with you? Like, I thought we just said, OK, we're going to clean it up, then pass it on.

M. CAVANAUGH: Well-- yeah, sometimes, oftentimes we'll move a bill forward from General to Select with an agreement that the changes that need to be made can be made-- worked out between General and Select. That's common practice.

RAYBOULD: That's common. Is Senator Murman-- would, would you yield to the question, sir?

DeBOER: Senator Murman, will you yield?

MURMAN: Yes.

RAYBOULD: Senator Murman, what do you, what do you think we should do to help, like, get us out of this sticky wicket and try to come up with solutions so we can move it forward? Because I feel like, I don't know, I might be the only one who feels that way, but I feel like we're not making any progress. We're putting things on, pulling things off, bracketing things. And underlying there's, there's a good bill there, but would you consider pulling some stuff off if Senator Cavanaugh does that?

MURMAN: Yeah, I don't have any other motions up, but I am working right now to try and come to a pause.

RAYBOULD: OK, and then this is something that you feel confident that could get fixed in between General and Select and by the time it comes up on the second round we will have achieved some compromises?

MURMAN: Yes, that's my goal.

RAYBOULD: OK. All right, great. Thank you. Madam President, I don't, I don't have any other issues and just hopefully we can get this

resolved and get onto the next item after we get this one resolved.
Thank you.

DeBOER: Thank you, Senator Raybould. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam President. Thank you, Senator Raybould, for your questions. Yeah, absolutely, if we want to just move LB306 as is from General to Select, then we can be done with this bill. But this notion that just because some of my colleagues don't know how to count to 25, so they have to tank another colleague's bill and then try now and count to 25, is very bizarre to me. If you couldn't count to 25 2 hours ago, do you think you can count to 25 now? And this has nothing to do with Senator Hallstrom's amendment. He had 25. It's the other amendments that are pending after my bracket motion, my reconsider, my recommit to committee, my reconsider, and then we'll get to those amendments that couldn't get to 25 last time. Seems like a waste of time and energy. But if that's what we want to do, then that's what we want to do. But if people want to pull off their amendments, then I'll pull off my brackets, and we can move on. So that's where we're at. Thank you to Senator Raybould for bringing forward that idea, because it's a very workable one. So I'm just looking at the Education Committee-- oh, I got to get back in the queue-- package LB306 includes provisions of-- now, this doesn't matter anymore, but I'm going to read it anyways, because I'm tired and I need to talk for 5 minutes. LB306, Senator Murman's bill, allows for public-private partnership housing opportunities with the State Nebraska College Auxiliary System. It increases the Coordinating Commission for Postsecondary Education's minimum capital expenditure for facility operations and maintenance costs, modifies requirements to the Career Scholarship Program and Door to College Scholarship Act. LB378 from Senator Andersen requires recovered institutions to provide quarterly reports detailing funds received from foreign sources. Now this one, I went out and I asked the university about this because, you know, I wanted to know how it impacted them and they said that they had worked with Senator Andersen and that they were comfortable with the language that was in the committee amendment, but that now is gone. So I'm sorry to Senator Andersen for LB378 being sacrificed. Then there's LB408, Senator Dungan authorizes the Department of Education to award forgivable loans to students studying to become special education teachers. Well, thank God we got rid of that. We've got enough of those, right? Eligible students must begin teaching special education within 1 year after graduating and remain employed for 5 years. So this is an interesting conversation that we had in Performance Audit yesterday about special education costs and part of,

like, why are those costs increasing? Part of it is because we don't have enough teachers and so we have to outsource a lot of our resources and that costs more when you contract out, than when you have people on staff. So we-- you know, Senator Dungan's bill would have helped with that, address that issue, but that's gone now. Senator Spivey's bill establishes a state education leave fund to reimburse school districts through payroll contributions from teachers and matched by an employer for 3 weeks of family medical leave. Now this, I have an educator in my children's lives, she's in my life as well, who has been dealing with a very severe condition this year. And it's been really, really hard. And she's been out a lot. And the kids have been making cards and, you know, she has been in all of our thoughts a lot, and so something like this would probably help her family quite a bit, quite a bit. And then we've got LB550, Senator Lippincott's bill, that authorizes school districts. Now this is the one that had more than-- had 25 votes to take it out. It had 25 votes to take it out and that seems to have pissed people off enough that they tanked all these other things, but that's the majority of the body, colleagues. The majority of the body voted to take out LB550. That's the reality. And because we can't accept that, we are where we are right now. So to Senator Raybould's point, maybe somebody-- there's-- I think Senator McKinney's in the queue ahead of me, maybe while he's speaking, somebody will come talk to me and say you know what, let's just move this bill and move on to the next thing because, otherwise, we're just spinning our wheels here until 10:30 and I won't--

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you.

DeBOER: Senator McKinney, you're recognized.

McKINNEY: Thank you, Madam President. I support the motion to bracket. But my reason for standing up is, you know, I've received multiple calls recently-- today, actually, about the State Pen. And I believe they have another water main break which keeps happening because of deferred maintenance that the department and administration has failed to address. And, you know, in these reports it says the department is giving individuals inside 2 bottles of water, no showers, and, and those type of things. And then another more disturbing report is saying no showers or working-- no working showers or toilets. And they, and they haven't addressed the issue, individuals using the restroom in a shower, and this is not being cleaned, and, and individuals are dealing with horrendous conditions. This is the

department that people stand up and say is doing a great job. They're failing to address a water main issue that keeps happening every year, at least 2 or 3 times a year. These are the conditions people are living in, that the department refuses to budget to adequately fix, and you could say, oh, we're building a new prison. Yes, you voted to do that. But in the meantime, does that mean that people have to still suffer? Deal with the department that's failing to address a water main issue? People having to use the restroom and the showers, use buckets to dump feces out of toilets? Because I've seen it, I went there when a water man broke before, and it stinks. And nobody should live in those conditions. You got people pumping toilets with buckets. It, it's ridiculous that it keeps happening and people want to praise the director and the department and the-- like, they're not doing a good job of managing the facility. They have at least \$60 million worth of deferred maintenance that they refuse to ask the Appropriations Committee for but they want to ask for a new prison and they don't even want to close NSP. But we got men living in horrible conditions that nobody should have to live in no matter if they're in prison or not. It's inhumane. We complain about other places and their lack of humanity and all those type of things, but when it comes to the Nebraska Department of "Punitive" Services, nobody wants to hold them accountable. I would rather see the 130-plus million dollars that got put in a budget for the construction of the new prison, some of it should be going to deferred maintenance at NSP. That new prison is not going to be built by 2028, and we all know it. But what's going to continue to happen, like it keeps happening, is water main issues and breakages from now until then if they don't adequately address the issue. That is my problem, is that we're OK with a lack of humanity in this body. Why should people have to live through that? Why should they not be able to take showers? Why should they not be able to use their toilets adequately? Why is the department giving them water bottles? And 2 at that. You could drink 2 water bottles in 30 minutes or less. 2 water bottles for a whole day for grown men in an overcrowded prison system. That sounds very humane to me. I'm just throwing it out there that I'll look more into this, but I've received reports, and it's not good. And you should look into it, too, if you care about humans, and you care about the department, we should be pushing them instead of-- well, we already passed the budget but some of that money should have went to deferred maintenance to make sure that the facility that's going to stay open is, is running adequately. But, you know, I don't know if people actually care about people in prison, but thank you.

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DeBOER: Thank you, Senator McKinney. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam President, and thank you to Senator Raybould for entertaining an idea, creative thinking outside of the box. And I just spoke with the Speaker and Senator Murman and Senator Spivey, and so I am going to withdraw my motion and any other pending motions. Thank you, Madam President.

DeBOER: Speaker Arch, for an announcement.

ARCH: Thank you, Madam President. Senator Murman indicated to me that he is asking me to, to pass over this for this evening and to move on to the next agenda item, give them some chance to have further discussions. Thank you, Madam President.

DeBOER: Thank you, Speaker Arch. Mr. Clerk.

CLERK: Madam President, pursuant to the Speaker's announcement, General File, LB303, introduced by Senator Hughes at the request of the Governor. It's a bill for an act relating to education; amends Sections 79-1001, 79-1006, 79-1022, 79-1022.02, 79-1023, 79-1027, 79-1031.01, Reissue Revised Statutes of Nebraska, and Section 77-3442, Revised Statutes Cumulative Supplement, 2024; changes school district levy authority; changes provisions relating to foundation aid and uncertain-- and certain certification dates and provides for a base levy adjustment under the Tax Equity and Educational Opportunities Support Act; creates the School Finance Reform Commission; harmonize provisions; repeals the original section; declares an emergency. The bill was read for the first time on January 15 of this year and referred to the Education Committee. That committee placed the bill on General File with committee amendments.

DeBOER: Senator Hughes, you are welcome to open on your bill.

HUGHES: Thank you, Madam President. OK, LB303. The base bill would have lowered the maximum levy cap for schools from \$1.05 to \$1.02 and provided an additional \$90 per student in foundation aid to all schools in Nebraska. It would have also instituted a 30-cent base levy adjustment. The 6% increase in foundation aid, the lowering of the maximum levy, which is a hard cap, and the base levy would have pushed school levies closer together and directly provided property tax relief across Nebraska. We had enormous support for this proposal. The teachers' union, NSEA, the Farm Bureau, the Farmers Union, the School Board Association, school districts across Nebraska, everyone who--

and everyone who came in to testify except for Omaha Public Schools was in support. What we don't have now, at the end of the day, is the funds to do this. However, LB303 had one piece that we can get across the finish line this year, and that is the creation of the School Finance Reform Commission. This commission will examine our school funding formula, which is known as TEEOSA, and provide the Legislature with annual suggestions on how we can keep state aid to public schools in order to keep-- to drive down local property taxes. I have provided, the pages are handing out to each of you, a handout explaining the detailed makeup of the commission, how they would be appointed, and by whom. I'm not going to take the time on the mic during this opportunity to explain all that, but please review it and let me know if you have any questions going forward. There will be one change going forward, I have committed after our conversations with Chairman Murman that on Select File I'll be bringing an amendment to LB303 to ensure that the 3 members of the Legislature that 1 is the chair of the Revenue Committee or their designee and that 1 is the chair of the Education Committee or their designee. I'd also like to point out that each of the 3 members of the legislator [SIC] appointed to the commission would be nonvoting, and that's in order to avoid any constitutional issues because we have separation of powers between the legislative and executive branches. It is our intention that each member appointed to this commission have an understanding of how TEEOSA works and how property taxes are levied, collected, and distributed. To ensure that we have an expert on property taxes on this commission, we have included the property tax administrator or their designee. To ensure that we have an expert on how the recommendation put forth by the commission understands its impacts on schools and the Department of Education, we have also included the Commissioner of Education or their designee. There is no fiscal note with LB303 after AM1350 is adopted. Governor Pillen and his team worked with me over the interim to develop LB303, and it was the Governor's suggestion to include the School Finance Reform Committee into LB303. In my opinion, if we would have had this commission established over the past years, we might not be in the place we are today. 20 years ago, we had over 200 of our 244 school districts receiving equalization aid. Today, that's fewer than 60. Think if this body would have been receiving annual reports from this commission over the years, things might not have gotten so skewed. None of this would have been possible without Senator Wendy DeBoer. She has introduced various versions of the School Finance Reform Commission over her 2 terms here in the Legislature. She worked with me to develop what is now AM1350. And I would like to thank her personally for all her hard work on this. I'd also like to thank Chairman Murman

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for pushing this out of committee and for Speaker Arch for scheduling it. I'd also like to thank my cosponsors with Brandt, Conrad, and Dorn for their support. Colleagues, we have not been able to deliver on legislation to lower property taxes this session, but we have an opportunity to start to rectify that by moving LB303 forward. I urge my colleagues to adopt AM1350 to LB303 and then advance it to Select File. Thank you.

DORN: Thank you. Thank you, Senator Hughes. As the Clerk stated, there are amendments. Senator Murman, as chair of the committee, you're recognized to open.

MURMAN: Thank you, Mr. President. AM1350 is an amendment which strikes much of the original LB303 and retains the part creating the School Financing Review Commission. This would include 18 members, those being the Commissioner of Education or designee, the property tax administrator or designee, a representative of the Governor, 3 nonvoting members of the Legislature, a postsecondary education representative, 4 superintendents or school board members representing Class 1, 2, and 3 districts, 1 representative of a Class 4 district, 1 representative of the Class 5 district. There would be 5 members appointed by the state at large representing business, agriculture, and teachers. Thank you, Mr. President.

DORN: Thank you, Senator Murman. Returning to the queue, Senator Andersen, you're recognized to speak. Senator Andersen waives. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. Well, I want to say thank you to Senator Hughes and for her overly kind words and to the Governor for his work on this bill. This has indeed been a labor of love, and I think it will make Nebraska and our school finance system a better place. So it's, it's been a long journey, but I'm really glad we're here. So thank you, and I appreciate all of your support. Thank you.

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

RIEPE: Thank you, Mr. President. I first want to acknowledge that Senator Hughes sounded like she was the recipient of an Academy Award with all of her thank yous for everyone. I think that I'm maybe the only one in the whole Chamber that she missed to thank. But we'll catch up on that a little bit later. I do have a question for Senator Hughes if she will accommodate me?

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

HUGHES: Yes.

RIEPE: My question is a simple one. Given the size of the commission, do you anticipate that you will have an executive board to deal with some of the day to day?

HUGHES: Meaning, like, outside of the 15 folks, or what do you mean?

RIEPE: Well, oftentimes boards that are of 18 will have an executive board of 5 or so that deal with kind of the little details.

HUGHES: I see, yeah. They are self-governing, so if they find that more reasonable and need to do that kind of in between when they have their big meetings, I think it's, it's on them. They can do that, yes.

RIEPE: OK, thank you. I'm going to let you off the hook with that.

HUGHES: OK.

RIEPE: Thank you, Mr. President.

DORN: Thank you, Senator Riepe and Senator Hughes. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. Would Senator Hughes yield to a question or two?

DORN: Senator Hughes, would you yield to a question?

HUGHES: Yes.

von GILLERN: Thank you, Senator Hughes. We've had a lot of conversations in recent weeks about LB303 and how the original bill was designed to potentially draw the levies closer together and that was, that was why the original bill had a big fiscal note is because the state was going to pick up that tab. But now that you've removed that piece of it and you just have the commission, would it be fair to say that the commission, one of the purposes of the group would be to at least give you the data to where good-- better decisions could be made and a more strategic plan developed as far as drawing those levies together?

HUGHES: Yes, 100%. What I envision with this group, they will, they will look-- so TEEOSA has many different, we'll call them-- I'll sound like-- I'm going to sound like Senator Dorn-- I call them levers in

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TEEOSA and this commission with-- they'll look at valuations and what those did and come back with the, the data for that year on what happened and then be able to make a recommendation or, yes, a report to this body and say, hey, you know, now you could adjust this lever whatever and, and potentially drop top levies to this or we suggest this at the base or, you know, just all those different things that we can consider, because I think our ultimate goal is to get our levies closer together and that max cap drop down because that is true property tax reform.

VON GILLERN: Good, thank you. I appreciate--

HUGHES: You're welcome.

VON GILLERN: --the responses. Thank you, Mr. President.

DORN: Thank you, Senator Hughes and Senator von Gillern. Seeing no one else in the queue, Senator Murman, you're recognized to close on your amendment. Senator Murman waives. Colleagues, the question before the body is the advancement of AM1350. All those in favor vote aye; all those opposed vote nay.

ARCH: Mr. Clerk, please record.

CLERK: 40 ayes, 0 nays on adoption of the committee amendment, Mr. President.

ARCH: The amendment is adopted. Mr. Clerk.

CLERK: I have nothing further, Mr. President.

ARCH: Senator Hughes, to close on your bill.

HUGHES: Well, since this is an award show, I would like to thank Senator Riepe for mentioning that. I'm just kidding. OK. I appreciate your support. We've now, with this amendment just being the commission, the fiscal note for the, we'll call it the big bill, will be gone. We'll see that at Select. It'll just be for the, the commission going forward. And I appreciate your support on this. I really do think this will give us really good information as a body that we can use when we go forward with how we finance schools. And, you know, clearly schools are the biggest part of our property tax so that will in effect that as well, so. Thank you.

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ARCH: Colleagues, the question before the body is the advancement of LB303 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 39 ayes, 0 nays on advancement of the bill, Mr. President.

ARCH: LB303 does advance. Mr. Clerk, next item.

CLERK: Mr. President, items for the record quickly. Amendments to be printed from Senator Andersen to LB306, Senator Hallstrom to LB398, Senator von Gillern to LB707. Your Committee on Enrollment and Review reports LB521 as correctly engrossed and placed on Final Reading. Mr. President, as it pertains to the agenda, Select File, LB376. 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 LB376 be adopted.

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

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

ARCH: Mr.-- Senator Guereca, for a motion. Returning to the queue, Senator John Cavanaugh. Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB376 be advanced to E&R for engrossing.

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

J. CAVANAUGH: Do I have an amendment, Mr. Clerk?

ARCH: Mr. Clerk.

CLERK: Mr. President, Senator John Cavanaugh would move to amend the bill with AM1548.

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

J. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. So in a time of second chances and things, it's going to be up on the board here in a minute, AM1548 is a unique opportunity to do something on medical cannabis. So everybody-- we had a very robust conversation yesterday. And a lot of people didn't want to make any changes to the commission. And people didn't want to make changes to possessory

amounts. But so the things that are important to understand about the ballot initiative is, the ballot initiative legalized possession of medical cannabis of up to 5 ounces for someone with a doctor's recommendation. So that's the first ballot initiative which is 437. 438 establishes the Medical Cannabis Commission. The Medical Cannabis Commission, as everybody here ultimately decided yesterday, has authority over the sale, distribution, manufacture of cannabis, so the stores and farms and things like that and how you would manufacture them. So that's what the authority of the commission has and this body decided to let the commission do its work before going forward. One of the other parts of this that are not spoken to either in the ballot language or in the, the authority granted to the commission is authority for doctors or power for doctors or protections for doctors. So LB677, Senator Hansen's bill, had a section that addresses doctors-- protections for doctors, medical professionals, for when they make the recommendation in compliance with the ballot language. So AM1548 is that section of LB677 that addresses protections for doctors if they make a recommendation within compliance of the ballot language as integrated into our statutes now under 71-24,10-- I believe it's 109 or 106. 109 is the portion about the commission, I guess. 106, I think, is the portion about the recommendation. So it does not touch the ballot language, does not amend the ballot language, doesn't have anything to do with the Attorney General's suits, doesn't have anything to do with any of that. It doesn't cause any of the problems that people have articulated they're concerned about by us taking some action. But what it does do is say that if people-- if doctors want to make a recommendation and they follow the law, they will not be subject to civil penalty by the department or criminal penalty as long as they comply with the law. So it is a solution, it's something we will have to take, some action we will have to take ultimately. So we should do it now because the commission, as we were told, is going to start issuing regs starting in July and people will potentially be selling cannabis by the end of this year. So this is some action that the Legislature is going to have to take some time or another. So why not do it now? We have had a hearing on it. We've had a discussion on it, everybody knows what this is. This is important to do, and it is an opportunity for those of you who do want to make safe available medical cannabis under the confines of the law as written without touching the commission, without touching any of the possessory aspects of it, to do something for these families who were here yesterday and begging for our help. So I encourage your green vote on AM1548, and I'd be happy to take any questions. And I see Senator Hansen is in the queue, so he'll speak after me. Thank you.

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

HANSEN: Thank you, Mr. Speaker. I think Senator John Cavanaugh framed the amendment well. Colleagues, there's no boogeyman in the amendment. There's nothing that this isn't doing. This is at least making sure that if the medical cannabis board that's in place does make the, the ability to recommend medical cannabis that they're providing some protection for the physicians who will recommend it, that they, from my understanding, cannot have some kind of liability for the fact that they're just recommending it. Now if they mess up, if they do something to the patient, if something happens, all the, you know, liabilities and malpractice, you know, cases are still there. So this is just making sure that if the medical cannabis board does allow physicians to recommend it, this will at least put some protections in place to make sure that they are not getting sued for just recommending it. That's it, so. Thank you, Mr. Speaker.

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

CLOUSE: Thank you, Mr. President. I have a couple questions here for Senator Cavanaugh if he'd take them.

ARCH: Senator Cavanaugh, will you yield?

J. CAVANAUGH: Yes.

CLOUSE: OK, thank you, Senator Cavanaugh. I left my big stack of all my cannabis stuff down on my desk. So just a couple quick questions. Do we define health care professional license in Nebraska? And the other one, do we define health care practitioner? Was that included in the other, other items that we had?

J. CAVANAUGH: So I-- the point of my amendment is to not make any changes to the ballot language. So health care practitioner is defined in the ballot language and so I just-- the, the amendment just says: health care practitioners shall not be subject to arrest, prosecution, or penalty. And then it goes on, but basically says as long as they do it in compliance with 71-24,104, so which is the, the ballot language. And that is specifically-- I'm intentionally not touching the ballot language. So this is by reference, it's only addressing the ballot language, which means if the ballot language gets struck down, there's nothing that's referenced, right? So there's nothing that they could issue it in compliance with. So if the Attorney General is successful in his ballot-- in his lawsuits, this would have no more effect at that point. So I'm not, I'm not touching any of those definitions.

Those would-- that's a bigger conversation than the one we honestly had yesterday. So I'm just attempting to take a small nibble to solve a problem that is, is not addressed by the ballot initiative at all and is not in the authority of the commission to solve this problem either. So the commission is not empowered to do anything with doctors or health care practitioners. So if we want to make those changes, which I was in favor of yesterday and still am, but this body decided not to do that. So what I'm-- this-- the proposal here is just that small bit that says if doctors follow the law that is the law currently, they will not be subject to penalty. And if that law is struck down, then there's no law for them to follow, and they could no longer do it.

CLOUSE: OK, so what you're saying is the commission, as they get formed, does not have the authority to set those regulations and rules?

J. CAVANAUGH: The commission has no authority over medical professionals, correct. The commission only has authority over sale, distribution, and manufacture. So the stores and the farms and the manufacturing facilities.

CLOUSE: But they could define it.

J. CAVANAUGH: No, I don't believe the commission could change the definition of medical, because that's in statute. Health care practitioner is now in statute,--

CLOUSE: OK.

J. CAVANAUGH: --so I don't think the commission has that authority either.

CLOUSE: OK, thank you.

J. CAVANAUGH: Sure.

CLOUSE: I yield my time.

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

MOSER: Thank you, Mr. President. And if the evening couldn't get any stranger, here we are. So without any notice or idea of what was going to happen, we're going to amend a cannabis amendment into LB376, a Health and Human Services bill, at 8:00 at night with not much thought and I think this is crazy. I think if we're going to try to salvage

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something this session for cannabis, this is not the way or the time to do it. I understand some of my colleagues are going to speak to this here in a minute or two and I don't want to steal their thunder. But if this does come to a vote, I would vote no. I encourage all my colleagues to vote no. It's not something to just make up on the fly written on the back of an, of an 8.5 by 11 piece of paper. This is important, serious business, and not meant to be made up on the fly. Thank you, Mr. President.

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

ANDERSEN: Thank you, Mr. President. I'd like to raise a point of order. LB376 comes from HHS, LB677 came from General Affairs. So my point of order is that of germaneness of AM1548 to LB376.

ARCH: Senator Andersen, Senator John Cavanaugh, could you please come forward? It is the ruling of the chair that it is not germane. Senator John Cavanaugh, for what purpose do you rise?

J. CAVANAUGH: Motion to overrule the chair.

ARCH: Please open on your motion.

J. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. So [MALFUNCTION]-- hello? There we go. Good evening, colleagues. So we are here on a motion to overrule the chair on whether or not we have an opportunity to vote to address the liability of medical professionals in a bill that has to do with the liability of medical professionals. So we all know, we've had this conversation many times, the standard for germaneness is not that they come from the same committee, though that is a point that-- in its favor. The standard is whether this is something that is in the logical and natural sequence of the bill. And it is not the entire bill, because a bill like this one, LB376, is a massive, wide-ranging bill. No amendment or subject would be germane to all parts of this. But my argument to you all is that AM1548 opens up Chapter 71. This bill, LB376, opens up Chapter 71. But more fundamentally, Section 31 of LB376 addresses-- says: no hospital medical doctor, osteopathic physician, or dentist, nor any administrator, officer, or employee of such hospital office in which any such professional practice takes place who is in compliance with Section 81-642 and then amends to 81-649.02. So it specifically-- and then it says: shall be civilly or criminally liable for divulging information. So it specifically addresses the liability that these medical professionals are subject to if they act in compliance with the statute. So it's amending the liability exposure for these medical

professionals if they follow statute. My amendment, AM1548, takes the language from LB677 that says: a health care practitioner shall not be subject to arrest, prosecution, or penalty in any manner or denied any right or privilege including, but not limited to, civil penalty or disciplinary action by the department or by any other occupational or professional licensing board solely for providing a written recommendation as defined in Section 71-24,104, or for stating that in the health care practitioner's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the use of cannabis to treat the alleviate patient's medical condition. So this amendment addresses the liability of a medical professional if they act in compliance with Nebraska statute. That's exactly what Section 31 of LB376 does. So this is clearly in the logical natural sequence of that topic that is under consideration. I know the chair has ruled that it is not in line because that 71 Chapter is not the same chapter that's opened up there. But that is not standard, the standard is whether or not it is in the logic sequence. So this amendment is logically similar or in the same sequence as that portion. And so this amendment, I'm asking for you to overrule the chair and to give the people, these families, an opportunity to get a doctor to recommend their medicine. The, the-- medical cannabis is legal in the state of Nebraska. We already covered this yesterday for a very long time. It is legal with a doctor's recommendation. That is in statute. And there is a commission that is created to make regulations about the sale and distribution of cannabis. The commission does not have the power to address medical professionals. It is not something spoken to in the ballot language. It is something spoken to by the commission. This is something the Legislature is going to have to do. And a number of people here said they want a system that is safe, secure, and is regulated. This is an opportunity to continue the regulation of cannabis in the medical realm with the authority of the Legislature. It does not overstep, does not insert the Legislature into the ballot initiative, it does not amend any of the ballot language, and it does not affect the Attorney General's lawsuits, which I know is a primary concern to a number of people. What would happen if this section is adopted and the Attorney General prevails, is there would be no lawful way for doctors to prescribe. There would be no section for it to be attached to. This would be an empty section of statute. But in the meantime, while it is legal, as the Attorney General said, this is the current law of the land. Can I get a gavel, Mr. President? While it is currently the law of the land, as the Attorney General has said, this, we need to do something to make sure that these families, the people you saw out there, the people who many of you talked to and said you were on their side but you just couldn't vote for that bill, this is

your opportunity to be on their side. This is your opportunity to say if your doctor thinks you can have this medicine, your doctor will not be prosecuted for this. That's all it says. If your doctor, in their professional medical judgment, in their training, expertise, does what they think is right, they will not be subjected to civil or criminal liability if they follow the law, that's all it says. So this is a very small thing that those of you who voted against giving Nebraskans an opportunity at a regulated system yesterday can do to give people access to medical cannabis, because the reason I said yesterday why I supported LB677 is medical cannabis is legal, it is not accessible. And this is one of the hurdles that we can alleviate to make sure that patients who are supposed to have this get it. Because under the current state of the law, people are going to other states and getting a recommendation there because the law is silent on that. So this will allow people to go and get a medical recommendation from their doctor that they have a relationship with who knows them, who knows their background, knows their ailments, and knows what is right for them. It, it does not change the ballot language. It does not moot the lawsuits. It only ensures that doctors who want to prescribe this can, want to recommend it can without fear of retribution. That's it. We are allowing doctors in their judgment to make the decision without fear of retribution. So, again, the motion to overrule the chair at the moment has to do with whether this is germane to LB376. LB376 has in Section 31 addresses liability for medical professionals if they follow the law. This amendment addresses liability for medical professionals if they follow the law. So I, again, encourage your green vote on the motion to override the chair and I'm happy to take any questions and I am here to try to help you see the light. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I am asking you to pay attention to this debate. Figure I'd wait a second till it got quiet. People are talking a lot. I understand. It's late. We all want to go home. You've heard people talking all day today. The question before you is, is this germane to the bill? In order to answer that question, the analysis, is it, is it in the natural order and sequence of the bill? The bill in Section 31 on page 41 opens up a statute that specifically references civil and criminal liability for medical professionals. In addition to that, it opens up the specific section of statute that this amendment would amend. The bill also touches on a number of subjects. I would encourage you to look at the committee statement. This is not an example where there is one issue and then we are trying to tack on a second issue. The underlying bill has a litany

of things that it talks about, anywhere from child support to Medicaid, to Youth Rehabilitation Treatment Centers, to child welfare expenditures, it touches a number of different areas of law. And because of that, this is not a kind of bill where there's one piece of subject matter, and then we are trying to tack on a separate subject matter. The subject matter of the bill is essentially any and all things related to DHHS. One of those specifically is a reaffirmation through a cross-reference change of criminal and civil liability. The amendment that Senator Cavanaugh has brought specifically references civil and criminal liability as it pertains to DHHS's regulations that dictate whether somebody can be civilly or criminally held liable when they violate another provision. This is not something that the Cannabis Commission can regulate. This is the kind of thing that only we can regulate in the Legislature. So whether you approve of the amendment or not is one thing. You can say you don't agree with adding this amendment. That's fine. This vote that we're taking right now is to respectfully overrule the chair because I believe, and based on a commonsense reading of the rules and regulations pertaining to germaneness, that this is absolutely within the confines of the bill with regard to the natural order and sequence of things that are addressed. You have the section of statute being opened and then you also have criminal and civil liability. This idea that it comes from a different committee being the test of germaneness is not correct. It is one that is sometimes referenced, it's one that sometimes gets brought up, but the referencing of a bill to a specific committee is a political decision that is made. And I mean that insofar as we, the Legislature, decide where it should go. And, oftentimes, everybody in here knows that it's done to send bills to a potentially more beneficial committee based on the votes. So the jurisdiction of the committee is not dispositive over whether or not the bill is germane. Germaneness is determined by the subject matter. So, colleagues, I would encourage you to pay attention to some of these debates. I would, I would love to hear the arguments against Germaneness, not arguments against this amendment. Not saying you don't like that this is being attached, not saying that you would vote against, we can have that debate when that actually comes up. This debate is whether or not the amendment is germane. And I would argue to you that it is common sense that it's absolutely germane to this massive omnibus package that touches a slew of DHHS-related entities and organizations and specifically opens up the section of statute being amended and specifically references criminal and civil liability. So if the question is germaneness, the answer is yes. We can have a debate on the underlying amendment. You can be frustrated that it's being added, and you can say that you disagree with the subject matter, but at

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least wait until it's on the board, because, colleagues, this is germane. So I would encourage your green vote on overruling the chair. Thank you, Mr. President.

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

HARDIN: Thank you, Mr. President. The reason Senator Cavanaugh did not, did not bring this to me as chair of the HHS Committee, and that's what LB376 is, is the HHS Committee bill, is because this is a cheap parlor trick. They're working 2 angles here, and so I want you to see it from above. One is they're trying to attach a bill in a way that's not germane, and that's not only my opinion, but clearly that of the Clerk and the Speaker. But they're trying to put a bill on that did not pass yesterday. Secondly, they're trying to put a bill on that would risk getting vetoed by the Governor. Fascinating process of playing chess where they're trying to deep-six the committee bill from HHS with an unwelcome amendment. So I strongly encourage you to not overrule the chair. Well played, but not this time. Thank you, Mr. President.

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

MOSER: Thank you, Mr. President. Good evening colleagues. I think it would be in our best interest to support the chair's ruling on germaneness. I don't think it is germane. It was referenced to 2, to 2 different committees. In the Executive Committee's opinion, it was 2 different subjects because it went to 2 different committees. Now maybe there are a few words here and here that match, but I don't think that makes it germane. Further, on the wisdom of at 8:00 at night, tacking a cannabis amendment onto an HHS bill in a matter of minutes with no warning, no time to contemplate it, is extremely dangerous, extremely dangerous. We're changing the laws of Nebraska for this-- from this point forward forever maybe. Why would we do this in a rush? We should support the chair on this, vote up the amendment up-- if it-- if the overruling the chair is successful, vote the amendment down and then continue on with our business. But we had this battle yesterday. The cannabis bill didn't get enough votes to move on. I don't know what this would do to the HHS bill if we're doctoring up the, the vote of the people, if we're changing what they voted on, we have to have 33 votes. What's that going to do, parliamentarily, to this HHS bill? On the basis of I don't think it's germane, I'd say support the chair. On the basis of common sense, I'd say support the chair. On the basis of doing what's right, I would support the chair. Thank you, Mr. President.

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

HALLSTROM: Mr. Speaker, members, I rise in support of the chair's ruling, and primarily it's kind of a nuanced reading of this. Senator Cavanaugh has suggested that he's not opening up the statutory initiative. However, in using the terminology health care practitioner, I admittedly have only done a quick word search, but I don't find health care practitioner, number one, anywhere in 71-401 to 71-479. 71-414 talks about health care practitioner facility. It's a statute, I believe, that relates to licensed facilities, not health care practitioners. And the health care practitioner, the only essence that I found in the statutes, is in the statutory initiative itself. I have done a word search and found from 44-1303, 44-7303, 44-5418, 44-7103, 44-7003, 44-6827, 44-7203, the term health care professional, but nowhere in admittedly my brief review have I found the terminology health care practitioner. So number one, separate and apart from the issue of germaneness, the amendment would not appear to be properly drafted. It's using a term that ostensibly is only found in the statutory initiative itself, which is a little troubling. We aren't, we aren't referencing the statute or opening up the statute, but we're perhaps only using a term that's found in that statute alone. And so I think, at a minimum, and, again, sorry that it's separate and apart from the germaneness, but the amendment needs to be drafted. So I'd fall back to Senator Moser's suggestion that we ought not to move quickly here. This bill is on General File. If this amendment is worthy of consideration, we've got more time, a few days, but more time to take a look at it. And I would support the ruling of the chair.

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

HUNT: Thank you, Mr. President, I think it's germane. And the fact that I think it's germane is about as valuable and worthwhile of an opinion as the 48 rest of you, from what you've said on the microphone. I think so, I don't think so. But, you know, if the majority of you would think that an abortion ban is germane to a bill about transgender health care for kids, then, yeah, something like this can be germane to this bill. The truth is in this body, what's germane is just what 25 people think is germane. What the rules are is just what 25 people think the rules are, and that's the gag at the end of the day. So I think it's germane. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. I can see both sides. I support the underlying idea that Senator Cavanaugh has. I also understand why Senator Hardin was upset that he didn't have any notice. That would make me really upset if somebody did that to me. Whether or not it's germane, this bill opens up every statute, they tell me. I don't know if it's everyone, but it's a lot of them. On the other hand, different committees, just one thing you think about, not dispositive. I've done it before across committees. The truth is we've done all sorts of things on germaneness. I-- this is the majority of those present. Kind of wish I wasn't present right now, but I am. I, I suppose it's germane. Is it germane enough to overrule the chair? We've put things together that were absolutely not germane and we've said they were germane to the point that I don't even know that germaneness has any value anymore because when you put the bills together that we put together in 2023, when you put together the bills that we've put in other contexts, I don't know. I don't know what I'm going to do. Senator John Cavanaugh, would you yield to a question?

ARCH: Senator Cavanaugh, will you yield?

J. CAVANAUGH: Yes.

DeBOER: Senator Cavanaugh, has your thinking on this germaneness issue evolved during the course of this debate?

J. CAVANAUGH: You mean do I-- have I changed my mind about whether I think my amendment is germane?

DeBOER: Sure.

J. CAVANAUGH: No, I'm more convinced the more I talk about it that-- germaneness, though, you said, obviously, we have talked about, comes from a different committee. That is a shorthand for saying something is likely to be germane. But, of course, something from the same committee may not be germane as well. We all know that. But the standard is, whether it is in the logical sequence of something. That is, ultimately, what the rules say. Everything else is sort of illustrative of that. And so--

DeBOER: But the, but the rest of this bill is about removing things, and this would be a question of whether or not to confer liability.

J. CAVANAUGH: Well, it's a liability protection.

DeBOER: Yeah.

J. CAVANAUGH: And Section 31 of the bill does confer a liability protection for these same health care practitioners. So that's, that is my argument as to why this is germane, is that this bill has--

DeBOER: Why did you, why did you put it on at the last second?

J. CAVANAUGH: Well, I don't know if you recall, but LB677 was voted down late last night, and then there was a lot going on today, and I came up with this idea today, during the day, and got the amendment drafted. So it is not a floor amendment, it is an actual amendment drafted by Drafters. And so I got it drafted and then I filed it when I had it.

DeBOER: Thank you, Senator John Cavanaugh. Colleagues, I honestly don't know what the proper course of action here is. I suppose if we take fast and loose with the germaneness rule as we have over the last 3 or 4 years that I've been in here, then we should overrule the chair. I believe in the underlying amendment. On the other hand, I think it's kind of crappy to do it last minute like this. No offense, Senator Cavanaugh. I don't know what I'm going to do. Thank you, Mr. President.

ARCH: Seeing no one left in the queue, Senator John Cavanaugh, you're recognized to close on your motion to overrule the chair.

J. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. So I-- there's a lot going on here, but one thing I would point out is the people who are opposed to this are the people who are opposed to medical cannabis. So if you think that the voters spoke and that your constituents deserve actual access to this, you should vote to overrule the chair and then you should vote for my amendment. And as I stand here and I'm thinking about how people feel about this, I'm reminded of a quote that was, I think it was Bobby Kennedy used this quote, and it was the good Bobby Kennedy, not the current one: The hottest places in hell are reserved for those who in times of moral crisis preserve their neutrality. So we have an opportunity to correct a wrong. We have an opportunity to help those families. You have to vote first to overrule the chair, then you have to vote for the amendment. It is a small but meaningful step to help these people. I know many of you did not talk to those families after last night. So maybe I did not artfully attempt to attach this bill. I didn't touch all the bases and talk to everybody. But what I did do, in the intervening time, was talk to those families. They cried on my shoulder. I gave them hugs. I talked to them about their disappointment, their profound disappointment in this body and their

fear that they will not be able to actually access cannabis, medical cannabis that they need for their children or for themselves because doctors are afraid of the liability. I listened to you all yesterday during the debate and I heard that you, you at least wanted to pay lip service to the idea that people should get access to medical cannabis, but you didn't want to address the commission. This does not address the commission. This only addresses doctors' liability if they comply with the law, if the law stays in effect. So it answers all of your concerns. So if you really meant the things you said yesterday, if you meant the things you said to the families when you looked at their faces, when you looked at Teddy yesterday out in the Rotunda, I know some of you did talk to Teddy, if you meant it, vote to overrule the chair. Give these families some hope, some opportunity to get access to what the voters approved at over 70%. Vote to give doctors some small protection if they follow their conscience and their training. That's all this does. It doesn't moot the Attorney General's lawsuits. It doesn't expand access. It doesn't allow smoking. It doesn't do anything else. It doesn't touch the ballot language. It doesn't affect the authority or power of the commission. It simply allows doctors to be protected. It is germane to this bill because this bill touches so many sections of statute, but it specifically addresses liability for medical professionals, and that's all this section does. So I'm sorry to Senator Hardin about jumping on your bill. I know it's in poor taste, but I tell you that the profound sadness of these families had an effect on me and made me want to come here today and do something for them. And I spent a good portion of my day trying to find a path forward to do something for these families. So I'm giving you all that opportunity. This is a gift that I'm giving to you, the opportunity to do something right, to right a wrong, to fix a mistake that you made yesterday. To do something small for these families. So I'm asking for your green vote on the motion to overrule the chair. Don't relegate yourself to the hottest places in hell. Do the right thing for these families, vote to overrule the chair. Thank you, Mr. President. Roll, roll call vote.

ARCH: 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. Mr. Clerk, please record.

CLERK: 32 ayes, 3 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. Colleagues, this vote to

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overrule the chair is, is a majority of members presence-- present. There are 46 members present, it will take 24 votes to overrule the chair. There's a roll call vote requested.

CLERK: Senator Andersen voting no. Senator Arch voting no. Senator Armendariz. Senator Ballard voting no. Senator Bosn voting yes. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting no. Senator DeBoer voting no. 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 yes. 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. Senator Quick voting yes. Senator Raybould voting yes. Senator Riepe voting no. Senator Rountree not voting. 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 yes. Vote is 15 ayes, 30 nays to overrule the chair, Mr. President.

ARCH: The motion to overrule the chair is not successful. I raise the call.

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

ARCH: Senator Guereca, for a motion.

GUERECA: We already did that.

ARCH: The motion is, is to advance to E&R Engrossing. It is a debatable motion. Senator Hallstrom, you're recognized to speak. Senator Hallstrom waives close [SIC]. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I just wanted to publicly say thank you to Senator John Cavanaugh for advocating for Teddy and his parents. Teddy lives in my district, and he's a wonderful little boy who I had the great privilege of sitting with and playing with yesterday while many people in this Chamber walked by and wouldn't

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even look at him and then voted against his health and well-being. So thank you, Senator Cavanaugh, for trying. Thank you, Senator Hansen, for trying. And I'll yield the remainder of my time.

ARCH: Colleagues, you've heard the motion to advance to E&R Engrossing. All those in favor say aye. All those opposed, nay. Machine vote is requested. All those favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 43 ayes, 0 nays on advancement of the bill, Mr. President.

ARCH: LB376 advances. Mr. Clerk, next item.

CLERK: Mr. President, LB454. Senator, first of all, there are E&R amendments.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB454 be adopted.

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

CLERK: I have nothing further on the bill.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB554 [SIC] be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion to advance LB454. All those in favor say aye. Opposed, nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB217. 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 LB217 be adopted.

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

CLERK: I have nothing further on the bill.

ARCH: Senator Guereca, for a motion.

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GUERECA: Mr. President, I move that LB217 be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. Opposed, nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB391. 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 LB391 be adopted.

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

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

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB391 be advanced to E&R for engrossing.

ARCH: All those in favor say aye. Opposed, nay. They are-- LB391 is advanced. Mr. Clerk.

CLERK: Mr. President, LB391A on Select File. There are no E&R amendments. Senator Murman would move to amend with AM1169.

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

MURMAN: Thank you, Mr. Speaker. If you recall, LB391 is a bill which establishes the Give to Enable fund to support Nebraska's Enable Program, which empowers Nebraskans with disabilities save for qualifying expenses without harming their asset limitations for other benefits. Under LB391's committee amendment, the term changed from the trust fund to the cash fund, as that was a more accurate description and allowed the Treasurer the ability to use the invested funds to be disbursed to Enable accounts. AM1169 is a cleanup amendment which simply ensures the money within that fund is transferred to the Treasurer so he can make those transfers to the individual accounts. This amendment is not adding any extra General Fund expenditures to the original A bill, but simply cleans up the A bill so the language is consistent with the process that LB391 created. Thank you, and I ask for your green vote.

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ARCH: Seeing no one in the queue, you're recognized to close. Senator Murman waives close. The question before the body is the adoption of AM1169. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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

ARCH: The amendment is adopted. Mr. Clerk.

CLERK: I have nothing further on the bill.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB391A be advanced to E&R for engrossing.

ARCH: All those in favor say aye. Opposed, nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB77. First of all, there are E&R amendments, Senator.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB77 be adopted.

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

CLERK: I have nothing further on the bill.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB77 be advanced to E&R for engrossing.

ARCH: All those in favor say aye. Opposed, nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB77A. First of all, there are E&R amendments, Senator.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB77A be adopted.

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

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

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB77A be advanced to E&R for engrossing.

ARCH: All those in favor say aye. Opposed, nay. It is advanced. Mr. Clerk, next item.

CLERK: Mr. President, Select File, LB646. First of all, Senator, there are E&R amendments.

CLERK: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB646 be adopted.

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

CLERK: Mr. President, Senator Storer would move to bracket the bill with MO280.

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

STORER: Thank you, Mr. President, and good evening. It has been a big question as to whether or not we would get to this point in the evening. So a little-- I'm going to, I'm going to talk for a bit just on this bill, kind of where we started, where we are. Ultimately, I, I plan on pulling my motion, but I'm going to take my introduction time here. So as many of you remember, we had a very lively discussion-- it's what, been 2 months ago now, it feels like, on the brand bill. I hope a lot of you actually learned a little bit more about the brand laws in the state of Nebraska, which protect the integrity of our number one cash commodity in this state, which would be the livestock industry. This process has been frustrating, to say the least, and I will tell you that I did not know that this was going to be on the agenda as apparently many others involved did not know until about 8:30 last night. At that point, there was no agreement with Senator Ibach as was promised in the vote on General File. So I am unclear how we got to the point of it being on the agenda, but here we are. So we had what, 12 hours now? Well, 24 from the time we found it on the agenda to prepare for today and decide what we could do to protect--

to continue to protect the livestock industry in the great state of Nebraska. I have said from the beginning that my number one priority was to protect the integrity of the livestock inspection system, number one priority. This bill was originally introduced-- and I will, I will tell you I have a list here somewhere but I think there has now been about 7 different amendments, a couple that were never filed but were distributed and so this has been a little bit difficult for all of us to follow. The original bill would have exempted the feedlot industry completely. They would have paid nothing, and they would have, in essence, been left alone, not subject to the brand laws in the brand inspection area. That's where we started. I committed, I told my colleagues as soon as this bill was introduced, and I told Senator Ibach that I would fight like hell that that was not acceptable and, ultimately, that was gutting the brand inspection system. Where we have come in the last, technically, 12 hours, we've been in this building now, Senator Jacobson has an amendment that he will be offering and I will let him speak to that, but we have worked hard, I have worked hard with Senator Jacobson to get to a point that we are standing by our commitment that there will not be a breach in the integrity of the Nebraska livestock inspection system. I am confident that, that remains true in the amendment that Senator Jacobson will be offering. Now I don't love the amendment, I don't love it because it potentially could cost my cow-calf producers a little more than what they're paying now, and that will be at the discretion of the Brand Committee. We're not mandating that here in this amendment, but they will have the authority to make that decision as they need to. So I don't love that. I will tell you that the feedlots that were pushing hard for this aren't very happy either. I haven't spoken to them personally, but I can guarantee you they're not very happy either. Because they're not exempt, there is no cap in this amendment on their RFL fees, and they will continue to have meaningful skin in the game in the financial sustainability of the Nebraska Brand Committee. So I will say this one more time. This industry is the, the core, the foundation, certainly of my district, but I believe of the state of Nebraska. If I have learned anything in the few months that I have been here, it is that we, we need to continue to educate people on what we do. It's not Yellowstone. It's not a made-for-TV movie. It is the backbone of the economy of this state. And for the hardworking men and women who have been following the progression of this bill, I want to say thank you for your support, for your encouragement, for your emails, for your phone calls, because I think the other 48 members in this body have heard you. And I hope that that has opened up the opportunity for additional interest and education in our

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industry. So with that, Senator Jacobson, would you yield to a couple of questions?

ARCH: Senator Jacobson, would you yield?

JACOBSON: Yes, I would.

STORER: Senator Jacobson, I know you're going to have some time to open on, on your amendment, and I, I-- we, we won't let you get into the specific details, but I, I do want to be on the record with there was some concerns-- part of the amendment you'll be offering makes a change in the fees, and that's the part I don't like. And there was some concerns about the constitutionality of that based on a lawsuit that went before the Nebraska Supreme Court, I believe, 3 years ago, I should have written down the year. You and I talked a little bit about that off the mic and, and I would just like you to share your, your thoughts and comments regarding that concern.

JACOBSON: Oh, yeah, I'll quickly do this, I know it's a late hour and we want to get this bill done and I think we've worked most-- pretty much the wrinkles out of it. But let me just say that as it relates to fees, I think historically we need to keep in mind that the statutes lay out most of what these fees are going to be, the max that they can be, how this all works. So the fact that the Legislature's making a change in the statutes would allow the flexibility to do exactly what we're doing by coming in, reducing RFL fees, cutting those in half, and that would be permissible because we're doing it through the statutes. And so that's what really makes the difference from what would have happened in the past.

STORER: OK, thank you, Senator Jacobson. And, again, I know you'll have some time to, to explain a bit more detail on your amendment, but I do appreciate-- I, I want to thank Senator Jacobson for his hard work on this as well. The, the-- where we started here was, again, not acceptable to either one of us, not even close. And it is very important that we, to both of us, that we are protecting the livestock producers in our district. And we have come a long way with this. Again, we started pretty much at a train wreck, in my opinion, with a bill that was going to, in essence, put a gaping hole in the inspection system in the state of Nebraska. I will tell you, we have preserved the integrity of that inspection system, as I promised, and as I told you I would fight for. And, again, you know, we've reached a place that I think we probably, probably need to move forward and realize nobody's happy, but integrity has been maintained. And with

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that, I will yield the rest of my time. I would also ask to pull MO280.

ARCH: Without objection, so ordered. Mr. Clerk.

ASSISTANT CLERK: Mr. President, I have FA95 from Senator Ibach with the note you wish to withdraw it.

ARCH: So ordered.

ASSISTANT CLERK: Next, I have AM1342 by Senator Ibach with a note that you wish to withdraw it.

ARCH: So ordered.

ASSISTANT CLERK: Mr. President, I have AM1558 by Senator Jacobson.

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

JACOBSON: Thank you, Mr. President. I'll be as brief as possible, I know everyone would like to get out of here tonight. First, I want to say that many of you probably know I originally was a cosponsor of the bill. I was a cosponsor because I knew, as Senator Ibach did, that something needed to be done to really make-- bring the brand process, particularly the fees, more in line with, with, with where the world is. And I-- so I-- my goal was to try to negotiate the bill. I ultimately came off the bill because I felt we weren't getting where I needed to be. To Senator Ibach's credit, she was willing to sit down and negotiate with Senator Storer and I. And she's put a tremendous amount of time into LB646. And this wouldn't be-- we wouldn't be where we are if she hadn't spent that time, worked with constituents, worked with those that are involved in the industry, and to Senator Storer for listening to her constituents and understanding what their concerns were. A lot of this comes down to the beef industry is, is Nebraska's biggest industry from a livestock standpoint and from an agricultural standpoint. It's very important to this state. And because of that we wanted to make sure that with all the different factions in the industry and the way the state was split with the brand inspection area that everyone was treated fairly and that's a challenge at times. So where we got to with this was that the feed yards were looking predominantly-- the registered feed yards were looking for lower fees. I think Senator Storer, as she outlined in my standpoint, and for that matter, Senator Ibach's standpoint, is we want to keep the integrity of the brand inspection. There's probably some work that still needs to be done after this, but I will tell you that we believe we reached a good compromise and one that I think will

make a difference in the industry and will allow us to get-- keep moving forward. So the bill or the amendment is very simple. We went back to a white copy amendment so we're not changing any of the statutes. The only change we're making are the changes that are in this amendment. So we're starting from scratch, these changes. Highlights: number one, we, we do set the maximum fee that the Brand Committee can charge. Currently, the maximum is \$1.10. They're charging \$1. We've given the latitude not knowing what the impact of this will be to go up to \$1.50 per head. Number two, we decided to exempt dairy, true dairies from the bill and allowed them-- so cattle shipped from a qualified dairy would be exempt from inspection. And number three, it cuts the RFL fees to 50 cents, initially. They currently would be at \$1. Nothing else really changes in what's in the statutes today, except one other minor change that I believe Senator Storer has got a floor amendment that would clean it up. Otherwise, that's what we're doing, folks. A lot of time has been put into this. I compliment Senator Ibach for all the work she did beforehand to cut to where she was, Senator Storer for bringing the concerns that she saw with her constituents, and for both of them working together to come up with a good compromise that we could bring to the floor and get this, this issue off the legislative floor. So I hope that we got to the point to where everybody's a little bit unhappy, but not terribly unhappy. And so with that, I would encourage you to vote-- green vote on AM1558 and, ultimately, for LB644-- or, or LB646 as amended with AM1558. Thank you, Mr. President.

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

IBACH: Thank you, good evening colleagues, and thank you, Mr. President. And thank you, Senator Jacobson, this has been a journey but I feel like we've made some progress. And as you stated, not everybody's going to be happy with it but it does move the needle. I rise in support of AM1558. And since LB464 [SIC] was introduced to committee and heard by the Ag Committee, it's gone through many iterations, as Senator Storer indicated, in an effort to include all the stakeholders and their wish lists because there were many. I want to thank the Governor and his team for hosting a very productive meeting that brought Senator DeKay, Senator Hansen, Senator Jacobson, Senator Storer, and myself, together with stakeholders from the cow-calf and the feedlot industries, the Brand Committee, the Nebraska Cattlemen, the Nebraska Farm Bureau. And as one member stated as we were at the roundtable, they said I don't know a time when all segments of the cattle industry have been seated in a room where they could talk about the challenges and how we can reach solutions. I believe, I believe it was the first of more conversations as Senator

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Jacobson indicated to, to come. The cattle industry in Nebraska is very diverse, and when we talk about the different segments, we talk about how diverse it is, and as a cow-calf producer myself, I understand that level very well, but I've learned a lot about the feedlot industry, the livestock market industry, and, of course, the Brand Committee. The segments have changed in their practices and their approaches to modernization over the years. And this amendment that Senator Jacobson has introduced represents a compromise based upon months of back and forth discussions, it's scaled down version, and now it has the support of those partners, Nebraska Cattlemen, the Beef Producers, the Dairy Association, and the Nebraska Farm Bureau. As Senator Jacobson indicated, this amendment does 3 things, which he outlined. And we were all in, in-- agreed that those were all things that needed to happen, gives feedlots still some skin in the game, which seemed to be an issue. And the fee that they will be paying better represents that cost. While I believe most stakeholders agree that further work on the underlying program is needed, identifying those reforms will require more time. I'm confident that AM5058-- AM1558 is a good first step. It begins to move the needle to create a more equitable program while allowing stakeholders the time to work on additional reforms that we can achieve and that we agree on. With that, I would like to, again, offer my appreciation to the Governor and to Senators DeKay, Hansen, Jacobson, and Storer, and the many others that have supported us along the way. Your words of encouragement have meant a lot, and your input into a compromise has been very meaningful. This is an example of how compromise and considerate approach to solutions really does garner progress. In closing, I have a-- I had a conversation early in the session with one of the doctors of the day, he was from Pender and we talked about mostly the, the omnibus bill, but amongst other things we were talking about compromise and he made the comment, don't sacrifice good for perfect. So I wrote that down and it sits here on my desk and, and I have to agree that is this bill perfect? No, it is not, not for, for any of us really, but is it a good bill? Yes, it is, and that's a good step forward. It protects the integrity and it helps us move the industry forward. Thank you, Mr. President.

ARCH: Mr. Clerk, for an amendment.

ASSISTANT CLERK: Mr. President, Senator Storer would move to amend AM1558 with FA270.

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

STORER: Thank you, Mr. President, and this has been a little bit last minute, but in response to just a couple things that the Brand Committee caught, they had asked for at one point that they be able to change the requirement for mileage back to what was once a surcharge. And so this is doing that and cleaning up some language that Bill Drafters changed that wasn't really requested. It doesn't, it doesn't fundamentally change much, just cleans that up. But, again, this is, this is in response to a request from, from the Brand Committee. I spoke with them quite a bit today with the executive director. And so this is primarily asking for them to move back to a surcharge rather than mileage, which was something that was tried and is not working well. So with that, I ask for your green vote on FA270.

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

HANSEN: Thank you, Mr. Speaker. Before I get started, I do want to-- and I asked Senator Storm about this beforehand-- I do got to give a shout-out to my hometown of Schuyler, Nebraska. The Schuyler Warriors, for the first time in school history, won the State Soccer Class B Championship. So I got to give congratulations to them. I know Senator Storm might recognize them also later, but it's my hometown, and whenever we win a state championship, I kind of feel prideful, so I'm, I'm happy for those young men. They did a really good job, so. Anyway, back to branding, which is more exciting. So I, I appreciate the willingness of the interested parties to come together with an amendment and come together with an agreement, whether for good or for bad, from each side. It's nice to see the ball kind of getting moved somewhat forward. But, colleagues, I have been involved in the Ag Committee every year I've been here. I've seen many branding bills come and go. I've been involved in many, if not all, of the discussions for some reason when it comes to branding, been included in many get togethers and discussions and those who are in the branding committee and-- area of the state and who aren't. So I think purely from a 30,000-square-foot view of me being someone who doesn't have a lot of skin in the game because I'm not in the branding area, but coming from maybe a nonemotional approach to maybe what the branding committee is and maybe with my business background, I always like to look at the branding committee holistically from more of a business-minded perspective. If-- and in my opinion the branding committee currently, if it was an independent private business would have went bankrupt years ago. They would have went in for a loan to the bank, they wouldn't have given it to them. In my opinion, the branding-- and this is just purely from my experience that I've had over the years, really needs to have a huge magnifying glass be put on

it and look at doing something completely different. I think the Kansas model, when I've looked at many models of different states, how they've worked, how they've run, what would best be incorporated and how our state does things, the Kansas model, in my opinion, is probably one of the best models I've seen. The way that you do put some of the onus on the citizens, on local law enforcement, but also code agency, getting the state involved, it seems like a good collaboration and it works well there. Not saying that exact model would work great in Nebraska, but something like it I think wouldn't hurt to maybe look at. Next year might be a good time to do that. So, again, just whether people maybe understand the business area or business mind of how these committees work. Because sometimes when we're entrenched in them, or we are involved in them personally, we might look at them a different way, from a traditional standpoint, from a financial standpoint personally, from what others are doing, and some others are paying more, and some others paying less. I look at-- I, I have the, I think, the privilege of looking at this from a different angle and also being involved in all the discussions. So like I said, I'm glad to see that the interested parties, Senator Ibach and Senator Storer and Senator Jacobson kind of come together and kind of-- and have done something here. If we're talking long term, I think we really need to kind of look and see how we can do this, I wouldn't say necessarily better, but maybe just differently. I don't want to leave that out there, so I'm hoping that's something we can kind of look at between now and next year, have open discussions, and kind of not be afraid of change. I know sometimes that's difficult for our state, but this is one, this is one area I think that we need to feel a little bit more comfortable about change. So with that, thank you, Mr. Speaker.

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

DeKAY: Thank you, Mr. President. Just a little history on the tracking of this bill. I would characterize it as looking at a heart monitor during a heart attack. There were several times there was a lot of ups and downs with this bill, several times we thought this bill might be dead, been resurrected a few times over the course of all the amendments filed. But with that, every time there was very productive conversations within the parties interested in this, from the cow-calf producers, to the feedlot operators, and everybody in between. So with that, with the collaboration that we had at the Governor's, at the roundtable discussion, it was very productive that night. It was the first time that I'd been involved in it where everybody put aside what their personal thoughts were and looked at the whole picture to see where we need to go. Number one to protect brand to keep it viable in

the future and to give every interested party a chance to be a survivor in this and be productive and benefit from this. So with that, I would like to also thank Senator Jacobson, Senator Ibach, Senator Storer, Senator Hansen for being a part of those talks, being engaged, and to everybody that was at the table through this whole process from beginning till now that got us to where we are. And then we will be dropping an LR tomorrow for an interim study to see where we need to go from here over the course of summer and bring back more benefits to the brand commission and to the livestock producers from cow-calf to the feedlots going forward. So thank you, I yield back the rest of my time.

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

IBACH: Thank you very much. I think there was some confusion. I didn't expect a, a floor amendment to cover it. What Senator Storer is talking about is a conversation that we had with the Brand Committee on a couple different occasions. They're struggling with how to charge mileage. For instance, if you go from one operation to another, one to another, do you charge-- you know, how do you charge that mileage? I think what their goal is with this amendment is to have a flat fee, as they used to have for every visit that they make. So if they make 3 or 4 visits per day they would charge each producer or each location that \$20 surcharge so that they did not have to keep track of the, of the mileage. I'm fine with that if we want to cap it at \$20. I think that was our discussion. So thank you very much, Mr. President.

ARCH: Seeing no one left in the queue, Senator Storer, you're recognized to close on your FA270.

STORER: The only comment I would have is we will probably just amend the floor amendment-- is that the best way to do it-- with the \$20. We just want to make sure there's a \$20 cap in it. So there will be an amendment, one additional floor amendment. I think we have addressed, again, the concerns. I've been very diligent that the Brand Committee looks over all of the amendments, bless their hearts. They've been busy, but have been in communication today as much as we can on very short notice, and have made a distinct attempt to address any concerns that they did have. Again, appreciate the, the work with Senator Jacobson. And I do feel like we have accomplished the goal which was nonnegotiable to me, which is the integrity of the inspection system. So again, with that, I ask for your green vote on FA270.

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

JACOBSON: Thank you, Mr. President. So as Senator Ibach said, we're introducing a floor amendment just to do that quick little cleanup on FA270 to put a cap of \$20 and I'll-- it's being filed now, so I would, I would ask that you, it won't have a number yet, but I ask you to support both floor amendments and AM1558 and, ultimately, LB646. This has taken longer than-- much shorter length of time than I thought this morning, but much shorter than I thought it would take for tonight. So let's hang into it-- hang here with us for a few more minutes and we, hopefully, can move to a vote. With that, I would also just say, as the floor amendment gets put up, there's a lot of moving parts in, in this, and I will tell you that when you look across the state and the interests that are out there, Senator Storer's district and my district probably have well over 50% of the cow-calf producers in the state. It's a lot of cows, it's a lot of calves. It's a big expansive area. So brand is, is a mandatory thing for them. They wouldn't do-- they wouldn't raise cattle out there without branding. It's easy for them to see the value of the Brand Committee and branding. As you move further east, you don't see the concentration, and when you look at the feed yards that are in the brand inspection area, they do have those cattle rounded up, and so we-- that's part of why we do see some need for a differentiation in fee. At the end of the day, however, understand we went back to the base statutes, made these minor changes from the base statutes, so there are no other moving parts. And I want to reassure cow-calf producers that there's also an opportunity that's not being used right now by the Brand Committee to increase the brand fee, and they could actually double that fee or actually do even more than that. And that is a tool in their toolbox that they can use to smooth out any changes in expenses. I also believe that the Brand Committee is in a position, and I hope that they will use this opportunity, to start looking at the efficiencies of what they're doing and try to figure out how to downsize their budgets so we can actually see all fees going down for everyone. But we think this strikes the right balance. And with that, I'm guessing that the Clerk has the committee or the floor amendment so-- he's not yet, he's still working on the floor amendment. All right. So we'll keep talking for a little bit. Again, there was a lot of time that went into it, and particularly this time really started with the amount of time Senator Ibach put into this and the travel and the number of people she's talked to. I want to thank the Governor for, frankly, staying in a position to bring the parties together but not take any sides. The Governor understands how important cattle is, cattle production is to the state. How important the feed yards are, how important the cow-calf producers are. And so he felt that this needed to get worked out without him in the middle of it. But if he

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can help bring the parties together to negotiate, that's what he would do. That's really what he did. And I appreciate those efforts by the Governor to do just that. But, again, Senator Ibach has taken a lot of, a lot of scrutiny over this, but her intentions were always genuine to really move the industry forward. Senator Storer, looking at her constituency, knew that we could not allow the brand to be compromised in any way, and that's always been her piece of this as well. So with that, I'm running out of time, so I will stop, Mr. President, and hopefully the floor amendment is up. Thank you.

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

KAUTH: Thank you, Mr. President. And I realize we are waiting for the floor amendment, so as soon as it gets up, I will be happy to relinquish my time. Until that point in time, I'd like to talk a little bit about how the east side of Nebraska does things. We don't have Brand Committee, or we don't participate in this. So it's been quite the learning experience, and I appreciate Senator Ibach and Jacobson and Senator Tanya Storer for explaining how this process works and why it's important. It's been very, very interesting hearing all about it, talking to the people out west, and being on the Ag Committee for the first time this year. It was a fascinating hearing. Things are very, very different on the west side of the state, which is really cool to see how it all works. So, again, Teresa Ibach did a fantastic job of working this bill. I've never seen anyone put so much effort into working a bill on the floor. She has been talking to people for months and months and months, and I know she appreciates Senator Storer and Senator Jacobson and everyone else who helped her with this bill, as well as her amazing aide who has been just pulling his hair out with trying to get every piece of this right. Senator Ibach has done the hard work of talking to as many of the interested parties as possible, getting people together, calling them to meetings, calling them together to dinners, to sit and talk and hash through all the details. So I think the bill that you're going to see has the absolute best of all possible worlds in this bill. It's been detailed many, many times. It's much different than it was when it started. Because when Senator Ibach introduced this in January, we went over it and it was much more expansive. So kind of with every step, she's modified it, listened to people, made corrections and adjustments to try to get as many people on board as possible. So how are we doing up there? They're still going. I think we're getting close. We're good? OK. Then, Mr. President, I yield my time.

ARCH: Senator Storer, you are-- seeing no one in the queue, you are recognized to close on FA270.

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STORER: Thank you, Mr. President. We have learned a little bit about process here. So what we're doing is combining by adding the \$20, rather than having 2 floor amendments, we've combined them into 1. So I ask to withdraw FA270 and I believe Senator Ibach will be introducing a floor amendment that will include it all.

ARCH: So ordered. Mr. Clerk.

CLERK: Mr. President, Senator Ibach would move to amend with FA271.

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

IBACH: Thank you very much, Mr. President. Sorry, folks, this is taking longer than we anticipated. Because this was technically an unfriendly amendment, I did not agree to the mileage or the surcharge. I didn't think that that was in the agreement that we had come to, but I understand where Senator Storer is coming from with it. We'll discuss it between now and Final and, and come to some other conclusion maybe. But I, I appreciate everyone's vote for FA271. Thank you, Mr. President.

ARCH: Seeing no one in the queue, you're recognized to close. Senator Ibach waives close. The question before the body is the adoption of FA271. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 36 ayes, 0 nays on adoption of the amendment, Mr. President.

ARCH: The floor amendment is adopted. Seeing no one in the queue, Senator Jacobson, you're recognized to close on AM1558.

JACOBSON: Thank you, Mr. President. I just want to quickly say we're making 3 changes. We're allowing the Brand Committee to go-- charge a maximum fee of-- from \$1.10 to \$1 50, so they can go up to \$1.50. They currently charge \$1 a head. We're also going to exempt any cattle shipped from qualified dairies. And, third, we're going to change the annual fee for registered feedlots from \$1 to 50 cents a head, one-time capacity paid annually. Those are the 3 changes plus this minor change that's in Senator Ibach's amendment. With that, thank you, Mr. President. I'd urge everyone to vote, vote green.

ARCH: Colleagues, the question before the body is the adoption of AM1558. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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

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ARCH: The amendment is adopted.

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

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB646 be advanced to E&R for engrossing.

ARCH: All those in favor say aye. Opposed, nay. It is advanced. Mr. Clerk, for items.

CLERK: Mr. President, amendment to be printed from Senator Dover to LB306. Additionally, priority motion, Senator Rountree would move to adjourn the body until Thursday, May 22 at 9:00 a.m.

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