

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 02, 2023

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the Seventieth day of the One Hundred Eighth Legislature, First Session. And our chaplain today is Senator Moser. Please rise.

MOSER: I begin with paraphrases of 2 parts of the Bible, one from Isaiah. My ways are not your ways. Your ways are not my ways. The Lord says his ways are so much higher than our ways. And then from Matthew, Jesus says, Wherever 2 or three are gathered in my name, I am with you. Thank you, Lord, for the many blessings that you've bequeathed on our state and our country, more than we deserve. Guide us in our deliberations. Give us wisdom and knowledge to the point that we can handle. Inspire us to be courageous and do the things that are right. Forgive our transgressions and help us to forgive those who transgress against us. In Jesus' name, we pray. Amen.

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

DORN: Please join me in the Pledge of Allegiance. 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: Thank you. I call to order the 70th day of the 108th Legislature, first session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

KELLY: Thank you. Are there any corrections for the Journal?

CLERK: There are no corrections this morning.

KELLY: Are there any messages, reports or announcements?

CLERK: There are, Mr. President. Communication from the Governor. Dear Clerk Metzler: Engrossed LB103e was received in my office April 25, 2023. This bill was signed and delivered to the Secretary of State on May 1, 2023. Signed. Sincerely, Jim Pillen, Governor. Your Committee on Enrollment Review reports LB92, LB191, LB227, LB254 as correctly engrossed and placed on Final Reading. Additionally, notification from the Urban Affairs Committee that they will have a-- an Exec Session under the north balcony at 11:00 today. Exec Session, Urban Affairs, 11:00 under the north balcony. That's all I have this time, Mr. President.

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KELLY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR107, LR108, and LR109. Senator Hughes would like to recognize the physician of the day, Dr. Pat Hotovy from York. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, for items.

CLERK: Mr. President, first item on the agenda, LB705. Priority motion, senator Conrad would move to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

KELLY: Senator Murman, you're recognized to open.

MURMAN: Good morning, Lieuten-- Lieutenant Governor and good morning, Nebraska. I rise today to open on LB705 and the accompanying Education Committee amendment, AM1468. Before diving into this bill any sooner, I want to thank every member of the Education Committee. We had a great bill load for a 2 day-- we had a heavy bill load for a 2 day committee, and this was a long process. To preface, we had to go do quite a bit of deliberation in the creation of this package. With the time crunch associated with the first session of the One Hundred Eighth Legislature, we had to find broad consensus to get this bill together. Each of the senators on the Education Committee, Senator Albrecht, Senator Briese, Senator Conrad, Senator Linehan, Senator Sanders, Senator Walz, and Senator Wayne, you all have my deep thanks and heartfelt gratitude for your work during this session. During this process, I've outlined four key issues this committee had to tackle. These are in no particular order of importance, but they were-- they were where we found overwhelming consensus. First, teacher recruitment and retention. Second, school safety. Third, special education funding, and funding for more school activities. Fourth, increased student and parental involvement. I believe every bill the Education Committee put forward fits under these four objectives. I'm going to discuss the bills I sponsored as part of this package, and I invite others who have bills in our committee package to speak more in-depth about their bills. I will start with LB705, which retools Nebraska lottery funding for several different education purposes. To start, 58 percent of the lottery funding, or about \$14.2 million, will be used to fund the Nebraska Opportunity Grant scholarships, which are provided to college applicants attending a Nebraska post-secondary institution while having a minimum estimated, estimated family contribution as determined by completing the FAFSA. 7 percent, about \$1.7 million goes toward the Community College Gap Assistance Program fund, which aims to fund education expenses for students enrolled in high-need fields, they would not be eligible for Pell Grants. This program specifically targets prospective students seeking a

certificate or an ed-- education for accredited or non-accredited job training. The fields this would cover would include, but not be limited to, financial services, transportation, warehousing, distribution logistics, precision metaling, renewable energy, agriculture, food processing, health services, construction, computer and engineering services, and more. We've included 1 percent of funding, about \$245,000, to reauthorize the Door to College Scholarship, a scholarship for YRTC graduates that have graduated from an accredited public or private school within one year of being discharged from a YRTC. We've included 2 percent of the lottery fund for the College Pathway Program Cash Fund. To stay brief, this funding will be used to assist economically disadvantaged students and minority students who are applying for college or trade school. The funding will be utilized by the College Pathway Program, which assists these students in tasks such as applying for FAFSA, applying for scholarships, writing personal statements, creating a resume, and more. This was a late addition to this bill, and I'll have to defer to Senator Wayne to discuss the program in more detail. We've also retooled the competitive innovation grant, to which we've allowed 10 percent of the available lottery funding. This program will be used to fund Senator Wayne's STEEM bill. I have the pleasure of attending-- I had the pleasure of attending a briefing this winter regarding the STEEM program. Its aim is to attract a newly created educational chemistry-based video game with the goal of engaging students in STEM fields in-- at an early age. I don't want to speak totally out of bounds about the STEEM bill, so I'll defer any more questions on STEEM to Senator Wayne. Moving on, we've included a 1.5 percent of lottery bill funding for a mental health training grant which will be awarded to school districts or ESUs. Each applicant will equip educators to safely de-escalate crisis situations, recognize signs and symptoms of potential mental illness, and learn how to timely refer a student to the appropriate mental health services. LB705 allocates 8 percent, or about \$10 million to establish the behavioral training cash fund. My team and I have worked on this issue extreme-- extensively with members of the Education Committee. LB705 allows the Nebraska Department of Education to adopt a model policy for K-12 classroom behavioral management. School districts must implement a similar or closely identical behavioral policy. As members of this body have discussed previously, we have a behavior issue in schools, and this body has an obligation to do two things. Number 1, inform teachers of their existing rights under the law to defend themselves, their students, and the classroom learning environment from disorder or potentially violent students. And number 2, equip educators with the necessary funding to obtain behavioral management training, which can

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then be applied in the classroom. I want to thank Senator Walz and Conrad for working on this piece with me. We have our differences and we were able to find a compromise on this section which contributed to getting this bill out of committee 8-0. The bill includes-- includes 3 percent, about \$735,000, for distance education incentives. I've heard from many schools in my district that this funding is essential. The existing workforce shortage has impacted schools large and small. When we first introduced this bill, we didn't have this piece. Upon conversation with superintendents and ESUs in my district, we reattached this. Distance education funding is vital for schools without the adequate resources needed to satisfy their required foreign language class, a part of their curriculum. It is becoming increasingly difficult to recruit Spanish, German, or French teachers to teach in our schools, especially in rural Nebraska. The distance education incentive funding allows schools to provide an online alternative to satisfy their requirements. One important change we've made structurally this year is we're merging the excellence in teaching and the career readiness and dual credit programs. Both of these will be funded at an 8 percent clip, or about \$2 million. The Excellence in Teaching Cash Fund is used to retain teachers in accredited school districts, ESUs, public schools, or private schools in Nebraska, with the added goal of improving the skills of existing teachers. The career readiness and dual credit program will distribute money to teachers enrolled in courses leading-- leading to qualifications to teach dual credit courses and career and technical education courses. These classes give high school students the chance to earn college credit before graduating high school, which provides a student with more flexibility before entering trade school or their undergraduate institution. And finally, the last 1.5 percent of the lottery fund has been assigned to the expanded Learning Opportunity Grant. This grant is currently being used for afterschool opportunity programming between a school/community partnership. This program provides elementary age students, secondary age students, and their families with support activities and services after school. These programs do not duplicate elementary and secondary school day learning.

KELLY: One minute.

MURMAN: Thank you. If you have any questions regarding LB705, or any of the pieces associated with this bill, please do not hesitate to reach out to me or my staff here on the floor, and we will work diligently to get your answers. I'd like, again, to remind these-- remind those that have bills in the package to enter the queue to speak on them. Likewise, I will get back into the queue to discuss the

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other bills I sponsored in the package. But until then I will yield back the balance of my time to the Chair. Thank you.

KELLY: Thank you, Senator Murman. Senator Conrad, you're recognized to open on your motion.

CONRAD: Thank you, Mr. President. And good morning, colleagues. Just to refresh the recollection of the body, these motions that were filed in wake of the rule change that the body adopted earlier this year were meant to help structure debate moving forward. I want to be clear about my intentions with my motions on this bill, and I'll probably end up pulling them, that I do not seek to kill the bill in any way, shape or form. And let me tell you why. First of off, I want to make sure to extend my sincere gratitude to Senator Murman a-- as Chair of the Education Committee and my fellow Education Committee members. Also a big shout-out, and well-deserved shout-out, to the committee staff who works diligently to assist us in our endeavors. And I also want to express gratitude, that I know fellow committee members feel as well, towards all stakeholders in the education community who stepped forward to sit with us for countless hours and share their perspective as educators, as administrators, as parents, as higher education representatives. And then every now and again, we're lucky enough to have some students come and, and share their perspective as young leaders in their community as well. I am a first time member of the Education Committee this, this session, and I have really relished the opportunity to dig in more deeply to the education issues facing our beloved state of Nebraska. And I think it goes without saying, but just to put a finer point upon it, Nebraska has great public schools, and we have great teachers, faculty, staff, and engaged parents border to border. Our public schools typically score at the top of those lists you want to score at the top of, despite the fact that we still have a lot of challenges when it comes to overall school funding and things like teacher pay. I believe that strong public schools are a cornerstone to a sound society and to a vibrant democracy. And our public schools in Nebraska have been, and will continue to be, a generational point of pride, something that binds us together all across this beautiful, diverse state. So taking into account those kind of big picture considerations, what we started to hear in terms of pattern and practice for the bills that were brought before the Education Committee were really around some top key issues. And I think that the education priority bill helps to address those top key issues in a thoughtful way with its various component parts. So some of the top issues that we saw a consistent thread in terms of the need to address at the Education Committee level was funding, funding for teacher pay, recognizing that the same challenges that we see in

workforce development across the state of Nebraska hit our schools really hard. And we need to do all that we can to increase pathways to becoming a teacher for people who are called to public service. We need to do all that we can to be good partners with our local school districts, to increase funding for teacher recruitment and retention. And we need to look very carefully at what the data and the research shows us in terms of where we need to make investments and improvements to ensure all students have an opportunity to succeed, which benefits all of us in Nebraska and of course, our future shared prosperity. So when you look at the component parts of the Education Committee priority bill, you can see that Senator Linehan has brought forward very thoughtful legislation to try and provide increased investments to help teachers stay in the classroom, and to bring new teachers into the classroom who have that passion and experience but may need help navigating different pathways to get there. You'll also see, as part of the overall Education Committee package, and of course, as Sen-- part of Senator Sanders' bill that she brought forward, addressing a transformational change to educational funding, the increa-- the need for increased funding for our schools in general, and in particular to insure that students with special needs have the resources that they need to be successful, including significant increases and investments and changes in terms of how we deliver funds for special education services. We also heard a lot about how different students are in need of different kinds of support to ensure that they're not unfairly entangled in punitive discipline programs within public schools. Senator McKinney brought forward important legislation in this regard. Senator Vargas has brought forward important legislation in this regard, and those pieces continue to be an important part of the puzzle as well. I, I do want to finally acknowledge in my opening on the motion how important it is for us to lift up and appreciate every stakeholder that makes our strong public education system strong. To recognize all of the different and varied and diverse solutions that the committee put together to try and advance teacher shortage, to try and address equity, to try and ensure increased investment. I see each of these component parts as solutions, pieces of a puzzle that are starting to be put together to address the top issues in education in Nebraska with specific, tangible solutions. And I really appreciate the collaborative nature that the committee has conducted its work within. It's no surprise to anyone that our public schools are under fire, and there are a lot of hot button issues that raise a lot of passions and interests in regards to our educational policy. We heard that passion and interest on a host of issues before the Education Committee, and I think that we have struck the right balance to being responsive to the

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citizenry, being responsive to stakeholders, and ensuring that we have a thoughtful policy response that meets the needs of the second House, educational leader-- leaders, and most importantly, our students, our great Nebraska students, who are indeed our future. I will have an opportunity to go into more detail later for the pieces of legislation that I have in this committee package, and to talk a little bit more about ensuring due process rights for those in the educational framework and ensuring a strong disability rights lens with the work that we bring forward. So with that, I definitely am looking forward to the debate tobit-- today. I think that this debate should center things like increased investment, our great public schools, an improved lens and a stronger lens on equity. And I think that this package will help to meet the needs of the movement-- of the moment, and keep an eye towards the future, which is exactly what we should be doing in this Legislature and in regards to public education. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Arch, you are recognized to speak.

ARCH: Thank you, Mr. President. Good morning, colleagues. Section 107 of AM1468, beginning on page 111, contain the provisions of LB708, which is a bill I introduced this session. I want to thank Senator Murman, the members of the Education Committee, for including this language in the committee amendment. LB708 is a result of an interim study conducted last year and proposed by LR438, which was introduced by the Health and Human Services Committee. The purpose of the study was to identify potential policy changes to improve communication and sharing of case specific information among state and local agencies responsible for the care, custody, and treatment of systems involved youth, with the goal of improving efficiency in treating youth who transition from the care of one agency to another. The interim study involved a series of roundtable discussions to identify barriers to communication and information sharing with respect to this group of youth. Our study group included Senator Walz, myself, former Education Commissioner Matt Blomstedt and representatives of the Department of Education, DHHS CEO Dannette Smith and representatives from that agency, and state Court Administrator Corey Steele and representatives from the courts and probation. First, when we talk about system-involved youth, we had to define exactly which youth we were talking about. System-involved turns out to be pretty broad. So we decided to start with looking at the care of court involved youth. This would include those in foster care and those in our YRTC system. We divided the study into two components, education and clinical. The provisions in AM1468 reflect the education component of the study.

With respect to education, we started with four key questions: What information is already being shared? What opportunities do we have to improve the education of these youth? And what barriers exist to improving communication and coordination of this piece of youths' care? This amendment is the next step in answering those questions. The language requires the Department of Education, the Department of Health and Human Services, the Office of Probation Administration, and the State Court Administrator to enter into a memorandum of understanding for the sharing of data relevant to students who are under the jurisdiction of the Juvenile court. The memorandum is to include the intent for the State Department of Education to contract with an outside consultant with expertise in the education of court involved students. A number of things that the consultant is required to do, and those are listed: a collaborative effort to develop policies and procedures for the sharing of data of such students shall include but not be limited to the State Department of Education, the Department of Health and Human Services, the Office of Probation Administration, the State Court Administrator, the Juvenile Court System, the Superintendent of Schools for the Youth Rehabilitation Centers, public school districts, educators, and court involved students and their parents. On or before December 1, 2024, the Department of Education shall complete a final report detailing the recommendations of the consultant and any policies and procedures that are being considered for adoption. Who we are talking about here are a very vulnerable population of students. They may be facing a multitude of challenges: problems at home, mental health issues, behavioral health issues. And now they're in the court systems, which oftentimes results in multiple living placements and multiple school placements. Being able to share data will help prevent these students from getting lost in the system. This will be an ongoing effort, and adoption of this amendment will provide an assurance that the involved entities, NDOE, DHHS, the Courts, probation and other stakeholders will continue to work toward improving the educational outcomes of court involved youth. With that I, I want to take a step back and just talk a little bit about about what we discovered in that interim study and what we did with our workgroup, because one thing that we realized is that there is already some information on education being shared, but it is very-- it is very dependent upon the individuals involved.

KELLY: One minute.

ARCH: Omaha Public Schools has a person that's actually embedded to help with this communication. But obviously many school districts do not have that person. And so depending upon who you know, how you can get that information, when somebody transfers into your district the

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next morning, they are in your school district and in, in school. We just need a central data source that these schools can put information into so that if you have the privilege, the permission to go in and, and find that information, it is readily available to you so that we don't have that downtime. Frustrating to the students, frustrating to teachers. We want to improve the education experience for these court involved youth. Thank you, Mr. President.

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

LINEHAN: Thank you, Mr. President. And good morning, colleagues. I want to join in Senator Murman and Senator Conrad's comments about the committee first, before I get to my parts of the bill. I think-- I just wrote down the members of the committee. And it's interesting, maybe a little sad, that out of the eight members on the Education Committee, five, five are in the senior class. So we have a lot of experience on this committee. We've got Senator Albrecht. Senator Briese, Senator Linehan, Senator Walz, Senator Wayne. And then if you add Senator Conrad, who's already been here eight years before she came back, that's a lot of seniority on the committee. And it's been a tough committee, because these are tough issues. But I feel very honored to be part of all this going on in public education this year. The Governor set the tone, Governor Pillen set the tone by setting aside \$1 billion for the Education Future Fund, which has finally, I think, got us to a point where public education can trust the Legislature when we commit, which we have, another 300 million annually to public education. So from this year to the next, \$300 million, and what's that \$300 million going to do? It's going to, for the first time, provide every student who has special needs, 80 percent of their funding will come from the state. It's a huge win for everyone, for every school, for every student, for every special ed teacher. It's very important we get this done. That's not in this bill, this is in Senator Sanders' bill. But I think it sets the tone for all the things that we're also doing in this bill. It also, for the first time, makes sure every child in the state, this in a public school, is getting funding from the state. Maybe not enough, that can be argued, but at least it's a step forward. My part of this particular bill, I actually have 2 bills in this bill. First one I'm going to talk about is what started out as LB385, and was amended by the committee AM1420. We could have all the money in the world, which we don't, but can have funding, but if we don't have teachers, we still have a huge problem. And we don't have enough teachers. I can't recall right offhand if we're 900 short or 1,000 short. And that's overall, and we're especially short with special ed. We have more

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students and more space than we have dual teachers with dual certificates. So we can't-- we've got juniors and seniors who are capable and willing to take dual credit classes, but we don't have the teachers. And I found out about this, and Senator Walz, and I think it was three years ago now, maybe 2 years ago, Senator Walz, while she was chairman, pulled the-- several administrators together and we met out at Southeast Community College and they were hair on fire, we have a problem with teacher shortage. So this bill will create the Nebraska Teacher Recruitment and Retention Program. The money for this will come out of the Education Futures Fund. The Department of Education will handle the process. And for every teacher who completes their second, fourth, and sixth year of teaching, regardless of what school district they are in, they don't have to stay in the same school district, but they stay in teaching in Nebraska. Their second year, they will receive \$2,500 grant from the state. The fourth year there will receive \$2,500, after they end the fourth year, \$2,500 from the state. And the sixth year, another \$2,500. Because when we met with the administrators, what they told us is they lose teachers between the second and third year, third and fourth year, if they can keep them in that fifth and sixth year, finally, when they've moved up the chart, maybe gotten their master's degree, their pay is increased, they can keep them, but they're losing way too many teachers in those first couple of years. And it's un--

KELLY: One minute.

LINEHAN: --understandable why. The other, and I will get back up, the other thing that I think is very important in this, it also includes a \$5,000 grant for any teacher who goes back, who's teaching now and goes back and gets a STEM, special education, or dual credit credential so they can help fill up those gaps. So I would ask for you to support this bill. It's very important. I think we're doing a lot of things that are very good for public education in this bill. Thank you, Mr. President.

KELLY: Thank you. Senator Linehan. Senator von Gillern, you're recognized to speak.

von GILLERN: Good morning and thank you, Mr. President. I rise this morning in support of LB705. And eventually we going to have, have some amendments up here, but in the interest of time, we've punched in to make sure that we get to share a little bit about those. I'll be providing AM1503, which is the amendment that was LB805, and there should be a handout on your desk that re-- provides some highlights about that bill. LB805 intended to improve, or intends to improve,

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character development in the state educational system by providing youth organizations listed in Federal Code Title-- Federal Code 36, Subtitle II, Part B, Access to Public Schools. I want to thank Colby Coash with the Nebraska School Board Association, and in particular Millard Schools, who worked with me closely to work on any issues with the bill. The amended language addresses those concerns and other concerns that were brought by others in this body. We've worked out what I believe is a well thought out compromise that maintains control in the schools, as well as keeping positive relationships with nonprofit civic youth organizations that have long standing relationships and a history of improving schools and students and communities. The amended version limits the organizational access to non curricular time, and that was an important thing, obviously, to the school districts. It's not mandatory for any student again, which was a point that was brought up. It says that these organizations are provided one such opportunity each year to present their information. So it's a minimal amount of time and hassle for schools to coordinate. All organizations must provide background checks on their representatives, and that's at the cost of the organization. This was, again, part of the amendment, which is not reflected-- the fiscal note originally reflected that the State Patrol would be performing those background checks at cost to the state, and that is not accurate based on the amendment. The bill simply allowed-- allows these organizations to present their information to students if those interested-- if those students are interested in becoming members and getting involved. Again, this only addresses those youth organizations in Federal Code that are youth centered. Some have expressed concern over this list, that it opens up schools to all groups. And there are 4-- there are 94 chartered organizations on the list. But again, the bill limits them to only six youth serving organizations. The groups we're talking about are the Girl Scouts, Boy Scouts, Little League, FFA, Boys and Girls Clubs and several others, all who have demonstrated a positive impact here in Nebraska. I'm sure many in this room have been members of one of those organizations, or have a child or grandchild currently in one of them. And we're talking, of course, about the future. Groups like FFA provide character building, life skills, and experience that will be valuable all throughout life. They make better students, better leaders, and even given them valuable skills for the future. There have been some school districts that have been resistant to allowing these organizations in to benefit our youth, and this provides clarity to those school districts that, that these organizations can and will positively impact their communities. I want to mention the, the Attorney General weighed in on some of the concerns and returned a favorable opinion stating that there are no

issues to the state. I did hear this morning, interestingly, on the radio coming in, I heard that student discipline issues are up 70 percent post-COVID. It's a fact that these organization-- these organizations teach kids life skills, leadership, character building, and that they create better students and a better classroom environment. Also in that same news story, it mentioned that 50 percent of teachers are considering leaving the industry. I think teachers would be the first to testify that these-- the kids that are involved in these organizations are better students, are leaders within their schools, within their communities. And they have their-- they are glad to have them in their classroom. A couple of the organizations, I printed their mission statements just to share. FFA's mission is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agricultural education.

KELLY: One minute.

von GILLERN: Thank you, Mr. President. Boys and Girls Clubs. Their motto is to empower youth to reach their full potential and exceed beyond their dreams. The Girl Scouts. Girl Scout law says I will do my best to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, and responsible for what I say and do, and to respect myself and others, respect authority, use resources wisely, make the world a better place, and be a sister of every Girl Scout. I think we can all agree that these are terrific character attributes that we'd love to see in our children, our grandchildren, and students all across Nebraska. So I ask your support for AM1503 when it comes up on the board. Thank you.

KELLY: Thank you, Se--- thank you, Senator von Gillern. Senator Erdman, you're recognized to speak.

ERDMAN: Good morning. Thank you, Mr. President. I was trying to review this bill, or 17 bills included in this Christmas tree bill. So one tries to get his hand around what exactly all this means. But it appears that the Education Committee brought about 20 percent of their bills that came before their committee, all in one, one bill. So I was just going through the, the issues with each one of these bills look in the committee statements. I see there were some people who voted no and some people who didn't vote at all. And then there was one that didn't even have a committee statement. So let's start with this. I'd like to ask Senator Walz a question if she would yield.

KELLY: Senator Walz, will you yield to a question?

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WALZ: Yes.

ERDMAN: Senator Walz, I noticed on several of the committee statements you voted no. And the one that I'm going to speak about first is LB414, Senator Conrad's bill. And you voted no. Can you explain what the reason was?

WALZ: Yeah, sure. There's two sections that we were talking about in Senator Conrad's bill. One had to do-- dealt with kids in special education, and just making sure that they had the capacity to take those kids, as well as appropriate services. Underneath that section it talks about all other kids, and the word appropriate was crossed out. And I feel that regardless of whether or not you are a special education student, programs in schools and services in schools should be appropriate to that child's needs. For instance, if a child was a foster child and needed counseling or special services--

ERDMAN: OK.

WALZ: Yeah.

ERDMAN: All right. Thank you. So did your concerns, were they handled with AM44-- AM42, the amendment? Did that handle-- did that solve the issue?

WALZ: I am in discussion with Senator Conrad about that.

ERDMAN: So you're looking to put an amendment on?

WALZ: Possibly.

ERDMAN: OK. Then the other one that I had questions about was LB632. It came out of committee 7-1. LB632 looks like it was amended with AM5-- or AM208-- AM1208, and its provisions for students in pre-kindergarten. What was your issue with that one?

WALZ: Initially, that bill was just pertaining to Omaha and Lincoln areas.

ERDMAN: OK.

WALZ: And it was extended out to all school districts. So I was just unsure on how schools in rural areas were going to be able to--

ERDMAN: OK.

WALZ: --meet those needs.

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ERDMAN: But-- thank you.

WALZ: You're welcome.

ERDMAN: Thank you for answering my questions. I, I see there is an indefinitely postpone motion by Senator Conrad. It's kind of peculiar to me. One of her bills is in this bill. I would assume that she really doesn't want that to happen, but who knows? So, I'd like to ask Senator Murman a question, if I could.

KELLY: Senator Murman, will you yield to a question?

MURMAN: Yes.

ERDMAN: Senator Murman, I spoke to you off of the mike about LB648 not having a committee statement. Did you discover why that's that way?

MURMAN: I can get back to you on that.

ERDMAN: Say that again.

MURMAN: I can get back to you on that, I'd--

ERDMAN: Okay.

MURMAN: --I'd have to check.

ERDMAN: Because I notice all the other bills you put on there had a committee statement, but that one did not. So I was, I was trying to figure out-- because when we have this-- Thank you, that's all I have. Because when we have this many bills in a package like this, it, it's always interesting to see why those people who were in committee that had the most information about it voted as they did, and trying to get an understanding of this from Senator Walz, I understand what her concerns were, but this is a very, very difficult thing--

KELLY: One minute,

ERDMAN: --very difficult for us who are not in the Education Committee, not on the committee, to make decisions about 17 bills. That's very, very cumbersome. And so trying to delve into all that and trying to understand how you should vote based on correct information is difficult. So. Well I'll keep listening to see if I can gather other information that makes it more clear to me. Thank you.

KELLY: Thank you. Senator Erdman Senator Jacobson, you're recognized to speak.

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JACOBSON: Thank you, Mr. President. I'm hoping Lou A-- Senator Linehan is nearby. I'm going to yield her some time here. I just did want to make a few brief comments with regard to this bill. Obviously, like so many of these bills this year, this has got a lot of things in it. The comments I wanted to make this morning really speak to those people who have emailed me through the year here now on issues with regard to public school funding, and what are we doing for public school funding. And I want to make it clear that this is another component of the things that we're doing to make a real commitment to public education and education in general. I was an ag teacher for four years when I got-- first got out of college. I would tell you, I couldn't imagine being a teacher today, and the difficulty it is to be a teacher today. I think everything I've done since that time has been easier. Although I really enjoyed my time teaching, it was enough years ago I couldn't imagine trying to do that today. And I have the utmost respect for teachers that are out there in our-- in our school systems today moving youth forward. Education is the cornerstone of how we're going to get this next generation into the workforce and being productive citizens, and anything we can do to continue to make that happen is a good investment. There are so many pieces in this bill. I do want to speak specifically to Senator Wayne's piece, the bill which is LB783, the STEEM Development Act. The STEEM Development Act really focuses on STEM, and I was able to see a demonstration of a program that's out there that looks almost like a Gameboy. It's almost like a-- it's almost like a game. In fact, really it is. But it's a teaching tool for STEM. It's amazing if you watch that and you look at how difficult particularly chemistry is for students to learn, and yet this breaks it down, and makes it fun and easy. I know in my years as a teacher it was so critically important to be able to relate to those students, have them co--pick up the concepts of what you're trying to teach, and that's how they learn. And I can tell you this is a critical part of this bill. I'm very pleased to see that it's in there. There's \$5 million allocated annually in this bill that would pay for that for all public schools in there, for all school districts throughout the state of Nebraska. So I think it's a great tool. It's not an unfunded mandate. It's a funded opportunity for each of the schools to use should they choose to use it. But this is just another example of our commitment to education. And with that, I'm going to yield the remainder of my time to Senator Linehan.

KELLY: Senator Linehan, you have 2:10.

LINEHAN: Thank you. Thank you, Mr. President. And thank you, Senator Jacobson. Picking up where I left off, when I originally introduced the retention bill, it was a little different. So if you're looking at

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the bill, at a green copy, you're going to notice there are changes. So again, it's \$2,500 per teacher for their second-- after they finish their second year, their fourth year, and their sixth year. And when I sped through it a little bit last time when I was on the mike, I'll go slower now. It also includes, and I think this is really critically important, a \$5,000 grant for any teacher who goes back and gets a STEM, SpED (a special education), or dual credit certificate. We have, and I've talked to-- we have a problem, a real, real shortage with special ed teachers. And it is unfortunate, and we've-- we're handling that on the-- we're at least improving that on the finance side by saying no matter where that student's in school across the state, the state will pick up, with the federal, so it's federal and state money--

KELLY: One minute.

LINEHAN: Will go up to 80 percent for the cost of that student. So that will help, but it won't help if we can't find the teachers. So this teacher retention is-- all of us that have been working on the committee for the last few years, have been trying to find ways where we could do this. So again, I want to thank the whole committee. And then I-- we had no one that came in against this package. And several people, if you look at the committee statements on the committee statement, several people who supported doing this, and we worked with the Department of Ed, the teachers colleges, the public schools. This is something that I think a vast majority of people supported. There were a couple that came in neutral, and that was about which year it was paid out, and we addressed that need. So and I'll be on the floor the whole time that this is on if any one has questions. Thank you.

KELLY: Thank you, Senator Linehan. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. I am a little bit out of order as to how Senator von Gillern was too. I am going to speak to an amendment, AM1528, which will be brought by the committee to this bill, LB705. AM1528 contains LB585 which I introduced to provide our schools with greater flexibility in providing a more comprehensive behavioral and mental health training that focuses on suicide awareness and prevention. LB585 is a tweak to our current law, which was championed by former Senator Amanda McGill Johnson. Suicide awareness and prevention training is an important part of overall behavioral and mental health programs in our public schools. And under the current law, Nebraska educators, school administrators and staff are required to take one hour of training focused on suicide and awareness and

prevention. This is a great thing. However, under the current interpretation of the law, it has had the unintended consequence of forcing educators to sit through essentially the exact same training year after year. What LB585 does, which is now AM1528, is that it clarifies the intent of Senator McGill Johnson's original legislation and ensures that all school staff who interact with students receive this training. LB585 positions our schools to better provide a greater scope of training in covering a broader spectrum of behavioral and mental health that can contribute to suicide in our youth. And it really comes down to local control. So if one of our school districts is seeing particular issues with something that could se-- lead to suicide, they can focus that awareness training on that year, on that particular issue. And I am all about local control. LB585 was also a Speaker priority bill, and I want to thank Speaker Arch for making it one of his priority bills this session. LB585 had nine people, including myself and former Senator McGill Johnson, testify in support of this bill, and no one opposed it. It was reported to the General File by the Education Committee by a vote of 8-0. And this bill has no fiscal impact. I wish to thank Chairman Murman for providing the opportunity to advance LB585 as AM1528. I'm also going to switch hats a little bit on what I'm talking about, and I want to thank the Education Committee for this package of bills, although I would prefer that we talk about each one separately and vote on its own merits. But it is a package today, and that's the word of the session, I think, is package. So thank you in particular for Lou Ann Lin-- or Senator Linehan and the Education Committee for the Teacher Recruitment and Retention Act that will incentivize teachers and recruitment intention of new teachers. This is a huge issue. And from what the research shows, that doing some of these things will actually-- we will see an increase in available people for these positions. And so thank you for that. I will get back on and talk through some of the other things. But if Senator Linehan would like the rest of my time, that would be fine with me. Oh, and she's gone. I, I'll turn it back. Thank you, Mr. President.

KELLY: Senator Linehan, you have 1:00.

LINEHAN: OK. Thank you, Mr. President. So there is another part-- another-- I have another bill in here that is an alternative teaching certificate. And I will punch in and talk about that later. It's just one more thing. It's not like anybody can walk up the street and become a teacher. And Senator Walz had an amendment that improved it, I think. So next time I'm up, I will talk about that. Thank you, Mr. President.

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

VARGAS: Thank you very much. Colleagues, good morning. First, I want to thank the Education Committee and Chairman Murman for including my bill, LB724 into AM1468. I know we're getting a little bit ahead of this, but as many of us that have been introducing bills as Senator Linehan just has been describing, and Senator Hughes, and others that have either an amendment or, or a bill as part of the larger committee amendment, my bill, LB724 is part of this. It's very simple. LB724 would remove the basic skills test requirement for teachers and administrators, which is fulfilled through the Praxis Core exam. Just a little bit of the details. Teachers go through a lengthy process of coursework, specialized certification, student teaching and preparation before entering their own classroom. Now, having gone through this process myself as a former teacher, I can tell you that it is not always easy. A little background. The core exam. You got to receive a passing score. An applicant must achieve four different metrics across three different portions of the test 156 or above in reading, 150 or above in math, 160 or above in writing, and a composite score 468 or above, with no single portion being more than one point below the specified minimum scores. Now, the Praxis Core exam can also be rather expensive for soon-to-be educators, costing \$150 for the combined reading, writing and mathematics tests, and that doesn't account for the years of work and preparation these students have already put into their fields. This Praxis Core-- they also must take the Praxis Subject Assessments exam, a teaching endorsement in their intended subject area. LB724 as amended, would not eliminate the Praxis of Subject Assessments exam, and only pertains to the Praxis Core exam. Now, standardized testing is a barrier for many students, whether they have trouble with the time portion, English as their second language, or missing by just a few points. The Praxis Core exam is an expensive hurdle for prospective teachers, for students in our education system. And our standardized tests do not always, and should not, determine what type of teacher they will be for our students. Many of you sitting here today have worked in classrooms or in some other settings, and as you all reflect on the course work, training and preparation for these positions, I'd like to ask yourselves if another step in the process, a time standardized test, would have made a difference in your abilities to serve the students of our state. Nebraska, among other states, is currently facing a teacher shortage, as Senator Linehan has described. Eliminating the Praxis Core exam, we are allowing a high number of qualified teachers to begin teaching in the classroom sooner. This will be eliminating some fees, reducing some burdensome barriers and regulations for people to get in the

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classroom, still maintaining a high standard, and addressing our teacher shortage. Thank you again to the Education Committee for supporting this and putting it as part of their package amendment. Thank you again to the Education Committee, and thank you again to Chairperson Murman. With that, I'd like once again thank the Education Committee for finding a place for this bill within LB705. Thank you.

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

McKINNEY: Thank you, Mr. President. And I rise in support of LB705. Because-- first, I want to say thank you to the Education Committee and Chair-- Chairperson Murman, for including my bill, LB632, which prevents pre-K students and second grade students from being suspended. And my intent behind bringing the bill is because I believe it's important for this body to prioritize eliminating the school to prison pipeline as much as possible. I don't think it's productive and I don't even think it works to suspend pre-K students or second grade students at all. And that's why, because I was a kid that was suspended at that age. And quite frankly, I don't believe it helped. I went home and watched cartoons. I don't think that changed my behavior at all. And I don't think it, it-- And for me, I believe it prepares kids, in my opinion, especially kids that look like me, for the juvenile justice system, the child welfare system, and then the criminal justice system and our state pens. It's a lot of kids and it's a lot of individuals that are in our state penitentiaries today that were being suspended at that age. And I think that had a negative effect on their, their futures. And I think it's important for us to prioritize going upstream and preventing kids from being suspended because it's important. If you have any questions, I'm free to any questions. But honestly and quite frankly, I think it's just important to prevent kids at that age from being suspended. I find no logical reason behind it, honestly. I understand kids act out, but I think our schools should be able to find alternative to suspension to ensure that those kids aren't disproportionately affected, and we don't have ripple effects of our, our kids beginning to go into the juvenile justice system, the child welfare system, and then our pens. And then we wouldn't be proposing a prison if we would have done this 30 years ago, I believe. So that's why I brought the bill, and I really appreciate the committee for putting it in the package, because I think is truly important to swim upstream and find ways to address our criminal justice system, our juvenile justice system, and our child welfare system, because each system is failing and they are disproportionately failing kids that come from our community. And that's why it's important to me. Thank you.

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KELLY: Thank you, Senator McKinney. Senator Brewer has guests in 2 locations this morning from the Paralyzed Veterans of America Great Plains chapter. In the-- under the south balcony are Randy Squire and John Scott. And in the north balcony are five staff members and volunteers. Please stand or be recognized by your Nebraska Legislature. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning again, colleagues. I was-- wasn't monitoring the queue as diligently as I should have been, as I have been in such rich and meaningful conversations with members who are really digging in to the various component parts of the Education Committee package. So I won't probably use my full 5, 5 minutes and if any other members need other time, just feel free to signal me. But one thing that I did want to provide some more illumination in regards to was one of the bills that I brought forward, LB414. And I know that Senator Erdman had a little bit of dialog with Senator Walz as well for in regards to her thinking on that measure. So I just wanted to give the background story to members so they understood what that measure, LB414 regarding option enrollment, is meant to do. So my understanding is that Senator Linehan has brought similar bills in the past, and actually quite a few different senators have brought various reform proposals in regards to our option enrollment program. And for colleagues that aren't quite sure what the option enrollment program is, let me provide just a general thumbnail sketch to that. So option enrollment is really meant to center parents' role in decision making in regards to charting a course for their children's education. And what the option enrollment program does, and it's been on the books for many, many years, is that it allows a parent to seek an educational opportunity outside of their home district for a variety of different purposes. And one of the issues that has continued to raise concerns about how the option enpro-- enrollment program works is that there has been a great deal of dissatisfaction with educational entities, with different districts providing blanket denials to students with disabilities because of the extra pressure and resources that it might take for the school district to meet the needs of students with special needs. And when you have that kind of blanket approach, it really raises a serious concern about discrimination on the basis of disability. And so this measure kind of changes the existing framework for how an option enrollment decision is made, particularly in regards to students with special needs. And the first part says no more blanket denials. You have to have a case by case basis for whether or not you're accepting or denying a parent's request in regards to option enrollment. Which is the appropriate standard, a case by case,

individualized assessment of what that student's needs might be. Because, of course, we all know that just having an IEP or having special needs can mean a lot of different things. Some students will require significant resources to meet their educational needs. Some students will require a very modest accommodation to meet their educational needs. So by ensuring and centering parents' rights and a decision that is afforded on a case by case basis, we can ensure that the intent of the option enrollment program works when intended--

KELLY: One minute.

CONRAD: Thank you, Mr. President, and that we are not infringing upon disability rights. The other component pieces of LB414 then seek to ensure that we and all stakeholders have a better understanding about how the option enrollment program is working. You might remember earlier this session we asked the State Board of Education to put out an annual report in regards to dyslexia. So drawing upon that model that Senator Linehan championed and that we have supported, we're asking the Department of Education to then create a report, so that we have a better understanding of how the option enrollment improvement program is working across the state, because we do not currently have that information available. So the two component parts that I think are most important and attractive are ensuring a case by case analysis for individual students with special needs and ensuring better reporting--

KELLY: That's your time, Senator.

CONRAD: --and procedural due process. Thank you, Mr. President.

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

WALZ: Thank you, Mr. President. Good morning, colleagues. I also want to thank Chairman Murman and the committee members for all the work that they've done, and especially thank the committee staff and the Governor's Office. I very much appreciate the opportunity that we've had to have open communication and input on the various bills in our Education Committee. I know it's been a difficult task, and the work is very much appreciated. I also want to just take a minute to thank the Education Community, the teachers and staff for all that they do for our kids every single day. We all know that it makes a big difference for Nebraska in our future. I'm going to explain 2 of the 3 bills that are included in this amendment. The first is LB520, which amends the Computer Science and Technology Education Act that was

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established by LB1112 last year. LB1112 was introduced last session by Senator McKinney as a way to address tech talent-- the tech talent workforce crisis. This bill was introduced to afford public school students the opportunity to access and learn critical computer science and digital literacy fundamentals during early and secondary education. LB520 is a cleanup bill to this act. After talking with the Department of Education and asking them what courses would meet the specific details for a computer science technology course, we found that only three courses would fully meet the definition outlined. This includes Foundations of Computing, IT Fundamentals, and AP Computer Science Principles. That means that schools that have more advanced coding, STEM classes, or computer graphic classes may have to stop teaching those classes to move staff to the three identified ones. Students with different abilities should be able to access or take classes that match their needs. I don't want to inadvertently move students that are more advanced in computer science and technology-- technology to a class that would not challenge them. This amendment also includes LB356, which provides clarification to the Nebraska Opportunity Act and was brought to me by the Coordinating Commission for Post-Secondary Education. The Nebraska Opportunity Grant is an incredibly important grant to Nebraskans. It's awarded to low income Nebraskans attending a Nebraska College. Just last year, the grant was awarded to over 13,000 students. In 2020, there was a federal change to FAFSA, which uses the term student aid index rather than expected family contribution. This is a must do change so that students aren't dropped from this important opportunity grant. Additionally, the bill cleans up what located in Nebraska means. It just takes into account the online universities. I'll be getting up again to explain the third bill that I have included in this amendment, as well as a really important amendment regarding school safety that I'm excited to introduce and talk about. That amendment will ensure that our kids can safely attend school and that absolutely should be our number one priority. And it is, for students, for families and for Nebraskans. Again, I look forward to speaking on that amendment. Thank you, Mr. President.

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

MURMAN: Thank you, Mr. President. I would be remiss also if I wouldn't thank the teachers we have all across the state for their hard work, everything they do to educate the future citizens of this state and this nation. The second bill I've sponsored in the package is LB372, which would decrease the existing statutory credit hour requirement for homeschool students wishing to participate in their resident school district's activities. This would include activities such as

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sports, choir, band, speech, and debate, and any other extracurricular activities. The requirement is being moved from 20 credit hours or about four classes down to five credit hours, which would be one class. Public schools are getting major wins this year. We're doing great things for private schools with the textbook loan program. This bill is a big win for Nebraska home school students. LB698 is a bill I sponsored on behalf of the Nebraska Department of Education. This legislation is critical to pass this year because it contains language that will allow veterans of the US Space Force to obtain their education benefits package as a reward for their service to our country. It would also align Nebraska statute regarding veteran education benefit recipients with federal statute. And lastly, LB703 was originally a placeholder bill which was converted into a cleanup bill I sponsored on behalf of the State College System and the University of Nebraska. The amendment, which was adopted by the committee on a 7-0-1 vote, cleans up state statutes regarding surplus property. Recent changes in administrative practices have allowed the state colleges to sell their surplus property locally without having to send surplus items from Chadron State College or other state colleges all the way to Lincoln. This bill allows the state colleges to locally address the statutory requirements for disposing or reselling surplus property. Further, it includes cleanup language for the University of Nebraska system. I want, again, to reiterate my thanks to every member of the Education Committee. This package of bills is helping every child in Nebraska in a public school, private school or home school. This includes grant money for new public teachers, new certification pathways to put more teachers into all Nebraska classrooms, textbook loan program enhancements, creating a pool of money for extraordinary increases in special education, and school safety and security reporting through the Safe2Help Nebraska hotline. This bill is a win for Nebraska students and teachers alike. I urge all my colleagues to cast a green vote for AM1468, and a green vote for LB705 and the underlying amendment. Thank you, Mr. Lieutenant Governor.

KELLY: Thank you, Senator Murman. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. I'm interested in these education bills and still studying those. But I had wanted to let people know that the green book that is on your desk is the budget book for 2023. And the budget items that the committee has passed is in that book. You'll find a separate white sheet called General Fund Financial Status, also paper clipped in there after the forecast, by the forecasting. Well, we sent the book to the printer before the

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forecasting board met, and after the forecasting board met, there were some slight changes and adjustments by the committee. So the white piece of paper on the front is the actual current General Fund financial status. Then tomorrow morning at 8:00, we'll have a briefing regarding the budget and-- in room 1525 and encourage you to come there. And then tomorrow, debate will start on LB814, which is the main line budget, which is mostly General Fund items. And so I encourage you to come to the briefing and we'll answer questions and we'll start debate on the bill tomorrow. Thank you, Mr. President.

KELLY: Thank you, Senator Clements. Senator Walz has guests in the north balcony, fourth graders from North Bend Central Elementary in North Bend. Please stand and be recognized by your Nebraska Legislature. Senator DeBoer, you're recognized to speak.

DeBOER: Good morning, colleagues. I wanted to talk to you today about a couple of portions of this bill which were amended in that were originally bills that I introduced. So there are two bills and there, LB153, which is the, let me take a deep breath, Extraordinary Increase in Special Education Expenditures Act, which is quite a mouthful. But nevertheless, what it does is if a particular school district has an extraordinary increase in their special education funding between one year and the next, this bill will help them to get money up front as opposed to waiting for its reimbursement later. So this would give them money at semester to reimburse their costs to help them. One of the things that we know is in small towns, if there is a student who has particularly costly special needs that comes into the area, it can throw things off for a school district that does not anticipate that. And sometimes, if a family has more than one special needs student that moves into particularly our smallest school districts, that can really cause difficulty for those school districts. So this is an attempt to, not give them any additional money, but give them money sooner in a kind of a revolving fund that gets paid back when their reimbursements would come in. So it just gives them their money a little bit sooner to try and help them out so that they can hire the folks that they need to to assist with the special needs of their students as they come. This isn't really going to affect the larger schools. Any of the bigger schools have enough folks going in and out of their school district in any given time that the law of averages says that they're not going to have one of these extraordinary increases, It's mainly just for the small schools. There is another bill in here that I did on teacher apprenticeships. There is federal money which is available. The state of Tennessee did some work on a program called Grow Your Own, which is not what it sounds like. It's about growing your own teachers. And what it does is it allows teacher

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apprenticeship programs through the federal Department of Labor, reimbursement from the federal Department of Labor for these apprenticeship programs like you might have any other apprenticeship program for any other job which you have apprenticeships for. One of the things we know is that student teaching is often unpaid, most often unpaid. There was a short period in which there were some student teachers in Nebraska being paid, but I understand that is less now. And this would allow a year long program in which they would participate in all aspects of a classroom for a year instead of just a semester, which is your traditional student teaching. And they would be paid for their work, much like an apprentice is paid for other kinds of apprenticeships. I was at a conference in December in which I heard about this program. Tennessee was presenting on the work that they had done with the Federal Department of Labor, and I was sitting next to former Senator John Stinner, who used to lead our Appropriations Committee, and we both looked at each other and he said, We have to do this immediately. And I said, I agree, because it's a great way to support our teachers. One of the expenses, of course, is that year in which they are working full time as a student teacher, or that semester in which they're working as a student teacher and can't work otherwise. But then they're paying for the opportunity to do the student teaching because of their, their cost to the university that they're affiliated with. So this--.

KELLY: One minute.

DeBOER: --program would help to recruit more teachers. I understand the committee would like to limit it to paraprofessionals as a starting place just to get started and say paraprofessionals who would like to take advantage of teacher apprenticeship programs. I'm okay with that change. What we have in the bill at the moment in the amendment doesn't quite do that. But we will work between General and Select. I've had the-- the committee staff has talked to me and they will work with me between General and Select to fix it up. So those are the 2 bills that I have in this-- in this committee amendment. And I'm very thankful for all of those who worked on these things. I'm happy to work between General and Select to get that one patched up. Thank you, Mr. President.

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

BLOOD: Thank you, Mr. President. I stand in favor of LB705, but I do have concerns in reference to AM1503, and I'd like to address those concerns for the record. So I had the same concern when Senator

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Sanders brought the bill forward in the previous biennium. They are referring to Title 36, nonprofit organizations within this bill and the chartering by Congress of organizations with a patriotic, charitable, historical or educational purpose is essentially a 20th century practice. There are currently some 92-ish nonprofit corporations titled-- considered Title 96 [SIC] under Subtitle II of the U.S. Code, as you see in the amendment. These so-called Title 36 corporations, such as the Girl Scouts of America, the National Academy of Public Administration, are typically incorporated first under state law. Then they request that Congress grant them a congressional or federal charter. But the attraction of these Title 36 statuses for national organizations, that tends to provide an official thumbs up to their activities. And to that extent, they may provide them prestige and indirect financial benefits. But Congress themselves have expressed concerns that the public may be misled by its chartering process into believing that somehow the US government approves and supervises these organizations, which is in fact not the case. As a consequence, the House Judiciary Committee subcommittee on jurisdiction, instituted a moratorium on granting new charters in 1989. In effect, the federal chartering process is honorif-- honorific in character. This honorific character may be misleading to the public, however, when such organizations feature statements or display logos that they are chartered by Congress, thus implies a direct relationship with the federal government. This does not in fact, exist. In addition, there may be implication that Congress approves of the organization and is somehow overseeing its activities, which is not the case. In fact, in 1989, the chairman of the House Subcommittee, Administrative Law and Government Relations, Barney Frank, and the ranking minority member, Craig James, announced that the subcommittee had approved a motion for a moratorium on the granting of federal charters. In 1992, as we previously discussed, chairman Frank called charters a nuisance, a meaningless act. Granting of charters implied that Congress was exercising some sort of supervision over the groups, and it was not. His quote was, when I first raised the issue, what is a federal charter? The answer was, a federal charter is a federal charter is a federal charter. You can make up an organization for the preservation of Albert DeSalvo, the Boston Strangler. We'd have no way of checking into it. And moreover, moreover, the subcommittee understood that the committee could be drawn into public disputes touched off by any controversial activities or statements by Title 36 corporation or employees or members thereof. Please excuse my voice, I was sick all weekend, so I'm a little grungy today. My concern is that we already allow organizations to have access to our schools, and I'm concerned when we're trying to put

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something into statute that doesn't need to be put in a statute which we have done a lot this year to try and prove some kind of weird patriotic point, I think. The Attorney General, I did read his response, really didn't address the issues. And the one thing that he said is that the state's power to limit speech is not without limits. So when we allow certain organizations to have certain benefits and other organizations to not have those same benefits, we are limiting their speech. You can say what you want about how well this is written. And by the way, I was both a Girl Scout and Boy Scout leader. So it is not that I'm--

KELLY: One minute.

BLOOD: --against these organizations. But what you're doing is you're, you're creating forced access, forced access that does not need to happen in the state of Nebraska. What is this going to accomplish? And quite frankly, if there is a school that chooses not to allow all organizations in, they have the right to do that. And although the Attorney General says that they still may deny other groups access, they need to have it be an even playing field for all organizations that want to either come and talk at their schools, or that they would like to refuse to come and talk at their schools. We shouldn't pick winners and losers. Limiting it to six youth serving organizations, that they are good organizations, they have ample opportunities and access at different organiz-- at different events and through households to promote their organizations. I ask you to seriously look at this information. I have more information on my desk if you'd like me to share it with you.

KELLY: That's your time, Senator. Thank you, Senator. Blood. Senator McDonnell, you're recognized to speak?

McDONNELL: Thank you, Mr. President. Good morning, colleagues. I do thank Senator Murman and members of the Education Committee for including two of my bills, LB647 and LB648 in the package with LB705. LB647, I was happy to have a broad support of public and nonpublic school groups for LB647. I think you'll see what we will all see in the update of the textbook loan program is long overdue. Nebraska has a rich history of nonpublic education, and today it serves over 35,000 students and employs over 3000 educators. The textbook loan program in Nebraska was established over 30 years ago to create some degree of equity for the parents who send their kids to these Nebraska nonpublic schools. The program currently allows parents of nonpublic schools students to receive textbooks designated for use in the public schools. The definition of textbook has evolved over the time and

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currently can be found in NDE's Rule 4. Programs like the-- like this exist in several other states. And there are good models in places like Maryland and Pennsylvania. We studied these upgrades in the creation of LB647, because Nebraska program still literally operates on a paper in essentially the same manner as when it was founded, a time before widespread Internet use. The first issue on LB647 addresses is the middleman. Currently, local public school districts are required to execute the program at the local level. Districts maintain lists of materials used in their schools, distribute paperwork to nonpublic school parents through the non-- the nonpublic schools, place orders for parents in those schools, and help inventory items. Simultaneously, nonpublic schools are running paperwork between parents and the district to help facilitate the transaction for the parents in their, in their schools. Ultimately, the Department of Education monitors the program and, and the uses and issues. If, if it sounds, if, it sounds complex and clunky, that's because it is. As you will also hear today, the way the textbook loan is carried out is also inconsistent with the district to district. LB647 eliminates that unnecessary burdens by centralizing the administration work at either the Nebraska Department of Education, or a third party chosen by the Nebraska Department of Education. And secondly, this bill will broaden access to available materials. Textbook loan currently limits materials to those being used in the school district. This is not the best practice among the programs around the country because, because-- on 2 fronts. First, the family chooses nonpublic schools to receive a different educational experience than the public school. Secondly, the public school district's boundaries become arbitrary before many nonpublic school families live outside the non-- the public school district boundaries in which the nonpublic person and students reside. LB647 remedies this-- these issues and defining textbook as an instrumental material including digital, electronic or online issues-- resources, and designate for use of individual students in classroom instructions as a principal source of study material. Other important updates to the textbook loan program in LB647 are besides consolidating the administrative tasks in LB647, centralize the finances at Nebraska Department of Education using a per pupil formula, and second a five year reporting requirement for the Education Committee recommending changes and updates to the program. And also I appreciate the vote of the-- in the support of the committee. The vote was 7-0-1. 1 person not, not and there was no opposition in testimony to LB647. LB648, otherwise known as the workforce diploma program, would provide further opportunities for adult dropouts and those who were unable to complete their high school--

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KELLY: One minute.

McDONNELL: Thank you, Mr. President. --their high school education. I will also be introducing an amendment that I introduced with LB648, which addressed some of the concerns-- concerns the Department of Education and Community Colleges had while we were discussing this bill. The program will offer services such as recruitment, 2, learning planning development, 3, proactive coaching, and mentoring, 4, assistance with employment opportunities, and 5, ultimately, the chance to gain a high school diploma. The need for this program is clear. According to the National Skills Coalition, the Bureau of Labor Statistics, Nebraska has over 90,000 unfilled, or soon to be created, middle skilled jobs that it does not have the workforce qualified to fill. At the same time, Nebraska has over 100,000 adults who lack a high school diploma or high school equivalency. And it's my hope that by providing these individuals with the opportunity to gain their--

KELLY: That's your time, Senator.

McDONNELL: Thank you, Mr. President.

KELLY: Thank you, Senator. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. I first want to-- again, I'm rising in support of LB705, and eventually we're going to have a couple of amendments up here. So, again, apologies for being a bit out of order, but trying to make the most efficient use of time here. I want to address some comments that Senator Blood made against the Title 36 process. And I just want to highlight that it appears that she is against the process of Title 36, not necessarily against the organizations. So I want to make sure we're not throwing out the baby with the bathwater on that conversation. Title 36, for the purposes of this bill, is a reference point only. It's a tool. It's a mechanism in order to clarify the organizations that are being referred to, and again, these organizations have been vetted-- or the language of the bill, has been vetted by an AG opinion which is dated April 10 of this year. So I encourage Senator Blood and others to refer to that opinion if they, if they want to learn more about that. She made the comment, we don't pick winners and losers. Well, unfortunately or fortunately, around here all day long, that's, that's a great deal of what we do is defining organizations and industries and so on that we want to grow for purposes that are beyond just the purposes of those organizations themselves. And I believe that this is a perfect example of that. What, what school administrators and leaders really desire in the

management of these kinds of situations is clarity. They don't want vagueness. They don't want, they don't want to wonder if what they're doing is OK. So we're trying to give them a tool that says, here's what you can do, here's what you shall do. And with that clarity, then they'll lead accordingly. One of the things I failed to mention in my previous testimony is that these-- the organizations that this bill will allow in the school do this work at no cost to the school districts and no cost to the state. And I'll come back to that in just a minute. I want to remind again, reports of behavioral issues are up 70 percent in schools since COVID. 50 percent of all teachers say that they're either planning on or considering leaving the industry due to behavioral issues. Public schools have limited resources to do the work that they are charged to do, and by and large, they do a terrific job. But would they do better if students behaved in an orderly manner? Of course they would. Are they looking for organizations to partner with to help them in that pursuit? Of course they are. Testing scores would increase. Teacher satisfaction would increase. Administrators and teachers would remain in the industry. And we would not have this brain drain, and we would be able to retain the institutional knowledge that they already have, thereby positively impacting their students. All things that we as a body, I'm sure, would want to do. If schools had the funding, the time, the energy, and the will to teach character and leadership to their skills, they'd do it in a heartbeat. But they don't and they can't. Groups that will be allowed to present in our schools under this bill have a long history of impacting kids in a positive way. Not only the kids in the programs, and here's one thing another thing I want to emphasize, but they impact their classmates. They impact their families. And eventually they grow up and they impact their spouses, their children, and their coworkers. They might possibly impact their constituents when they serve in this body, or when they serve in their communities in other ways. Graduates of these organizations are widely known to be the best employees, and managers, and leaders. It's widely said in the corporate world that if an applicant's resume includes an Eagle Scout ranking or a military ranking, they go straight to the top of the pile. We worked hard to find solutions to any resistance that was raised in committee. The Nebraska School Board Association was the only opposition in committee testimony, and they helped to after-- they helped us to draft this testimony to their satisfaction. And again, I want to remind this happens at no cost to the schools. These groups come alongside the schools and want to help grow their students in a positive way.

KELLY: One minute.

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VON GILLERN: That completes my testimony. Thank you, Mr. President.

KELLY: Thank you, von-- Senator von Gillern. Senator Dorn, you're next to speak.

DORN: Thank you, Mr. President. Good morning, everybody, colleagues. Sit here this morning, this bill, like some other bills that we've had come about to the floor this year with all the so-called Christmas tree amendments and trying to sit here and, you know, many of these bills, the first time that have been included in here, many of these bills are the first time a lot of the Senators have really, I called it, had an opportunity or taken the time to look at some of these bills, because we, we don't get to hear them in committee. We aren't familiar with them unless somebody's come and talked to us. We really don't have much of an understanding of those bills. So that's a little bit what I wanted to talk about was part of what we have to do with senators is, we look at, I call it, the committee, what-- how the committee's made of these bills were introduced to that committee, many of, call it the the testifiers, how a bill has come out of committee and why it has come out of committee. I really haven't thanked the people that have got up and talked about some of the 17 other bills, or so-called other bills and amendments on this bill this morning. So it gives us a little bit more knowledge, a little bit better understanding of that bill when we maybe vote on it. Yes, we can do a lot of our homework beforehand and get familiar with the bill. But sometimes some of those questions, the only way to answer them is just as Senator MacDonnell did. He got up and started talking about why that bill maybe is needed, why it's important, what it's maybe cleaning up some process or some issue that we've had. One of the main things on this bill, and I thank Senator Murman for introducing LB705, is where our lottery funds go. We've had that discussion for several years, sometimes even to the point where, oh my gosh, we may not be able-- they may not be able to do something if we don't include this, or if we don't get this part of a bill passed this year. Now, going forward, it may be changing how they're allocated or whatever. I remember some of those discussions last year and I thank them for bringing back this bill this year, so that we can look at those different things and how those funds are helping the schools, are helping many programs. I read a lot of, I call it, different programs now, or that funding is going to be put into. One of them I really like in this here is, I call it, the funding for teachers. \$2,500 every second, fourth, and sixth year, and also a program forum for \$5,000 if they do-- meet certain things. That bill I've had many people talk to me about this year already, how important and how critical it is that we continue to support our teachers in the state

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of Nebraska. How we continue to, I call it, know that we're facing a teacher shortage in the future years. And now that bill can hopefully help some of these younger students, some of these younger-- as they go on to the teaching profession, the teachers, and we can help maintain them to be a, maybe a lifelong commitment to teaching, which we have very many teachers out there that are right now. There are many parts of this bill that I'm really, really thankful for. Some of the amendments now hopefully we can get on. But I also wanted to bring up one of the other things, and several senators have brought it up again this year, and I wanted to bring it up, too. Sometimes we are doing this session what we can to get some of these bills amended on. I know Senator Hughes's bill was a Speaker priority. In a normal session, that bill would have been dealt with on the floor all by itself.

KELLY: One minute.

DORN: Here now, we are amending that into another bill, and I'm thankful that we can do some of this. I do not like the part that we have probably more than five or seven bills amended into it, but I'm also thankful that we have part of the process now that we can work within that process and still able to get some of these bills across the finish line. Because for the people in Nebraska, for the state of Nebraska, some of these things are very, very important, and I'm so thankful that we have that opportunity. Thank you, Mr. President.

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

LINEHAN: Thank you, Mr. President. And I think most of the members of the Education Committee are on the floor, at least somewhere, maybe on the sides. So if you have questions about their specific part, please reach out to them. I'm going to spend this time talking about the Alternative Certification Quality Teachers Act, which is part of this bill. It gives an alternative route for teachers to be certified in Nebraska. So, again, this is addressing the teacher shortage. People seeking alternative teaching certificate must have a bachelor's degree, successfully completed an alternative certification program, pass a subject matter exam, pass the pedagogy exam, and of course, pass a criminal background check. Alternative certification program are those that have operated as an alternative certification program for ten years, and it requires candidates to pass a pedagogy exam, also known as a professional teaching knowledge exam. So the people that brought this to me-- this is a program, one of the programs, I think there's three, one of the programs was developed by the U.S.

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Department of Education, and it's been used for a number of years. And remember, in all these cases, if we use an alternative, or if we're using paraprofessionals or having somebody, the intern program, none of these people-- they all have to find a job. Somebody has to hire them. Just because someone gets certified doesn't mean that they will get hired. So it still leaves it up to the local board of education, the local superintendent, if they would use anybody with a alternative. But as I said earlier, when we have almost 900-- we have 900 classrooms where there's either a teacher in front of them that's not qualified to teach that subject, or they're sitting there with a pela [PHONETIC], or in other cases, and we've all heard of this, you've got teachers who get a heavier load than they should have because they're having to substitute for a teacher that's not there. And we're short on substitutes. But there were some concerns on the committee on the bill that I introduced, so there was a committee amendment, AM1392, that requires that alternative certified teacher undergo a semester of clinical experience during their first semester of employment as a teacher. So I think Senator Walz, if she would want to, could talk more about that. She worked on that amendment, and I was appreciative of her help. And if the teacher wants to convert their alternative certification to a standard certification, the teacher has to go through a normal means of certification. So this is kind of what we did with-- I think Senator Blood worked on this, we did when we had people-- their spouse was transferred to Offutt, they couldn't get a teaching, because it took like 2 years to get teaching, if you're only at a base for 3 years, that didn't make sense. So we worked with the Department of Ed and the schools, and now they can get a, I think it's a 2 year kind of temporary certification while they're finishing getting their Nebraska license. So we keep working. So this is just one more step. There are many people who are educated with, and who could teach. But our current system requires them to go back to college. So I only know one personal experience. I won't embarrass my child-- children by telling which one of my children, but they were in a career change situation, and they actually wanted to work in special ed. But they have family obligations, children. They've got to pay the bills. So going back to school for 2 years full time really wasn't an option. So I think anything we can do-- so this would be people retired from the military, people retired from federal service. When--

KELLY: One minute.

LINEHAN: When I was in Virginia and my children were in high school, several of their high school teachers were former military, former State Department career foreign service officers, people who had

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traveled all over the world. There are people that could, especially high school, I think, people with adult experiences that can broaden these students' vision of the world and what opportunities are out there. And I think we're missing an opportunity here by not finding a way to help some of the people that retire from Offut get into our classrooms. Thank you, Mr. President.

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

ARCH: Thank you, Mr. President. I, I want to talk specifically about one of the bills that are in here, which is LB632, which is actually as amended by AM1208. And it has to do-- and it, it's Senator McKinney's bill, and I've spoken to Senator McKinney off the mike, and I, and I just want to, I just want to express some concerns about, about this bill. I-- as I, as I read AM1208, it's pretty clear. An elementary school shall not suspend a student in prekindergarten through second grade. Each school district shall develop a policy to implement this section, which shall include disciplinary measures inside the school as an alternative to suspension. I've had conversations with superintendent of Papillion La Vista School, and other, and other teachers within that district. And what I, what I hear is that alternative schools have, alternative schools, actually, in separate location, have been developed for the upper grades, but not for the lower grades yet. But what we're seeing in disciplinary issues within our schools is that age is, is decreasing with severe discipline problems, or severe behavioral problems, that require some type of response. And so I am, I'm concerned that for, in particular, the schools that don't have large resources, I mean, it asks that you've got to develop an alternative in the school. So I don't know if that means more staff, I don't know if that means a different location, a different facility. Do they have-- do they even have the capability? I know in some school districts there could be some quiet rooms where kids are taken to help them get their behavior under control. But if a child really needs to be removed from the classroom, I'm concerned that some schools do not have alternatives. And so it, it's with that, that I simply-- I wanted to, I wanted to express my concern. It does apply, as as a mandate it applies to all schools. And, and, and certainly there could be some of those schools that do not have those resources to handle it if the child needs to be removed from the classroom. And we know that there are certain cases, and probably not a large population in the elementary schools, but there are some cases where the, where the child does need to be removed. And, and I'm not sure that we resource it. I'm not sure that they have

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the resources to do that. So I-- it's, it's, it's a concern. But I, I just wanted to express that. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I do rise today in support of LB705, and I wanted to jump in the conversation here just a little bit to speak about a couple of the components of this Christmas tree bill that I think are of particular importance for a number of the issues that we've already talked about this session and also things that we're going to talk about moving forward. Specifically, one of the major issues that I think this addresses or begins to address, and actually this goes to Senator McKinney's bill, it's LB632 that Speaker Arch was just mentioning, is I really think this bill does a good job of addressing a lot of the core issues that ultimately lead to this school to prison pipeline that we hear so much about. When you work with juveniles who are involved in the juvenile justice system, I think that you see time and time again that there are a host of issues, whether it's behavioral health, or mental health issues, that they need to have addressed at a young age, that when those things are left by the wayside, they begin to sort of snowpa-- snowball or compound into larger issues that ultimately result in them getting involved in maybe disciplinary systems in the school as they age, or even the juvenile justice system, and then potentially also the adult criminal system. And I think that fundamentally we as a legislature should be doing everything we can, as Senator McKinney said, to invest in that upstream approach, and do our best to try to put fires out before they start. And I think that there's a number of components contained in LB705 that demonstrate that our Education Committee, I think, has listened to a number of the concerns that educators have said, and they, they've listened to a number of concerns that advocates have brought to their attention with regard to these behavioral problems in schools. LB632 in particular, I think, speaks to the idea that we should not simply be utilizing punitive measures, but rather be trying to implement some sort of rehabilitative measures for youth at a young age that we're trying to actually help address a lot of the problems they're dealing with instead of simply sending them home. I understand Speaker Archer's concerns, if there are schools that potentially don't have the capacity to deal with some of those things. My hope, though, is that if we're talking about smaller districts that they can work with their school districts and their individual systems to develop that care they need to try to keep these students in the school and not suspend them or expel them or have them taken out of the school programing.

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When students fall behind, we know they tend to do worse. And when students do worse, they tend to have other issues that come along with their lack of meeting the certain criteria they're supposed to achieve as students. And so getting them out of the classroom usually just adds to the problem. So I especially stand in support of LB632. Another component to LB705 that I think is incredibly important is the host of things that we see in there that work to address problems that we can see in our developmental disabilities community, the DD folks that we work with. In particular, we see the extraordinary increase in special education expenditures fund, which I think goes out of its way to address particularly small districts that struggle when they have these significant increases in special education needs. And the fact that we're willing to inject that money into these school districts says that we're willing to support our, our DD providers in the schools and support our schools who need that additional funding to make sure that our friends in the DD community receive the supports they need in the school, and they can continue to receive the education that every student deserves. In addition to that, we see, excuse me, this Nebraska Teacher Recruitment and Retention Act. A number of my colleagues have already spoken at great length about how helpful that is. I would absolutely join in Senator Linehan's comments that we have a lack of teachers here, and we need to be doing everything we can as a state to not just grow that teacher base, but to incentivize them to stay here once they become teachers. The fact that the Teacher--

KELLY: One minute.

DUNGAN: Thank you, Mr. President. The fact that Teacher Recruitment and Retention Act has a long term sort of bonus solution I think is very helpful. And then again, of particular importance is that \$5,000 grant that you're going to see for special education teachers. The folks who are doing this heavy lifting because they don't have a lot of help, need that extra financial incentive. And my hope is that along with that and a number of the other bills, we're creating this net that is going to help us support more of the teachers who are working both in our neurotypical classrooms as well as our neurodi-- as with our neurodivergent students. So I applaud the members of the committee for their hard work. I think LB705, while not everything in it is necessarily something that I think is perfect, I think overall it is a really well constructed package that speaks to a number of issues, and I would urge my colleagues to support it. Thank you, Mr. President.

ARCH: Mr. Clerk, for some items.

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CLERK: Thank you, Mr. President. Amendments to be printed. Senator Murman to LB705. Additionally, your Committee on Appropriations, chaired by Senator Clements, reports LB813, LB814, and LB818 to General File, all three having committee amendments. That's all I have at this time, Mr. President.

ARCH: Thank you, Mr. Clerk. Senator Walz, you are recognized to speak.

WALZ: Thank you, Mr. President, and good morning again, colleagues. There is another component of AM1468 that I'd like to talk about, and it includes a piece of my priority bill, LB516, which would begin state funding to Safe2Help. Safe2Help is an anonymous report line which allows students, teachers, and others to report concerns about someone planning to hurt themselves, others, or property. People can call, or use the website or app to reach out regarding a concern. That concern is routed to Boystown call centers where there are trained crisis counselors to address them. If further steps are needed, the school has a threat assessment team to review this issue. The team is typically made up of a counselor, social worker, mental health professional, and school administrator. This tool is extremely important in changing the path of potential incidents in schools, and bringing about safer environments for all community members participating in this invaluable resource. Since this became operational on September 1st, 2021, there have been over 2,000 calls to the hotline. This is an optional program for schools. But with that being said, about 60 percent of the student population of Nebraska is participating. The director of School Safety and Security at NDE have the goal of 70 percent of the student popul-- population participating by fall. When this initially passed in 2021, we required the NDE to utilize federal funding that was available at that time. Those dollars will be running out at the end of the fiscal year 2023-2024. So the amendment that Senator Linehan brought to this would continue that funding indefinitely. This program has stopped students from showing up to school with a gun, helped stop individuals from taking their own lives and helped address bullying that was happening on campuses. This program has saved Nebraska lives and staff lives. Typically, attacks on schools come from current or former students, and most attackers exhibit a concerning behavior. This is where the Safe2Help hotline is so valuable. If we are able to provide help to a student in need before things escalate, that is the best case scenario. The Secret Service has examined school safety and evaluated how their own approach could help schools. Overwhelmingly, they show the mo-- the major way to stop incidents is by having a threat assessment team in every school. They understand the culture, students, and staff the best, and can make those decisions for their school. Several

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superintendents have given their testimonials on Safe2Help and the importance of it. But I think this superintendent says it all. I have spent 30 years in education, and I have seen millions of dollars spent on numerous initiatives and programs in that time. Some of these programs were money well spent, while others were not. I can tell you from personal experience, the Safe2Help reporting line is money well spent and will be a benefit to all Nebraskans. With that, I would ask for your yes vote on AM1468. Thank you, Mr. President.

ARCH: Senator Blood, You are recognized to speak.

BLOOD: Thank you, Mr. President. Though, senators, friends all, I still stand in support of LB705, but I'm still against Senator von Gillern's amendment. I'm going to refer to the questions and the responses he gave on the mike. And then I want to talk a little bit more about why I think this is an amendment that needs to go away. So I actually did refer to the AG's opinion that he asked everybody to read when I was speaking the first time. And it clearly says the state's power to limit speech-- The state's power to limit speech is not without limits. So by creating forced access because you say you want organizations to grow, and that justifies picking winners and losers is malarkey. School administrators weren't asking for clarity. They already had the breadth of authority to decide if they should allow or should not allow organizations access. The requests for better clarification came along with this bill. But like it or not, the parents who go to these schools, whose taxes pay for these schools, have the right to request that these organizations not enter the school with the school administration. And it's a shame, whether you like it or not, that one of those organizations have had over 90,000 claims of sexual abuse. And it's a fact that needs to be considered when we're talking about this bill. The deeper concern is the critique that you have a public schools and the phrasing of character. Whose version of good character are you using? Your version? My version? The non-profit's versions? Because you did talk about mission statements. That's really an insult to our public school system. We know who our children's real first teachers are. They are the parents. If a child is out of line, you are looking, based on the comments that you made on the mike this morning, to blame some sort of deficit in our public school curriculum. And forced access is not going to change this. You say that the Title 26 [SIC] is just a foundation, just a reference point. Well, if it's just a foundation or a reference point, why does it need to be included in the bill at all? There is a reason that there is a moratorium placed on distinguishing those organizations under Congress as, as one that's been approved. It's because they realized that it didn't serve a purpose that serves

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the public well. So why, after we made the amendment for this particular bill, that that part was not taken out? And quite frankly, when you read the Attorney General's opinion, they basically dance around the topics. And I'm not sure that that serves anybody in the body well. You can say, well, the Attorney General said that it is constitutional. Well, kind of. I do encourage you to indeed read the Attorney General's opinion as we were. [RECORDER MALFUNCTION]. --Senator von Gillern was up previously. Here's the thing, you don't get to pick six organizations and say that they have priority over other organizations. What are we doing in this body this year? We have become an organization that we think we are now the parents of the children here in Nebraska. We are not necessarily the taxpayers for that particular school system. It's not our property taxes that are paying for it. So why are we trying to be the voice of all Nebraskans? You can say, well, that's our job. We represent a district and we represent Nebraskans. OK, fair enough. But when do we get to the point where we really decide that it's not our job to be the nannies? It's not our job to, to have government overreach. This is exactly what you are doing right now. I feel like we're back in the 1950s.

ARCH: One minute.

BLOOD: Is this about patriotism and Americanism? The things that you are trying to force schools to do are things that should start at home. If you're worried about children's behavior, then fund schools better and make sure that we have mental health assistance available. If you're worried about how a child might be rude to staff, that's a parental thing. It's not going to change by you allowing six certain organizations into the schools and not having priority for the other organizations. Please, friends, if you are actually listening to this debate, read through this amendment. It is not necessary. If a school chooses to give access, they can choose to give access. If they choose not to give access, they can choose not to give access. They have many opportunities to share these organizations outside of the school. If I was a parent and I want my child in Scouts, I'm going to go on the Internet and I'm going to get my child in Scouts. I'm going to get my child in 4-H. I'm going to get my child in FFA.

ARCH: Time, Senator.

BLOOD: Thank you, Mr. President.

ARCH: Senator McDonnell, you're recognized.

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McDONNELL: Thank you, Mr. President. I will pick up on, on LB648 and, and back up a paragraph where I, I left off. The needs of this program is clear according to the National Skills Coalition, the Bureau of Labor Statistics, Nebraska has over 90,000 unfilled or soon to be created middle-skilled jobs that it does not have the workforce qualified to fill. At the same time, Nebraska has over 100,000 adults who lack a high school diploma or a high school equivalency. It is my hope that by providing these individuals with an opportunity to gain their high school diplomas, we can address both issues simultaneously. Additionally, I believe that these services will also lead to higher wages for LB648 participants because they will become more marketable in today's job climate with their diplomas. Moreover, LB648 will bring economic gains to our state. According to the Columbia University Economist Henry Levin, over the course of working a career the average dropout costs the state 250-plus thousand dollars in today's dollars due to the increased use of social services, higher incarceration rates, and reduced income from taxes. Combined with the lost wages and cost to the federal government, it has been estimated that the total economic opportunity cost per dropout is over \$755,000, again discounted to the net present value in today's dollars. By providing individuals who were unable to complete their education with an alternate path to obtaining their diplomas, we can reduce these numbers significantly. In conclusion, I urge everyone to support this along with LB705 as a step closer to, to, to closing the gaps between those that have access to higher education and those who, who don't. The bill would, would open the doors to new job prospects for local dropouts, reduce economic losses for the state, and create a more prepared workforce. I presented this-- I, I presented these numbers based on the idea that I think Nebraska has an opportunity to move forward. Now, these ideas have been taken from two other states that we've got statistics that show that this is, this is working. If we're giving people an opportunity and, and remember with the, the LB648, it does more than just their, their equivalency. It gives them an opportunity to work on their soft skills and their, their technical skills. So at that point, for example, if someone's going to a community college, everyone has skin in the game based on if the person's not successful with that math class because they possibly quit as a senior in high school or they're not successful with that welding class, then the, the, the person doesn't-- the, the community college does not get, get paid based on we've got to show success, everyone has to have skin in the game. And we know that these individuals, once they have this education and we're hoping those employers throughout the state of Nebraska, once they start seeing the workforce diploma, they start realizing, hey, this is, this is more

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than equivalency, it's actually these are good people that are ready to enter the workforce and have worked hard to get that state diploma. Thank you, Mr. President.

ARCH: Senator Linehan, you're recognized to speak, and this is your last opportunity.

LINEHAN: Thank you. I wasn't quite ready because I thought two people were in front of me but I just want to-- it's a little awkward, but I'm a very strong supporter of Senator McKinney's LB632 that's part of this bill. We had a hearing on this bill and we had four proponents and they're in the committee amendment, we had no opponents, and we had one neutral. And if I believe-- I remember right it was a former school teacher. But this is-- I know that there are schools that have concerns about this but this-- these are preschool to second grade. That seems to me-- like, most of those kids, they're little and I don't know how kicking them out of school-- obviously, if they're misbehaving at home, maybe there's problems at home, I don't know how that helps them sending them back to where maybe there is life's not perfect. I actually know kids who've been kicked out of school, their home lives-- in preschool, that their home life is pretty good. Children are difficult, you know, and they come with their own personalities and some-- but, but an idea that you would dismiss a preschooler, do you know how, do you know how crushing that is to a child and we're not-- I guess I'm most irritated because nobody, not a single school district came out against this bill, no one. So that's the time because if they come in and they show they are against it, then that's when, as you all know, the committee goes to work and we address those concerns. I don't know that any brought-- anyone brought those concerns to the committee. We discussed that some people got some calls that there were concerns. But I think we're all aware on Appropriations and Revenue and Education, and I can't speak for other committees, but when the school lobby has an issue they're pretty good about showing up and explaining their concerns. So if this is a huge concern to the schools, I don't, I don't know why they didn't show up at the hearing. Secondly, and I know this is my last time, I, I want to-- I have my full support behind Senator von Gillern's amendment for the Boy Scouts. And I haven't read the Opinion, I've got it here, I skimmed it. The Opinion seems pretty clear to me, there's a problem when you have a public space and you're not-- you pick and choose who gets to come and go. I-- that's, that's a problem. And this is very touchy because I know that my church has had issues and I know Boy Scouts have had issues about child abuse. I get that. It's horrible. It's painful. But let's don't pretend that doesn't happen other places like public schools. That is a human fault that is-- it's awful and it

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affects all of us. And the only way to protect kids from it is every adult has to be aware all the time and paying attention all the time. And did we for too many decades hide, not know, not pay attention? Yes. But to say that one group versus another group is totally responsible for those sins is just not true.

ARCH: One minute.

LINEHAN: You can pick up a paper, go through the last year's papers in Nebraska, and how many abuse cases and there, there, there are too many. It's horrible. But it is not any partic-- it's not just a subject of the Boy Scouts or the Catholic Church. There are issues anywhere you have children and adults and the public schools are not immune from those issues. Thank you, Mr. President.

ARCH: Senator McKinney, you're recognized.

McKINNEY: Thank you, Mr. Speaker. I rise again to talk about LB632 and the importance to eliminate the school-to-prison pipeline. That's my full reason why I brought the bill. We have a prison proposal to build another prison and in my head and in my thinking that's for some of these kids that people want to suspend at this age and I'm 1,000 percent against that. Schools should be putting together alternatives to suspension and not suspending kids. We have a proposal this year to put a billion-plus dollars in education. That's where the money could come from. Stand up and-- you can't justify, nobody showed up to the hearing in opposition. If, if-- we spoke, we've had this discussion many times throughout my time here of entities not showing up to hearings and didn't want to be opposed to things. If you're opposed to something, show up and express your opposition. My assumption is that they didn't show up because they didn't have a logical reason to say why they weren't against suspending kids that age. Who, who's going to put together that testimony say, hey, we're coming in opposition because we would like to suspend five-year-olds and six-year-olds. That is wrong. And I don't care if the kid is in north Omaha or the kid is in Chadron, Elkhorn, La Vista, wherever that kid is that I don't believe five-year-olds, six-year-olds and seven-year-olds should, should be suspended from school. We should be looking to find alternatives. We should be looking at the root causes of why these kids are acting out and, and need adjustment. But it shouldn't be let's suspend the kids because we don't know what to do. That don't make sense. We put too much money into education and we have \$1 billion on the table to put more money into education. We could find ways. The default shouldn't be let's suspend. Because if that is our default, we're just going to keep building juvenile justice centers,

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prisons, and things like that, because that's what happens. Go survey the prisons, men and women, and ask how many of those individuals were suspended at five, six, seven. There is effects that we have to think about and just saying, oh, it, it might be too much or the schools haven't found alternatives. Why not? Why can't we find alternatives to suspending kids? It, it really doesn't make sense. We're all adults and we all talk about protecting kids and making sure kids are, you know, taken care of. This is a way to make sure they're taken care of and we don't harm them further. It's, it's very frustrating to me, honestly, especially because I know what can happen if we continue down this road of suspending kids. I have the numbers right here, looking at my district, it's disproportionate. Most of the kids that are getting suspended are black or Latino and it's high. You can't find an alternative? And then you're wondering why our jails are filled, our, our detention centers are filled, our kids are acting up? We have to step up and, and honestly find real solutions. Life is hard. Finding solutions is hard. But that's our job as elected officials, as leaders in this state, is to find ways to improve the lives of our kids and for their futures. And standing up saying we would like to suspend kids just doesn't make sense to me and I don't care where they're at. I'll advocate for any kid because I don't think any kid--

ARCH: One minute.

McKINNEY: --should be suspended at that age. I was getting suspended at that age and it didn't help, honestly. To be honest, it didn't. What helped me was having mentors and coaches and people that put time into me. It wasn't the school, the school district that just wanted to send me home because they didn't want to help me. So we really must think about this because there's no logical reason to suspending a five-year-old. Honestly, it isn't. Thank you.

ARCH: Senator Conrad, you're recognized to speak. This is your last opportunity before your close.

CONRAD: Thank you so much, Mr. President. And thank you to my colleagues for their continued dialogue in regards to the committee package today and the component parts therein. I wanted to rise and thank Senator Arch-- Speaker Arch for his comments on raising some issues or concerns about LB632, which was brought forward by Senator McKinney. And I am grateful for Senator McKinney's leadership in this regard and on a host of issues before the Legislature. But I did just want to note a couple of additional key points there, and I hope they're not repetitive to what Senator McKinney already added to the

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record as I was engaged in conversation with another member. But if you look at the committee statement for LB632, kind of generally referred to as the too young to suspend measure, you can see a couple of really important key indicators that show you what a sound policy this is. So this measure came out of committee 8-0, 8-0, and if you look at the membership of the Education Committee, you can see that there is, of course, not only a diversity in terms of geographies that we represent but there are probably every single point along the political spectrum. There are strong representatives on the Education Committee right to left and everything in between. So to see consensus 8-0 out of committee from that diversity of members on, on the committee I, I think is very, very telling about the deliberations that we had in this regard and about why each of us found it to be such sound policy. You can also see that there are no opponents on the committee, on the committee statement. And I will tell you, having sat through the hearings this year, the educational community is not shy about coming in to share their concerns or opposition to measures. And that's a good thing, it makes the process better. But you will see there are no opponents on this measure. There's also a \$0 fiscal note. So it came out 8-0, 8-0, there were no opponents, and it is a \$0 fiscal note. That should go a long way to showing you what an important measure this is. I think the other piece that I really want to address very clearly is that the Education Committee, and I mentioned this in my opening, heard about major issues in education, including investment, including teacher recruitment and retention, addressing racial justice and the needs of special ed students in order to bring a stronger equity lens to our educational policy to ensure that no students are being left behind and that students who are facing challenges have the resources and support they need to be successful in our educational system. So I really think this is a key piece of the puzzle when it comes to addressing disability rights and racial justice. And one thing that we learned about, about, in particular, the younger students who are facing those extraordinary punishments is that in many instances you may find an undiagnosed special need when those kinds of behaviors present themselves. So, of course, we all know that the best reaction to those behaviors, particularly with a student with an undiagnosed special need, is to make sure that they have access to diagnosis, treatment, support,--

ARCH: One minute.

CONRAD: --and services-- thank you, Mr. President-- to be more successful at school, at home, and in the world. We also know, and Senator McKinney was clear in sharing this and we talked about it in the committee level as well, that the earlier you see those kinds of

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punitive interventions like expulsion or suspension in an educational setting, you can just see the data just really jumps out in terms of those students being more likely to be held back or to drop out or intersect with the juvenile justice system or the criminal justice system. So the earlier we can provide appropriate interventions and investments, it's the right thing to do for that kid and it's the right thing to do for society. Thank you, Mr. President.

ARCH: Senator Hunt would like to recognize 65 fourth-grade students from St. Pius X/St. Leo in Omaha. They are located in the north balcony. Students, if you would rise please, and be welcomed by your Nebraska Legislature. Senator Day, you're recognized to speak.

DAY: Thank you, Mr. President. I am interested in hearing more. I would like to yield my time to Senator McKinney.

ARCH: Senator McKinney, 4:50.

McKINNEY: Thank you, Mr. President. Now, I'll continue and talk to the taxpayers of Nebraska. If we would like to keep building prisons, investing billions of dollars in the prisons, then I, I really don't understand it, honestly. If we go upstream and stop the school-to-prison pipeline, we don't need to build prisons. We decrease the need for those. We decrease the need to put billions into the criminal justice system that is failing. It doesn't work. The data doesn't show that it works. There's no justification for suspending a prekindergarten student. Like suspending a five-year-old, just think about that. We're going to suspend a five-year-old. What is-- honestly, is that helpful for the kid, for the family, for the school, for the state? Because as I said prior, survey the prisons, ask how many of those individuals were suspended between pre-K and second grade. And then tell me that you want tax relief if you're against this. It doesn't make sense. The data doesn't show it. We have to go upstream. We have to address these needs with alternatives to get to the roots of these issues in the schools. And if the school districts really opposed it, they would have showed up. None showed up. No opposition. The committee voted it out 8-0, or 7-1, or whatever. If there was true opposition to this, they would have showed up. But, but there isn't. And if there was, it's because they would be embarrassed to stand up in front of a committee and say I want to oppose this bill because I believe in suspending five-year-olds. And if that's the case, I would encourage each district to write a statement to say I want to suspend five-year-olds. We would like to suspend five-year-olds because we can't find a way to figure out alternatives and figure out how to address the needs of our students. And that is a

problem, fundamentally a problem. Why do we have an education community if the education community can't find a way to educate our kids and meet their needs, but they would like \$1 billion this year because we need to fund education. What is the purpose of it if you're not going to try to address the needs of our students? We have to find alternatives to suspension. We have to find alternatives to detention. We have to find alternatives to prisons. It is a problem. It's not even fiscally responsible to keep investing into this type of stuff. But opposing policies like this means that you are voting to not be fiscally responsible in the future because our state is going to continue to invest in juvenile justice which is a failing system, a child welfare system that is failing, and an adult prison population that is failing. That doesn't make sense. This is, to me, smart policy for the, for the whole state to say, hey, let's go upstream, let's find alternatives so we don't need to come back in 20, 30 years or 15 years and propose new Y RTCs, another NCYF or something like that. Why can't we invest in these kids? Why can't we take these dollars that we're proposing for these prisons and these detention centers and invest in these kids?

ARCH: One minute.

McKINNEY: Because that's the problem, we're not-- we, we haven't invested in these communities and the districts haven't stepped up and, and, and looked at alternatives to help these kids and these families. It's just, oh, we can't do it. Oh, we-- not, not enough teachers and those type of things. Solve the problem. Be leaders. What is the purpose of your job if you can't step up and be a leader and meet the needs of our kids? And, and, and your fallback is I still want to spend five-year-olds. That is-- that should be an indictment on a whole system that our, that our default is let's suspend five-year-olds. That is, that is embarrassing as a state, then we stand up and say we care about kids and we want to see kids be successful in education and these type of things, but we want to oppose a bill that would prevent you from suspending five-year-olds.

ARCH: Time, Senator.

McKINNEY: You ought to be ashamed of yourself.

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

J. CAVANAUGH: Thank you, Mr. President. I would yield my time to Senator McKinney if you'd like it.

ARCH: Senator McKinney, 4:50.

McKINNEY: Sure. Thank you. Again, you should be ashamed of yourself if you think it's cool to suspend pre-K students, kindergarten students, first-grade students, second-grade students. Because when you truly look at the numbers, the drop-off happens after that. That's when the, the education decline happens after second grade, especially for black kids. And a huge part of that reason is because we represent a huge population of the kids that are being suspended because the district hasn't stepped up and done its job to address the needs of the kids. The state has stepped up and addressed the need of those communities. It is really, really annoying and frustrating. I walked in here today, I was in a good mood. I haven't been in a good mood for the past month for a lot of reasons, and for whatever reason I woke up kind of feeling OK, then we get here today and it's back to I'm frustrated, annoyed. We got a prison on the table and now we got to-- I got to-- I have to stand up and argue with people about why pre-K students shouldn't be suspended. This is, this is 2023. This is what it's like in America having these type of debates, but then we hear conversations about we need to fund education and we need to support our schools and we need all these things. What for, so you can suspend five-year-olds? Put \$1 billion in and no investment in alternatives and prevention to suspension, but we want to build a prison but nobody wants to close that pipeline. That's why I don't support it. It's things like this that frame my perspective and my position on a lot of things. Because if people truly cared about these kids, we wouldn't be suspended them. We would be investing in their families, investing in their education, making sure that when they went to school, they weren't acting out. Maybe some of them might have a behavioral health issue that's not addressed, but it's not going to be addressed because the school is deeming them just as a bad kid. I was deemed as a bad kid. I was suspended a lot in elementary from pre-K up until I got to junior high school, honestly. I didn't get-- I don't think I got suspended in high school and I spent junior high mostly in in-school suspension, looking at a cubicle doing packets all day. Honestly speaking, if they oppose this bill, they would have showed up. But they probably did oppose it but it might have been super embarrassing for them to sit in front of a committee hearing, read it-- read a testimony and say, hey, we oppose this bill because we can't do our jobs and we want to suspend five-year-olds and that's, and that's what it is. And people can disagree with me all they want, but that's the truth. We can't be in the business of continuing a school-to-prison pipeline, proposing new prisons that's going to be overcrowded day one so you'll have to build another one. Nobody-- there's low will to do

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any policy changes around criminal justice in this place. I, I just don't get what we're doing here. It makes no sense to me. And I'll stand up all day if I have to and fight for this because I fundamentally don't think we should be suspending--

ARCH: One minute.

McKINNEY: --pre-K students, first-grade students, kindergartners, and second graders. The numbers show the decline in the education outcomes after the second grade, and I would argue a huge part of the reason is that we're suspending kids in pre-K, kindergarten, first grade, and second grade. We should be looking at alternatives to education. Our education system needs to be modernized in the first place. But this is-- that-- opposing it, opposing this is wrong, honestly, and there is nobody that can convince me that there is any justification for it. Thank you.

ARCH: Senator Walz, you're recognized. This is your last opportunity.

WALZ: Thank you, Mr. President. I'm standing up just to-- I just wanted to get a couple clarifications on a, a couple of the amendments that's in the package. First of all, AM1503, and I want to be clear that I think Boy Scouts of America and Girl Scouts are great organizations and that they are committed to supporting our kids. However, as a past educator, I did have a concern about the time that I had during the year to get through everything that I needed to get through with my students, all the curriculum. It's already a hard push to get through things and when you have a student that is not grasping a certain part of a lesson, if you're like me, you don't move ahead. You move together as a class and you wait until that kid understands and grasps that concept as much as possible. So it does take up a lot of time. It is a, a rush to get through, you know, everything that we need to get through. So, again, I just wanted to make a clarification and I'm hoping that Senator von Gillern would yield to a question, please.

ARCH: Senator von Gillern, will you yield?

von GILLERN: Of course.

WALZ: Thank you, Senator von Gillern. Oh, and I don't have my information in front of me, but it, it says in your amendment that the school, I don't know exactly how it reads, but it will make every effort to provide time for Boy Scouts to come in and talk with kids in

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school. I just want to make sure that it is not your intention to interrupt class time, as a teacher, not your intention to do that.

von GILLERN: Yeah, thank you for asking for that clarification, and actually it's very specific that it will be during noncurriculum time. And we worked with Colby Coash and his group on that to make sure. In fact, forgive me I don't remember the exact, noninstructional and noncurriculum were two different things and I didn't understand that until we had that conversation, but they were very specific about that. So yes, any contact, any meetings, any presentations would be during noninstructional time. And I just want to clarify that kids and parents can opt out of that presentation if they choose to so no one's forcing anything down, down anybody's throat there. So thank you for the question.

WALZ: Oh, OK. Can you just quickly give a couple examples of noninstructional time then?

von GILLERN: So that would be before or after school. And, again, there was, there was some lack of clarity on this, probably more on my part than anybody's, about, you know, we know the kids have a very limited amount of time for lunch time. So we said that we did not want to encroach on lunch or recess or anything else. It's also very specific in the bill that it must be a mutually agreed upon time. So if the school district said we, we absolutely will not do this during recess or will not do it during lunch time, here's the time that, that you have available, the groups have to work with the schools, each-- and each individual school district has the latitude to do that on their own and determine what those times are. So they must work with them and it's at their discretion, really at the school district's discretion to tell these groups when they can come in and make the presentation that works best for them and does not consume any instructional time.

WALZ: All right. Thank you, Senator von Gillern.

von GILLERN: Thank you.

WALZ: Quickly, I also wanted to talk about a, a program that we have not discussed yet, and it is really a, a great program. I'm very excited about this. It's the professional to teacher program, and this program provides services and supports to assist para educators to obtain a teaching certificate creating and providing \$1 million to the paraprofessionals teacher program. Colleagues, this--

ARCH: One minute.

WALZ: --is a great program. I believe this is going to be the quickest way to fill vacancies in teaching positions with people who already have teaching or experience in the classroom. They know and understand how to manage a classroom, which, you know, I think is, again, probably the best program that we have in this package today. And I think it's going to be easy to fill those positions. Senator Linehan just talked about being at-- out west and she visited a school and they talked about they had 164 people in this program or that would be eligible for this program so I was pretty excited about that. I guess that's all I have to say. Thank you, Mr. President.

ARCH: Senator Blood, you're recognized. This is your last opportunity.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I still stand in support of the underlying bill and opposed to AM1503. I do agree with Senator Linehan, who said that we shouldn't be able to pick and choose who gets to come to the school. That is exactly what this bill does. We are picking and choosing six organizations, I believe, and saying that they have priority over other organizations. The question that I have is that if Title 36 is not important, why is it not taken out of the bill? Because I think that that creates the biggest hurdle that we have with this bill. I never named any one organization of the sexual assault accusations. I just said one of the organizations and I'm really puzzled by the comments that were on the mike about sexual assault. But I will clarify that, yes, sex abuse is a problem for our children here in Nebraska and across the United States. One in three girls, one in ten boys are affected throughout their lifetimes when it comes to sexual abuse or sexual assault. And I don't think it's any one organization, that's not what I'm saying. What I'm saying that I think some organizations are better at covering it up, allowing more children to be sexually abused. And that's my concern, is that we don't get to pick and choose who we like and we don't like. That is the job of the parents. So I want to be really clear what my issues are, because we're kind of going off into the weeds. People are kind of cherry-picking some of the things I'm saying. Number one, schools don't need forced access for a limited few, period. They don't need forced access. If they want to let an organization in or not let organizations in, that's their choice. We have school districts that let nobody in and that's OK. Parents support their local schools with their property taxes, and they can have these discussions with their schools if they want to let certain organizations in or not in. That is not our job. We are overstepping our job. If you are unhappy, as you've stated on the mike, Senator von

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Gillern, with a child's behavior, your parents are the first teachers. If you're worried about their behavior, if you're worried about what the parents are doing when they raise their children, then let's make sure we're putting more money into mental health, not just tossing the few dollars that we've done this year. Push for affordable pre-K, have better post-delivery services after a woman gives birth to their child and is struggling, quit incarcerating family members from our black and brown communities at a higher rate than others and breaking up our families in Nebraska. There are so many more things you can do that are so much more important than letting in a few organizations that you favor into our schools. And, again, I was a Boy Scout leader. I was a Girl Scout leader. I don't have anything against these organizations. I have a huge problem with the fact that you get to, get to pick what organizations that you like and don't like and give them preference. It is not necessary. It is not needed. It almost looks like you're trying to punish a certain school system based on this bill and the bill that Senator Sanders had that Hal Daub actually, I still remember, came and testified in support of and there was a lot of angry voices at that time, like it was very pressing that it had to be done. And so something's up and my gut tells me that there's more to the story. If we go into Title 36, there's a lot of other organizations if you want to use that as your foundation. What about the Civil Air Patrol? What about the Frederick Douglass Memorial and Historical Association? The National Academy of Sciences? National Federation of Music Clubs? National Fund for Medical Education? National Safety Council, teaching our children how not to drown when they swim? There's so many other--

ARCH: One minute.

BLOOD: --organizations that are just as worthy that we could use under Title 36. But here's the thing, we don't need state statute to tell schools who they choose to let in and not let in. Most schools are carte blanche, either they let you in and it pertains to all organizations or they don't let you in. But I guarantee when we start having preferences, you may be told by the Attorney General that this is indeed constitutional, but you are going to have organizations, the ones that you don't want in your schools start taking us to court. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I rise again still in favor of LB705. I just wanted to take another moment to touch on what Senator McKinney had been talking about as I think it's important for

us to have this larger conversation again about the school-to-prison pipeline and what we hear about all the time with regards to the way that we exercise discipline in schools and how it can eventually down the road negatively impact juveniles and adults, ultimately. One thing that this package doesn't have in it, which I don't fault anybody for that, obviously these Christmas trees get large enough that at a certain point some things don't make the cut. But one thing that I would really appreciate us to focus on moving forward in other sessions is the issue of how truancy is ultimately adjudicated with youth. What I mean by that is here in Nebraska, if a juvenile or if a student hits a certain threshold of days that they've missed in school, they can actually get referred to the county attorney for a truancy charge. Without getting into the nitty-gritty of it, a truancy charge is treated differently than a law violation. But, ultimately, if you are adjudicated, which is the way in juvenile court of saying found guilty, if you were found guilty of having been habitually truant, you get placed in the juvenile justice system the same way that you would if you were guilty of a law violation. In Nebraska, the only penalty if you are found responsible or guilty of something in the juvenile justice system is being placed on probation. And what we see repeatedly are youth who are struggling with issues at home, substance abuse disorders, mental health trauma, special ed issues that aren't being effectively addressed, who are perhaps missing school or being taken out of school by their parents, hitting this threshold and then being referred to the county attorney and then getting involved in the juvenile justice system. What we also know is that studies show us that involvement in the juvenile justice system is one of the biggest predictors of being involved in the criminal justice system as an adult. And the second that you get involved in juvenile probation, the likelihood for your recidivism, both as a juvenile and as an adult, increases. And taking that even a step further, one of the issues that I've personally seen, and I talk to juvenile attorneys who represent kids on these truancy charges what they see, are kids with legitimate issues ultimately being placed on probation for being truant. That, that probation that they're on is only maybe for a certain period of time, but then that youth is under a microscope and being under a microscope when you're 13, 14, I don't know about a lot of other folks in this body, but you do things maybe that aren't perfect, but when you're 13 or 14, if you mess up on probation, then that probation gets extended and then you're under even a closer microscope. And let's say you don't make your curfew one night because you're out with your friends, next thing you know, your probation is being revoked and they're sending out referrals to send you out of home. And then you go to an out-of-home placement. Now

you've been removed from your school, you've been removed from your family, you've been removed in your support network, and you start to doing worse. And let's say you get placed at some out-of-home placement and you begin to act out because you're upset about that. Your probation gets revoked again, you get kicked out of that out-of-home placement. Maybe you test positive for, for-- on a drug test, something and-- or alcohol, and the next thing you know, you're getting taken out of that out-of-home placement and you're looking at the youth rehabilitation and treatment center or something to that effect. Now I'm not trying to be overly alarmist about it, that doesn't happen all the time, but I can stand here today and tell you that I have seen cases where people are adjudicated on truancy who ultimately remain in the juvenile probation system for years, years because they are then under that microscope and we're no longer actually trying to address the underlying issue of truancy. And so I think that our state has done a really good job of trying to address that problem. I know that county attorney's here in Lancaster County, in particular, have done a very, I think, good job of creating things--

ARCH: One minute.

DUNGAN: --thank you, Mr. President-- things like truancy diversion programs where rather than send these youth into the juvenile justice system, they work within the school to try to address the underlying problems. And that's fantastic because what we should be saying is if there's a problem that's causing youth to not be able to go to school, whether it's they have to work jobs or whether it's that they have mental health issues or substance abuse issues, we should be addressing the underlying problems and not simply putting them in the system that we know is ultimately maybe not best equipped to address the underlying problems of truancy. So, again, I still rise in favor of LB705. Really appreciate the conversation that Senator McKinney's been having with regard to punishment and the potential for the school-to-prison pipeline. And I wanted to highlight the issue of truancy moving forward because it's something that I intend to continue to address and I hope my colleagues will listen as those bills come up in the Legislature over the next few sessions. Thank you, Mr. President.

ARCH: Senator von Gillern, you're recognized. This is your last opportunity.

von GILLERN: Thank you, Mr. President. Again, eventually we are going to get to these amendments. I apologize for being out of order. I am

speaking again on AM1503, which will be attached to AM1468, a committee amendment and all, of course, under LB705. I just want to address a few comments that have been made by Senator Blood, and I, I believe that something good should always come from something bad. Abuse of children is a horrible and deplorable crime and it's a shame that it happens in any organization. And whether that's Scouts, churches, Little League, public or private schools, or the one that I'm most personally familiar with, a youth basketball league decades ago in Omaha that was facilitated by a pediatrician that's had a decades-long impact on a family member of mine that I've had a front row seat to see the impact for 60 years. I'm not insensitive to the topic and I would never promote a group that does not do all that they can to protect children. Any implication that I'm person-- personally and promoting any group that would allow or promote child abuse or not stand against it is a deplorable and inaccurate accusation. Boy Scouts of America today has one of the best child protection training programs that exists in any youth serving organization and, unfortunately, that came out of the tragedy of past abuses. It requires any volunteer to take their training, which takes several hours to complete and must be repeated every several years. As a former board member, I've taken the training twice and I've learned more each time, and it's changed my behavior around kids. It's taught me to, to make sure that any activities with a child involves more than one child or more than one adult to be present and ensuring that there are safe environments for activities. Boy Scouts has made this training available to other organizations who have picked up on that and are utilizing their thoughtfully developed program to protect kids not only in the United States but around the world. Back to the bill, a few clarifications I want to reiterate are: schools and organizations must agree on a mutually agreeable date and time to make a presentation; any presentation must be made during noncurriculum time, a point that Senator Walz asked about and I'm thankful for that question; schools may launch presentations into a group, for example, you could have two, three, or all six groups make their presentation at one time, making even the time more efficient; kids or parents can opt out of any presentation, nothing is forced on anyone; and an important point to what I just spoke about, background checks are required by anyone who represents any of these organizations at their own cost. Senator Blood said we're picking and choosing winners for school access. I prefer to believe that we are pre-vetting organizations in a way that will protect kids and grow them. Senator Blood also said we should put more money into mental health and other programs. Well, as I spoke earlier, the programs that are being made available that I'm speaking of are free. I don't know why we can't

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understand that. To say that we should come up with a government program that will do all the work at half the efficiency and twice the cost and that the government bears all the cost of that, I don't see the sense in that. I do agree, Senator Blood, with your comment that parents are and should be the primary trainers of children, but we've handed off many of those duties to schools already. When I was a kid, you learned about sex, sex education at home and today it's taught primarily by the schools. I'm not saying that's wrong, not saying it's right, but that's the reality. So to say that we have not forfeited some parental, traditionally parental duties and training to schools already or other organizations would not be true. I also know that when I was raising kids, and we had four kids in four years so it was hectic, I was more than--

ARCH: One minute.

von GILLERN: --happy to have other parents, teachers, or groups around to assist in that effort to make certain that our children would reach their greatest potential. Some kids will never hear about these opportunities unless these presentations are made in schools. Let's not cheat them out of that opportunity. Thank you, Mr. President.

ARCH: Senator McDonnell, you're recognized and this is your last opportunity.

McDONNELL: Thank you, Mr. President. I'll yield my time to Senator Linehan.

ARCH: Senator Linehan, 4:50.

LINEHAN: Thank you, Mr. President, and thank you, Senator McDonnell. I'm going to go back through and just kind of highlight some of the other things that are in this bill that maybe in another session might have been consent calendar. But one of the bills that I think is very important is Senator Murman's homeschool. So allow children who are homeschooled who want to play sports with their home team district are allowed to do so. Now it's-- there's an agreement with-- this is not my expertise but the associations, but we have some schools who aren't following that so now a school will be able to-- a child will be able to take one class, let's say it's a chemistry class, and still be able to participate in sports instead of having to take two classes. The problem with having to take two classes, if one of those classes is at 9 a.m., a student has to go at 9 a.m., and the other class is at 2 p.m., it's like three or four trips back and forth between school. And if there's more than one child in the homeschooling situation, many of

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you are parents, you know how that works: get in the car, get out of the car, it burns up a lot of time. The other bill that I want to make sure that I speak to is Senator Conrad's on the IEPs and giving reasons for children why they're-- why they won't accept them. I understand that the schools have to have the ability to say no on, on-- I'm sorry, I said IEP, and what I meant was the-- Senator Conrad is here. Senator Conrad, can I ask you a question?

ARCH: Senator Conrad, will you yield to the question?

CONRAD: Yes. Yes, of course.

LINEHAN: I'm tripping on your, on your bill here. Can you explain-- your bill that's in this wouldn't keep people-- wouldn't schools still have the right to say we can't take this child, right?

CONRAD: Yes, that's right, Senator Linehan. It wouldn't change the parameters of the existing option enrollment program, except really in two key ways. The first being that rather than assessing any sort of blanket denial for option enrollment, it requires the schools, especially when a kid has special needs, to do a case-by-case analysis and then to provide that information to the parents and provide us with a report about how that's happening statewide. So those are really kind of the, the key components, but it doesn't throw out the option enrollment program and completely rewrite it. It's a pretty modest reform to really get after those key issues.

LINEHAN: Because you're a parent, right?

CONRAD: That's right. Yes. Yes.

LINEHAN: And when you're, when you're struggling and you're trying to find the best place for your student, you need all the help you can get, right?

CONRAD: Oh, there is no doubt about that, Senator. It takes a village and you know that from your family. And I, I reaffirm that with resources, with energy, there is always, always need for more help, whether that's partners in schools, in community, in government to, to try and help us figure things out when we're trying to get the best course of action for our kids.

LINEHAN: Thank you, Senator Conrad. Appreciate that. Another part of the bill is LB648, which was Senator McDonnell's, and it is-- and this, I think, I don't know if we talked this morning. Senator McDonnell, could yield for a question?

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ARCH: Senator McDonnell, will you yield?

McDONNELL: Yes.

LINEHAN: Your LB648, it says here, in my notes, it creates a high school equivalency grant fund and appropriate \$750,000 in General Fund to provide assistance to institutions that offer high school equivalency programs and expanding services and programs. And I know I remember from the hearing you had a lot of--

ARCH: One minute.

LINEHAN: --statistics. Can you explain that program a little bit and why it's so important?

McDONNELL: Yes, what-- as I mentioned earlier, and thank you, Senator Linehan, for the question, is that other states have worked on the workforce diploma act and the idea of going through an equivalency program, which is a quite a bit of time commitment, we added to it. We looked at the idea of having those soft skills and a technical skill. And for example, I've used a person decides to-- they're short on math, they quit as a senior and they want to be a welder. Well, through the-- and we brought this bill a few years ago and we worked with the community colleges to be able to run the bill through the idea of the training and they could potentially contract out. But it's trying to get those people ready with that equivalency part, but also with those soft skills and a technical skill to enter the workforce. We know we have 90,000-plus, 70,000-plus now up to 90,000 potential openings for these middle-skilled workers and we believe that we have over 100,000 adults right now in the state of Nebraska--

ARCH: Time, Senator.

McDONNELL: Thank you.

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

M. CAVANAUGH: Thank--

ARCH: Excuse me. I'm sorry. I need to introduce some students. Senator DeBoer would like to recognize 70 fourth-grade students from Laura Dodge Elementary in Omaha. Students who are seated in the north balcony if you would rise and be welcomed by the Nebraska Legislature. Now, Senator Machaela Cavanaugh, you're recognized to speak.

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M. CAVANAUGH: Thank you, Mr. President. If Senator McDonnell wants the remainder of my time, I'm happy to let him finish his thoughts.

ARCH: Senator McDonnell,--

McDONNELL: Yes, thank you.

ARCH: --4:50.

McDONNELL: So if you look at right now in the, in the state of Nebraska with, with adults without a high school diploma or equivalency, we have over 100,000. And for the idea of looking at and working on LB648, again, mentioning those numbers of 70 plus thousand up to 90,000 potential job openings, it's a great opportunity for us to take those individuals and give them an opportunity to improve their, their earning capacity and help provide for their, their families and at the same time help us as a, as a workforce. With the other states that have tried this, we know statistically that it is working. Years ago when we first brought it, they said it was unconstitutional because we were looking at paying directly to that individual. For example, the individual is teaching someone math and getting them ready for their, their equivalency test on their GED or someone's teaching welding, and the money would be going directly from the, the state to that individual if that person passes. So we wanted to make sure everyone had skin in the game that if, if Mike needs help with math and Mike goes ahead and takes the math test and does not pass that portion, then that individual that was, was teaching the math is not going to get paid. We found out that was unconstitutional so we reached out to the community colleges and with the help of the community colleges, they said we can run the programs through us and that's how we're doing it now. That doesn't mean the community colleges can't contract out to individuals to help these people get ready for their, their testing, but they will be, as they go through the process, they will, they will be awarded the finances. And something about the fiscal note got somewhat confusing because we had a zero fiscal note. Well, that was because over the years the money had been sitting in the, the equivalency program and when we came upon it we said, well, let's use this for going forward for the workforce diploma act and make sure that money is out there helping the, the citizens that was originally intended years ago based on the, the finances and, and that's why it had a, a zero fiscal, fiscal note. Will Senator Linehan have a-- will she yield for a question?

ARCH: Senator Linehan, will you yield?

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LINEHAN: Certainly.

McDONNELL: Is that enough information and did you want to ask me any other questions about--

LINEHAN: No, I think that was perfect. You did an excellent job with your bill. Thank you.

McDONNELL: Thank you, Senator.

LINEHAN: Thank you, Senator McDonnell.

ARCH: Mr. Clerk.

CLERK: Mr. President, Senator Halloran would move to recess the body until 1:00 p.m.

ARCH: Senators, you've heard the motion to recess. All those in favor say aye. All those opposed nay. We are recessed to 1:00. Thank you.

[RECESS]

KELLY: 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. Record, Mr. Clerk.

ASSISTANT CLERK: There is a quorum present, Mr. President.

KELLY: Mr. Clerk, for items.

ASSISTANT CLERK: Mr. President, no items at this time. We return to the discussion on LB705. Pending was a motion to indefinitely postpone LB705 pursuant to Rule 6, Section 3.

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

M. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. So before lunch, I was listening to the debate. And one of the things that stuck out to me and there was information passed out, was the pending amendment for LB805. And I have a few concerns. In looking at Senator von Gillern's note or memo that he passed out about the bill, on point number four, it says the fiscal note anticipated-- oh, sorry. All organizations must, at their own cost, provide background checks for their representatives. The fiscal note anticipated that the background checks would be done by the State Patrol, which is not what the bill says. So before I dig into my concerns, I'm just going to

take a moment to read this part of the fiscal note from the State Patrol. For purposes of completing the fiscal note, the State Patrol has made the assumption that such background checks will be fingerprint-based background checks submitted to the FBI. The bill is not clear as to the type of background check that is required. Additionally, the State Patrol has made the assumption that this will result in an estimated additional 1,200 background checks in the first year and 800 in the second year. The fee charged to the applicants are \$45.25, which will result in cash fund revenue of \$54,300 in the first year and \$36,200 in the second year. The State Patrol estimates that three additional employees, three FTEs, will be required. And then it goes on to explain all of that. And the FTEs then would cost \$176,000. So starting with my concern is not even actually the actual costs, which it is going to cost the state. So let's just be clear about that, that the fiscal note clearly reflects that the State Patrol would need three additional FTEs. My concern is that we are in a crisis. We are in a crisis in child care staffing. And a big part of the crisis in child care staffing in Nebraska is the background checks. Our State Patrol cannot meet the current need in a timely manner for background checks for child care workers. The delay is costing us a workforce for child care. Adding an additional burden to background checks for the State Patrol, even if we allocate the funds for the additional FTEs, which they already have open FTEs that they can't fulfill. Even if we were to allocate those funds, we are continuing to put pressure on a system and we are in crisis. It was my understanding at the start of the session that there were others in this body that were working on the, the background check crisis that is facing our child care workers. But nothing has happened. Nothing has happened. And our child cares are going to close their doors. We can't afford to wait. This is a state of emergency and nothing has happened. No one has done anything. And I am included in that. I am complacent in that. I should have done something when I saw, on day 9 of bill introduction, that no one was doing anything to address the crisis of our child care workforce. But we haven't, colleagues and requiring additional resources to be diverted for something other than this is going to be a problem. It's going to be a massive problem. We are in crisis.

KELLY: One minute.

M. CAVANAUGH: And we are going to start to see child cares have to shut their doors because they do not have the workforce available to show up to work legally, because we have such a backlog, such a delay in our background checks at the State Patrol. And this is not a commentary on the State Patrol. This isn't about them not doing their

jobs. They are doing their jobs. We are in crisis, a workforce crisis, everywhere. And we need to take action and we're not. And we have the ability to take action and we haven't. Now, I realize that to some of you this may be a new topic. I haven't talked about it as much as I've talked about a lot of other things. But now that we're getting to this point, where we're trying to allocate resources to background checks but we're not addressing the crisis at hand, I feel it is imperative that I start to speak about this, that I start to raise raise awareness on this very issue, especially as we then look to the budget, in addition to everything else.

KELLY: That's your time, Senator. And you're next in the queue.

M. CAVANAUGH: Thank you, Mr. President. Is this my--

KELLY: And that is your last time on the motion.

M. CAVANAUGH: --thank you, Mr. President. So, so that is the first concern I have with LB805 being amended onto LB705. And, and honestly, it is probably my most significant concern and my primary concern. My secondary concern is that we are forcing school districts to do something where they have a clear policy already stated about whether or not certain groups or any groups are allowed. And we are circumventing the school's own policies and requiring them to do something that they have clearly stated they don't want to do. So that is another problem. The third problem, which has been brought up, that this seems to be the focus of this conversation, around the Boy Scouts of America. I, personally, don't have an issue with the Boy Scouts of America. I know that they have been doing a lot of work to repair the damage that had been done with some significant mistreatment and abuse that happened within that organization. I understand that. But the reality is that you're trying to force-- state force public schools to require a group to be allowed in, that has, in the past, perpetrated sexual assault against children. And that is not OK. Period. That is not OK. They might be doing a better job. They might have cleaned house. But the trauma still exists. The trauma that was inflicted upon members of that community still exists. And when people-- parents, who might have been victims, see that their school is required to allow that organization into their child's school, we are retraumatizing that victim and making them feel like they can't protect their own kid. We shouldn't be making this a mandate. This is not something that rises to the level of government mandate. Not even close. So it does have a fiscal note. It is a government mandate. It is circumventing local control. It is telling our local schools that they don't know as best, as best as we do. It's picking and choosing specific groups. I

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don't see 4-H on here. I don't-- there's lots of other groups that aren't on here. I don't know how this group was put together, how it was decided that some groups didn't get to be a part of the list. I think that this is an unfortunate use of government. And additionally, I have a concern, because Senator von Gillern got on the microphone this morning and said that he is on the board of the boys club-- Boy Scouts. And I don't think that that is an appropriate use of your position, Senator von Gillern. And I hope, at the bare minimum, you file a conflict of interest because that is a clear conflict of interest. I don't think that that was your intention, but it is a clear conflict of interest and it should be treated as such. We should start rep-- we should start holding ourselves to a higher standard of integrity. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator DeBoer would like to recognize her nephew, Ian DeBoer, under the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator Ibach, you're recognized to speak.

IBACH: Thank you, Mr. President. Senator Cavanaugh, I would just speak a little bit toward your hiring or finding more officers to do the background checks for the child care. That was something I was very passionate about last fall and worked with First Five on, to develop a process whereby we would-- and I actually thought about bringing a bill and had planned to, that we would hire more full-time state troopers to just do background checks to expedite that process a little bit, from HHS, too. And actually, the Governor picked that up. And so we didn't bring a bill for it, because he said that's something he was passionate about. And so, I think they are following up with that. But I think you and I should both cooperatively follow up with that, to make sure it's happening. Anyway, I would speak a little bit to the FFA portion of this discussion, simply because I had a state officer, we had FFA in our high school, and currently, I think there are 205 or 206 FFA classrooms in Nebraska right now. And for those of you that don't know a lot about it and I, I learned more about it as I was immersed with it. When my triplets were in seventh grade, we brought FFA to our school. And ag education provides instruction through an integrated intracurricular model of direct instruction in the classroom and laboratory, experiential learning through a student-supervised ag experience, which is also known as an SAE-- and my three children participated in that program, as well-- and leadership development through student participation. This structure provides students the opportunity to be successful in any of the career pathways within agriculture, food and natural resources career fields. Nebraska FFA is dedicated to making a positive difference in

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the lives of students by developing their potential through premiere leadership, personal growth and career success through ag education. Today's ag education students will be the leaders and innovators of the future. And I truly believe that, after witnessing many of the SAE projects that are on the national level and receive recognition. They're responsible for safe and stable food, fiber supply and, and our growing world. Today's ag education career-- carries on the tradition of providing instruction through the integrated model of this classroom and laboratory instruction. And the leadership development skills that they retain are just amazing. So there are 209 ag ed and FFA programs in schools in Nebraska. And I'm proud that all of my schools, in District 44, all have an FFA chapter in their schools. And they are amazing kids. They develop kids from the ground up and the schools support these programs, simply because of the outcomes that FFA provides. With that, I would yield my time back. Thank you, Mr. President.

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

AGUILAR: Thank you, Mr. President. Good afternoon, members. Good afternoon, Nebraska. I just want to speak directly to the issue that Machaela Cavanaugh brought up, in regard to the background checks. That's an issue I worked on a year ago. I was-- had a meeting with about three or four different child care providers in Grand Island. And they all had the same problem, that they were concerned about having to close their doors because the State Patrol couldn't get back in time with the background checks to allow them to hire the employees. And at that point, I believe what they did was give some of the employees a waiver to allow the State Patrol to complete the background check. Not quite sure how that worked. But anyway, the providers were calling me and said, it's OK now, it's all right. And I am surprised to hear that the problem is right back where it was. Thank you, Mr. President. And I'd yield any time I have left to Senator von Gillern.

KELLY: Thank you, Senator. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. I've actually got quite a bit of a long rebuttal here, but I'm going to kind of leave it at this. Every organization that's listed in this bill already does background checks on their employees. So there is no additional cost for a background check. There's no additional cost to the state. There's no additional workload to the state. And I don't blame the Fiscal Office.

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They would not have known that, based on the drafting of the bill-- that we've talked with the school association, we've talked to different school districts. They understand that. They recognize the organizations that do the background checks. The costs are completely borne by the organization and the checks are already done. So there is no additional background check required. I will go just a little bit further. And, and I-- I'm not perfect at taking down quotes, but I think the quote from Senator Machaela Cavanaugh said that this, this is about a group that, in the past, has perpetrated sexual assaults against children, which is a horrible and gross misstatement. And I would ask her to rebut that statement and I would ask her to retract it, because that's completely untrue to say that the organization itself has perpetrated sexual assaults against children. Unfortunately, scouting and other organizations, including schools, both public and private, churches, any organization that deals with children, unfortunately, has had to deal with this issue. And, and it's a horrible thing. As I mentioned in my past testimony, I've actually got a family member that had to deal with this from-- actually, from a pediatrician, not from an organization. So I've seen firsthand the outfall of sexual assault. And of all the things that have been talked about in the past few weeks here on the floor, whether it's regarding transgender, regarding LGBTQ issues or abortion issues. And people have said, have you lived this out? And, and we've been accused-- many of us have been accused of not being able to live those experiences out. I've lived this one out. And I've seen the ugly experience of it and I would not be a part of an organization that was not doing everything physically, humanly and financially possible to, to turn that tide. Then lastly, I want to, I want to comment about a conflict of interest. And it's my understanding, after having sat on the NADC board or commission, that if you are not benefiting financially, there is not a conflict of interest. And frankly, I would have to believe that every member in this body is a member of some community organization. And their community benefits from that, whether it's a child-serving organization, a church board, whatever it happens to be. And it's not totally dissimilar to the, the claim that was made against Senator Hunt last week, which was completely inappropriate, that said that she would benefit from a piece of legislation because one of her family members would benefit. That was inappropriate, also. And this is equally inappropriate and I stand against that, also and encourage a retraction from Senator Machaela Cavanaugh. Thank you, Mr. President.

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

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J. CAVANAUGH: I would yield my time to Senator Conrad, if she would have it.

KELLY: Senator Conrad, you have 4:55.

CONRAD: Thank you so much, Mr. President. And thank you, Senator John Cavanaugh, for the time, as well. You'll see that many members of the Education Committee have already utilized their speaking turns on the mike for this measure and so, definitely appreciate a little extra time and breathing room to build the record from our colleagues. That's always appreciated. I wanted to just flag a couple of things, in regards to one of my components that is in the committee-- the Education Committee package. And that's LB414, which deals with some modest but important changes to option enrollment in Nebraska. And I've had a chance to talk with Senator Hughes, Senator Jacobson, members of educational interest groups, leadership groups and one thing that they have asked us to consider as a committee and me as a primary introducer, is to change some of the key deadlines that are in LB414, from a fall, kind of, assessment of capacity to, perhaps, a spring assessment of capacity, maybe either March or April, in contrast to that October 15 date that is delineated in the bill. I think that this is a very thoughtful conversation to ensure that we can make technical adjustments or updates, which I absolutely pledge to do, working in concert with all of the stakeholders from General to Select File to make sure that if we're really not sensing a significant amount of disagreement on the corpus of the measure, but perhaps some technical aspects related to implementation, I think that those are definitely issues that we can and should put our heads together on to find a clearer and better path, in regards to-- for implementation in between General and Select Files. So just to be clear, I don't have a magic date in mind, but I've heard some different ideas, either March 1 or April 15. And whatever we decide on with educational stakeholders and the other senators who have raised the issue and are working on the issue in good faith, I will make sure to flag that next iteration and evolution of that aspect of the bill, as it continues to, to move through today. The other piece that I just wanted to give a stronger voice to was the, the really important component parts that we have, in this committee package, to address teacher shortage. And I know, as the daughter of a now-retired public school teacher and as a mom of two young kids in our public elementary schools, right here in Lincoln Public Schools, it's hard to distill the importance of having a great teacher in front of the classroom. And I know from Senator Walz to Senator Vargas and, and others that have that teaching background, anything and everything that we can do to ensure that we can recruit and retain top talent, to bring that

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passion, to bring that knowledge, to bring that excitement and instill that love of learning to our students across demographics, across districts. But that's really the, the key determinant to making sure our kids are excited to learn and have opportunities to learn and can excel--

KELLY: One minute.

CONRAD: --thank you, Mr. President-- in life and on tests and gather the skills that they need to be constructive, engaged global citizens, as they continue to, to chart their course. So there are really important pieces in here that Senator Linehan has already touched upon, that provides a little bit of extra financial benefit to those front-line teachers who are giving it their all and who really make incredible sacrifices to serve in that role, who are already, in many instances, far, far underpaid with what we ask them to do, from a teaching perspective and emotional perspective. And I, I think that that's the least that we can do to give nod to their sacrifice and service. And I'm hoping that those investments will continue and we can do all that we can do to--

KELLY: That's your time, Senator.

CONRAD: --increase teacher pay. Thank you, Mr. President.

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

MURMAN: Thank you, Mr. President. I just wanted to rise up, again, and defend the package. I think we have a great package put together by the committee, something that we all pretty much agree on. There's, you know, an individual here and there on a bill here and there that's in the package that probably doesn't support things 100 percent, but they're not opposed enough against the bills that are in the package to bring the whole package down or even try and, you know, remove a particular bill because of strong opposition. So, you know, we've addressed the things that we want to address by-- as a committee, teacher hiring, pay and retention, parental involvement, school safety and-- not thinking of the fourth concern right now, but the fourth objective. But the whole package works together. And to specifically address the upcoming amendment that groups can have access to schools. The amendment does have the option for parents to opt out if they don't want their student to participate. So I think that's very important. And I think, as has been mentioned before, no matter what the group or organization is, there's always individuals in that

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organization or group that would like to do-- could do harm to others in the group. So-- and by the way, I, I think, as I mentioned before, the-- we have great teachers, great educators in the state. But even, even among a great group of people like that, there's, there's some that would possibly do harm to students. So we just have to have the protections in whatever bill, whatever pack-- in the package of whatever we're trying to do. And I think with the, the option to, to option out, you know, option is always a good things. Parents should always be able to direct what their children are being taught and how they're being taught. They, they have the ultimate authority. So with all of that, with the opt-out in it, I think it's a very good amendment to bring. So with that, I will yield the rest of my time. Thank you.

KELLY: Thank you. Senator Murman. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. I just-- I stand in support of LB705, commonly called the Education Committee package. Again, package is the word of the session. Just wanted to go through a couple of things that stuck out. I appreciate working with Senator Conrad and looking at changing that October date that a school-- changing that to a spring date, when schools can have a better assessment of what their special needs capacity are or is before they submit it for that. So I appreciate her working with me on that. And I think, as, you know, with that amendment coming, that makes that piece better. Going through, again, I commend the Nebraska Teacher Recruitment and Retention, Retention Act. We have such a need for teachers and these-- the dollar grants available for teaching in years two, four and six, get some teachers some longevity and a little incentive there, will help our schools. I wanted to address, I, I talked a little bit with Senator McKinney, and I know people have talked about this, with not suspending the preschool through second graders. Agree that we need to come up with a workable solution for that. I know there was no opponents when that hearing was held. But at that time, it was definitely for a-- kind of an Omaha schools issue. So I don't know that the smaller school districts were as concerned with that piece-- with that bill. And so, now that it is opened up, they are, they are going to do this across the board, for all school districts in the state. I just-- we need to make sure that, for our smaller schools that maybe don't have-- we know staffing is an issue, that if there is a child that's misbehaving in a, in a room that's that age and they, let's just say, for example, they do something that hurts the, the kid next to them, pulling that kid out of that classroom if there's not the staff in that smaller school to handle that, can, you know, is it

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bad that maybe that, that kid is-- goes home for a day or two, until a safety plan is put in place to bring that child back? And I just think it's something that we need to talk about and, and work through. That's just kind of coming from being on the Seward School Board. That is one of the, the concerns I had when I was just looking through all these different pieces of the Education Committee package. But just kind of going through the list, there's just such good things in this. The computer science and technology expansion, that is, is going to be really good for the state of Nebraska, as we're continually facing a labor shortage. Helping incentivise public school teachers, making it less of a barrier to become a teacher in Nebraska is important. And that's not just for teachers, but any profession. If you move into the state, eliminating-- making sure that we are not being our worst enemy, in terms of getting people in the workforce. The textbook LB647, which is in this, is a good piece of this bill and it's relating to the purchase and loan of textbooks for kids enrolled in a private school. They're going to make it the responsibility of the Nebraska Department of Education. And that, honestly, again, helps some of these smaller school districts, because at the time, each little-- each small school district or each school district is kind of in charge of running this program. And that's just kind of another administrative thing. And, you know, it'll change-- you, you might have a private school that has kids from several school districts and if it-- if you have it all in one centralized--

KELLY: One minute.

HUGHES: -- place-- thank you, Mr. President. That just makes the administration of that much easier. And I'm sure it's much easier from the private school side. And I know personally from some of the schools in my district, they'll be happy to hand that piece off. So it kind of removes some of that additional administrative work that we, as a Legislature, tend to give a lot of our public schools. Going through this, I also am happy to read about the appropriating funds to provide grants for some of the STEEM fields: science, technology, engineering, entrepreneurship and mathematics. So I really appreciate the Education Committee's work on this. I think there's a lot of good things in this. So I think there might be some-- a few little amendments coming to this when it gets on Select, which will just make a good bill better. So I appreciate it and I yield my time. Thank you.

KELLY: Thank you, Senator Hughes. Senator Aguilar, you're recognized to speak.

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AGUILAR: Thank you, Mr. President. After a brief conversation with Senator Machaela Cavanaugh, in regard to the background checks by the State Patrol. She did some research and found out that the solution they come up with just last year was merely an emergency and temporary scenario, which has since expired. She also has some more information that she'd like to share. So I will gladly yield the rest of my time to her.

KELLY: Senator Machaela Cavanaugh, you have 4:30.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Aguilar. And also, thank you, Senator Ibach, for your comments earlier. So there is, in the budget, there was a budgetary request for increased, increased funding for the State Patrol, but it didn't have intent language around it for this specific issue. And so I'm trying, of course, as we all are, to quickly read through the green bill thing, to see how that would shake out, as far as increased funding goes. But we currently have a three-week waiting period for an appointment for fingerprinting, for child care workers. So that's a three-week appointment waiting period, not actually getting the results. Then you have to get the results. And these are jobs that are not super high wage to begin with and aren't easy. And so, if you apply for a job at a child care and you apply for a job at, say, a local restaurant, fast food, grocery store, what have you and you can get hired on the spot there, you're going to probably take that job and leave the other job. So that's part of what's playing into the crisis that we have. There was a waive-- waiver. And that expired. We do have the opportunity and, and full disclosure, I have not had these conversations with the Governor. He might be doing this right now, as I'm talking. But the Governor could issue a state of emergency to allow for a waiving, again, of that waiting period so that an employee can begin working. The-- most child cares do two different background checks, so this is the state background check. And the other background check that they do actually tends to yield stronger results. So they could do the general background check that they do, have-- waive the waiting period and allow them to begin work supervised, of course, until the state background check comes back. So we can go back to that waiver that we had with the state of emergency, until we are able to get staffing levels with the State Patrol up to the level that we need so that we don't have this wait period, so that we can help our child cares that are in crisis, which is most of them, to improve the staffing. So there are a lot of long-term investments and, and strategies that we need to employ, employ to improve this crisis. But there's also the immediate that we could do. And so, it's probably worth us starting to have that conversation with the Governor, if he is willing to issue a

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state of emergency so that child care can be-- go back to that waiver process, until we are able to take the actions and the steps necessary to alleviate the backlog with the State Patrol. So thank you, Senator Aguilar, for, for yielding me the time. I, I do want to comment. I spoke with Senator von Gillern. I-- it was not my intention to portray malfeasance on the part of Boy Scouts. It's a very well-known story and scandal. And I, I-- perhaps I didn't use my words as carefully as I had intended to. So when I speak about the Boy Scouts again, I will do it more thoughtfully. I don't think I have the time to do it justice at this moment. So that's all I have to say about background checks for now. Thank you. Thank you, Senator Aguilar.

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

JACOBSON: Thank you, Mr. President. I have two quick things. I'm last in the queue, so I'll be brief and get out. I guess kind of speaking, again, to the, the portion of the bill, the-- I think Senator McKinney brought it, with regard to not suspending students K through third, third grade. That was originally for a metropolitan class city, so I didn't have any issues there. I am concerned about the impact that it would have in smaller, rural schools and, and staffing issues and disruption in classrooms and those kinds of things. And this, again, is one of those unfunded mandates. It seems like-- that we force these things on our public schools and ask them to deal with it, but we're not going to give you the resources to deal with it. So I do have some indigestion there. I'm sensitive to Senator McKinney's comments. I hear what he's saying. But at the same time, we also be-- have to be sensitive to the rest of the kids in this classroom and to those teachers and that we're trying to move the education forward. And so, there has to be some flexibility. And so I do have some, I do have some indigestion on this piece of it. And I'm prepared to move the bill forward to Select, but I would hope that we can take another look at that, perhaps with some other possible carve outs. With regard to the conversation with Senator Aguilar and Senator Machaela Cavanaugh. I do agree with the concerns that have been raised by Senator Cavanaugh. We are dealing with a severe child care crisis and I do think it is that. We can't get enough up there operating. There are concerns with, with certainly we need background checks. The last thing we want to do is have, have the wrong providers involved who should not be around young children. But at the same time, these background checks are taking forever and they're absolutely required. And the other problem is there's a cost to doing these. So a daycare provider is going to go out, hire someone. They have to get the background check. They wait. They wait. They wait. Ultimately, they

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take a job somewhere else because there's plenty of other jobs out there and they don't get somebody on board. So that's a recurring problem with all the daycare operators that I've dealt with. There was an interim, an interim study last summer. We did have a hearing in North Platte. Daycare providers were there. Besides those problems, there's also a problem about having access to healthcare for daycare providers and, and their employees, in terms of how could they get the numbers up to where people can be willing to come and, and go to work there for what the compensation would be, lack of benefits, all the other issues they have to work through on, on background checks and still be open and be able to keep these kids so that their parents can be in the workforce. So I think we need to continue to be focused on that. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Seeing no one else in the queue, Senator Conrad, you're recognized to close.

CONRAD: Thank you, Mr. President. And I'd like to withdraw my motions.

KELLY: The motions withdrawn. Mr. Clerk, for items.

CLERK: Mr. President, Mr. President, Senator Conrad, motion 787 and 786, both with notes that she wishes to withdraw. In that case, Mr. President, there are no further priority motions.

KELLY: Senator Murman, you're recognized open on the committee amendment.

MURMAN: Thank you, Mr. President. I would like to just go over the-- all of the bills that are in the committee amendment. There will be a handout coming around eventually, that lists all the bills. Of course, the first one is LB705, and that is the lottery bill. And my staff did a lot of communication with the different education groups that have interests in that lottery bill. And I think we've come up to a very satisfactory agreement as to the different percentages and breakdowns and, and all of the modifications of the percentages in the lottery that will go to what programs. And then, LB153, I'm just going in numerical order, Senator DeBoer's bill and that is-- addresses when a school has a unusual increase in special ed that temporarily the-- there is a fund that will help that school out for, I believe it's two years until the school gets reimbursed, to address that unusual change in special ed. And then, LB356, by Senator Walz, and that updates the requirements for Nebraska Opportunity Grant and aligns it with federal requirements for FAFSA. And then, LB372, one of my bills and that requires homeschool students to participate in one class instead of,

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of 20 hours, to compete in school extracurricular activities. I've had a lot of emails from homeschoolers that it would, it would work out better in their schedule, for one thing, to just have to participate in one class. And very often, their homeschool program addresses a broad range of classes and they only need one class. Perhaps, it's a-- like a high-end calculus class or a, a, a class that's related to the extracurricular activity that they want to participate in, such as maybe speech, if they have a student that would want to participate in debate. As far as athletics go, quite often there are homeschool teams and other types of teams that they can-- their student can participate in, but some quick-- some athletic activities, such as football, it's difficult to have a homeschool group that could run a football program, especially when you get into high school. LB385, by Senator Linehan, and that provides the \$2,500 for teachers in year two, four and six. And then, also-- that funding, of course, comes from the state. And then, also, a \$5,000 bonus if the teacher teaches a STEM class or a dual credit or a special ed class. LB414, by Senator Conrad, and that bill would make it more clear as to why certain programs are full for special ed and makes it more clear for students and their parents that want to option into another district as to-- if they are rejected, as to exactly why they are rejected. LB516, by Senator Walz, and that appropriates \$870,000 to the-- from the general fund for the maintenance of the Safe2Help mental health crisis hotline. We hear a lot about how mental health is an increasing problem among the whole population, but especially students. So that-- there's a good-- big need for that bill. LB520, by Senator Walz, also. We passed the computer science and technology requirements last year and some schools are having difficulty meeting those requirements. And this makes it easier for those schools to meet those requirements with different classes, not classes that are necessarily specific only to computer science and technology. LB603, by Senator Linehan, provides an alternative certification program. And that's for teachers. And it's another way of addressing the workforce shortage in teaching. And with the amendment, it's acceptable, I think, to most all the education groups and colleges. LB632, by Senator McKinney; we've discussed that quite a bit. It would ban schools from using out of school suspension for pre-K through second grade students, unless-- the amendment was unless they bring a deadly weapon to school. And LB647, by Senator McConnell, McConnell [SIC], updates the existing textbook loan program for private schools, kind of a library where private schools can access textbooks from-- that are-- public schools are done with. LB648, by Senator McDonnell, McDonnell also, provides another pathway for adults, I guess, that have been out of school for a certain period of time, so that they can receive an alternate GED

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and provides a pathway for them to be employed, also. And then, LB698, myself-- by myself. It adds the Space Force program. It's a new branch of the military for benefits for both military members and their dependents, so that they can receive those benefits like the other branches of the, the military. And finally, LB703, another bill by myself and that allows state colleges to sell their excess material without bringing it to, to Lincoln to sell. So provides-- and that's something they've been doing, but just puts it into law. And then, LB708, by Senator Arch, and that provides a way for different education groups to cooperate more easily, to support the students that are coming out of the YRTC and I believe, also, on probation. LB724, by Senator Vargas, eliminates the general Praxis test, but with the amendment, does keep the subject-matter Praxis test as a requirement for teacher certification. I think that's extremely important that we keep the subject-matter Praxis test. That only makes sense that the teacher needs to be very knowledgeable in the subject that they're teaching. LB762, by Senator DeBoer, creates a para-to-teacher program that will assist para educators to become certified teachers. Paras are hard working--

KELLY: One minute.

MURMAN: --have quite often-- thank you-- quite often been in the school-- particular school for a certain amount of time, will likely stay there. And with this program, is just another way to address the teacher shortage and allow them to be certified. And finally, Senator Wayne's LB787, that creates the STEEM program. And of course, that's the video game that concentrates on STEM subjects. And hopefully, will-- is proven successful in some other states and will increase interest of students in STEM. Thank you, Mr. President.

KELLY: Thank you, Senator Murman. Mr. Clerk, for items.

CLERK: Mr. President, LB705, introduced by Senator Murman. It's a bill for an act relating to education; amends sections-- several sections within Chapter 9, 79, 84 and 85; changes provisions relating to distribution of lottery funds used for education; adopts the Behavioral Intervention Training and Teacher Support Act; creates funds to establish a mental health training grant program; defines and redefines terms; changes provisions relating to innovation grant program; uses certain funds; provides duties for the Coordinating Commission for Post-Secondary Education; changes provisions relating to the Nebraska Opportunity Grant Fund; adopts the Career-Readiness and Dual-Credit Education Grant Program Act; transfers and changes provisions for the Excellence in Teaching Act; adopts the Door to

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College Scholarship Act; eliminates obsolete provisions; repeals the Master Teacher Program Act and provisions relating to a study and a statewide vision for education; harmonizes provisions; provides a duty for the Revisor of Statutes; provides an operative date; repeals the original, original section; outright repeals several sections in Chapter 50 and 79; and declares an emergency. The bill was read for the first time on January 18 of this year, in front of the Education Committee. That committee placed the bill on General File with committee amendments. Mr. President, Senator von Gillern would move to amend with AM1503, with a note he would withdraw and substitute for AM1558.

KELLY: Without objection, so ordered. Senator Bostelman had some guests in the north balcony, fourth through sixth graders from Clarkson Public Schools. Please stand and be recognized by your Nebraska Legislature. Senator von Gillern, you're recognized to open on your amendment.

von GILLERN: Thank you, Mr. President. Since we have talked a good deal about this this morning, I'll just add a little bit of clarity to some confusion. So I rise in support of LB705, of the committee amendment, AM1468, and my amendment, AM1558. This morning, the amendment was AM1503, but thanks to a vigorous debate, we found an error that caused us to call the Revisor's Office and get a quick redraw, so hence, the new numbering. My apologies and my thanks to Bill Drafting for helping us navigate that. Just, again, I won't take nearly all of my time. Just a quick reminder, again, the youth-serving organizations-- some of the organizations that will benefit when this bill passes and are allowed to coordinate with school districts for a one-time visit to schools to present their organizations, they include FFA, Little League, Big Brothers and Big Sisters, Boy Scouts, Girl Scouts and Boys and Girls Clubs of America. Again, we've had a vigorous and strong debate this morning. And it's allowed several different points of views to be presented, which is how this process is supposed to work. I'm glad some of the kids were here to be able to see some of that and see how the Legislature works. So it's been a good, good exercise. I thank you for the debate. I now trust that you are all as passionate about this bill impacting kids as I am and ask for your green vote on AM1558. Thank you.

KELLY: Thank you, Senator von Gillern. You're next in the queue, as well, Senator.

von GILLERN: I waive. Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I'm glad that we're having robust debate today. So we are on the amendment, that is AM805. And I'm just going to go back to my concern. And it's more of an underlying concern, generally speaking, about the backlog with the State Patrol. I do think that-- well, I know that we have an issue with the State Patrol having a backlog and resources. And this is something that has been an issue in a lot of different things with the-- with legislation that we passed. And I was looking through the State Patrol agency, on page 209 of the Green Book. If you go through, it's, it's Agency 64, the State Patrol. But so, on the-- page 210 and 211, it has some of the information about the different things. And one of the things that stood out is the crime lab costs and then, increase in criminal identification division staff. It says, at the top, top of 211, the State Patrol states that over the past legislative sessions, multiple bills were passed that increased the volume of background checks required to be processed by the agency. When most bills were passed, the agency did not receive additional appropriations to offset these costs. So that's kind of where the crux of my concern comes from, is that when we do pass things and they require background checks, as this would, that it is going to cost. And so, we need to be mindful of that. And the cost of-- even though we are requiring whoever is getting the background check to pay for it, which is the same thing we do with child care, even though there is a grant program for it. But the cost that we charge for background checks does not equate the cost of the full-time-- the FTEs. And so, there is that cost. That, to me, though, is not the stumbling block. I don't, I don't mind there being that discrepancy, as you know, for keeping our children safe and secure in their schools. My concern is burdening the system and anything we do that increases a burden on the background check system when the system is already very clearly overburdened, that is really where my concern lies. And, and as such, I just-- I'm, I'm honestly, I'm very, very opposed to doing that. And I, I don't even-- my previous comments about the Boy Scouts aside, I, I like the Boy Scouts. I like the Girl Scouts. I don't know that there's a group on here that I don't like. It's not about the groups. It's about the propriety of what we're doing and, and additionally, the burden on the system for the background checks. We really are in a crisis across the state, as we heard, in Senator Aguilar's community, in my community. And Senator Ibach also spoke about it. We are in a crisis, a workforce crisis and that is layered. And we have a workforce crisis in child care workforce. And having a workforce

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crisis in child care workforce leaks-- leads to a workforce crisis in general workforce. Because if we don't have anywhere to put our kids, we can't go to work. And so, it all is interconnected and it is problematic and it is concerning. My additional concern is stepping in on local governments' ability to regulate for themselves who, who comes into their buildings. So we have school boards, we have school policies and there are schools that clearly have a policy that don't allow these groups to come in, any of them.

KELLY: One minute.

M. CAVANAUGH: Thank you, Mr. President. And so, we are circumventing that, their own policy that they purposely have. They have it for a reason. And I'm not sure that this rises to the level of circumventing local control in the classroom, in the school system, in the state board. We have these policies for a reason and I don't think that we, as the state, should be making a one-size-fits-all requirement across the state. And so, if, if families within those school districts want to lobby to their local school board to change the policy, I think that would probably be a much more appropriate avenue to getting these groups into the schools. So I have additional concerns about time during the school day and school resources that--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: Thank you, Senator Cavanaugh. Senator Blood, you are recognized to speak.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand firm in my opposition to AM1558, but do support the underlying bill and amendment as has been put forward. You know, for those of us that were here last year, we remember Senator Sanders' bill, which was LB1170, which is basically a bill that was mirrored to the current bill, this amendment that we're looking at, AM1558. And if you look at the description, is much of what you just heard when Senator von Gillern described his bill, that they are promoting character development. But in her bill, she says, by providing patriotic organizations access to schools. I said this earlier and I'm going to say it again, this reminds me of the 1950s. This reminds me of when we were worried about communism and people invading our country that we were concerned about and how we needed to make sure that everybody that participated in the government process were indeed, Americans. And that's not the times that we live in. We have access to better

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data. We know what we should and should not be scared of. But take that out of the picture. Forced access is not something that we need to be doing with our schools. As Senator Cavanaugh pointed out and I pointed out when I told people that I was not in favor of this bill when it was first dropped, as I did with Senator Sanders' bill, is that you've excluded other organizations that could very easily be included. I appreciate Senator Ibach's-- Senator Ibach's support of the FFA. I don't think there's anybody that disagrees that the FFA is a negative organization, nor Boy Scouts, nor Girl Scouts, nor Boys and Girls Club. But they're not the only organizations. I look at you, rural senators. You're OK with 4-H being left out of this? Gosh, I, I participated heavily in 4-H in school. And what you can say is, well, the schools still have the ability to let in whoever they want and don't want. Yeah, but you gave those other organizations priority over organizations like 4-H. Why do you need to do this? I don't want to hear about building character. I don't want to hear about how they're good organizations. They are indeed good organizations. That is not the issue. The issue is, is that we should not be telling schools, in this instance, who is more acceptable over what organizations are not as acceptable. And you may not think that that's what you're saying, but it's exactly what you are doing, by putting it in state statute. This bill is not necessary. And I think it's really interesting, if you read the transcripts from the previous LB1170. There is also a motive behind this. And I think that the senator sitting on the board of the Scouts can probably tell you what that motive is and is that-- it's apparent that there have been some Boy Scout organizations that have not been allowed access to particular high schools, But that's their preference; that's their choice. They have people who sit on their PTAs. They have people who sit on their school boards. It's between the people that attend those schools and that school administration and those school board members. It is not our job to shove this down their throats. I don't understand, in this body, how we have become this group of people who feels it is now our job to tell each and every person in Nebraska how they should take care of their children, why they and-- how they should take care of their children, what is right, what is wrong, what books they should read, what healthcare they should seek. When did this happen?

KELLY: One minute.

BLOOD: This needs to go away. This has nothing to do with the Senator. I know he feels very strongly about this, but it's not needed. This is forced access. You can keep saying all the kind things you want about these organizations, but you've left other good organizations out of

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it. Quit creating preference. And if you're having trouble getting into a school, this is not the way to do it. Thank you, Mr. President.

KELLY: Thank you, Senator Blood. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. I'm not interested in dragging out the, the conversation or the argument through all afternoon. I just want to add just a couple of quick points of clarity and possibly, Senator Machaela Cavanaugh missed this. I know we're all involved in other conversations in the room at other times, but again, the State Patrol background checks back up, this bill will do nothing to exacerbate that back up or cause additional cost. Because every organization already does background checks that are approved by the State Patrol. So that work is already being done. Now, that being said, maybe that, in a whole different way, is attributing to the backlog with the State Patrol. And I'd be happy to talk to Senator Cavanaugh about doing whatever we can to mitigate that in the future, not just for these organizations but for every organization, because it sounds like it's a real problem impacting lots of, lots of people in lots of different organizations. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I just wanted to take a quick opportunity on the mike to explain my thinking in regards to why I was a no vote for LB805 coming out of the Education Committee and just wanted to also acknowledge and appreciate, on the record, collaborations and conversations with Senator von Gillern, who was trying to move this measure through the Education Committee. And, and I really appreciated his openness to dialogue and different perspective on this. And to be clear at the outset, this is without any sort of judgment in regards to the great list of civic entities and youth-serving organizations that have been a part of the dialogue thus far. And there's a broader, I think, even less than that from some-- from kind of the, the top lines that I've heard in the debate here today. I think that civic organizations are very important to ensuring active, healthy, social, emotional development and engagement. So this is not about giving a thumbs up or thumbs down to any of the organizations on this list. And I know Senator von Gillern has been working really hard to kind of talk about his perspective in that regard. But my opposition is and remains really focused on three primary areas: first, being legal; second, being policy; and then, the third being practical or that from a

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parent's perspective. So one thing that I did want to inject into the debate, because it might help to address concerns with the fiscal note and the backlog at NSP for conducting background checks, whether that's for child care or in this instance or otherwise. But one thing the body could consider, perhaps to find some common ground is moving this materials distribution to just that, making it informational only for engagement materials to the students. And that would then remove, perhaps, the fiscal note in its entirety and address-- you wouldn't have to do a background check on a flier. Right. So that would help to achieve Senator von Gillern's objectives with this measure, to get more information about scouting or other civic organizations into the hands of parents and students. But it would also address that practical consideration, in terms of the fiscal note and the in-person presentation components. And I want to talk about, from a practical perspective, from a parent perspective, why I think, number one, this is already handled by local educational policy, but number two, why I think it's really important to also have strong consideration for information distribution only. We all know, anybody can tell you, from what you hear in feedback from teachers in your school or parents in your district, is that we're asking our teachers to do a lot. And we're asking our students to do a lot. I am astounded as a parent with the level of testing that our elementary school students undergo and the amount of pressure that that puts on teachers, in terms of their lesson plans and how little flexibility students and parent-- students and teachers have to explore different learning styles, to have more rich conversations for exploration or creativity. And I, I really feel like--

KELLY: One minute.

CONRAD: --thank you, Mr. President-- that the scales have tipped too far. And we're asking them to test, test, test, test, test. And so, every minute of that curriculum time is already allocated. And the time that the kids are at schools that is not curriculum time is already so limited. We, we need more recess, not less recess in our schools. We need more free play, free time, free exploration, extracurriculars or just a minute to breathe then we do need stacking it up with additional presentations from civic groups, no matter how well-intentioned, to take away that curricular time or that noninstructional time. And infor-- information and presentations and distributions would help to address that practical concern, as well. I'm going to talk just briefly about the legal and policy concerns and hit my light in, again. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I would like-- would Senator von Gillern yield to a question? And I'll telepath the question first. It's about the, it's about the background check information.

KELLY: Senator Van Gillerman, will you yield to a question?

von GILLERN: Yes, I will.

M. CAVANAUGH: Thank you. OK, So I think I misheard the previous couple of times and then I think I heard clearly this last time. So they currently do a background check, which is why you're saying that the, the fiscal note is inaccurate. But my question is, is it the same background check that would be required by the schools?

von GILLERN: Yes, it is.

M. CAVANAUGH: OK.

von GILLERN: In each one of those organizations, they, they already do the background checks. And that's-- it's a little confusing, so forgive me if I made it even more confusing. Because they already do those background checks, they're already use-- utilizing the resources of the State Patrol. But it's not a function of coming into the schools. They do those background checks as a function of their own organizational processes.

M. CAVANAUGH: OK. And do all of the organizations that are on the list do that?

von GILLERN: It's my understanding that, yes, they do. The ones that I'm most familiar with certainly do.

M. CAVANAUGH: OK. Because that alleviates one of my concerns.

von GILLERN: Yes. Thank you.

M. CAVANAUGH: Thank you, Senator von Gillern. So, of course, if this gets attached, then I, I, I will want to explore that a little bit more offline, before we come to Select on this bill. But that does all-- that does alleviate a significant concern, because I really, truly am, as I have stated numerous times already today, I am really worried about our child care workforce system and anything that might divert resources away from helping us get that workforce up to speed

and in the centers, as quickly and safely as possible. And, you know, just looking over the budget and kind of recalling when we did do an increase in-- we, we changed some language in statute around sexual assault kit testing, oh, I think it was in 2020. And I remember working on it with Senator McCollister. And we were able to, to increase the capacity, but still, we have the problem-- we still have the problem. You have to have the people, you have to have the people to do the testing. And so, any time we add any more pressure points to our State Patrol and the crime labs or the background checks, that's going to, that's going to be a red flag for me that I'm going to want to dig in on. So that's just kind of one of my, one of my idiosyncrasies, I guess you'd say, on policy. I still stand in opposition to this bill, though my main opposition, I think, I think, has been alleviated. I do fundamentally disagree with requiring the schools to-- that currently have a policy prohibiting these groups from entering into the schools. And I, I know that there are other opportunities. I think Senator Conrad was just speaking about some of them, sharing information, sending home fliers. There's still opportunities to get the information to the families. But I do worry very much about our school resources and diverting away from anything related to school resources, time and just the extracurricular time that the students have or the free time that the teachers have or the planning time. Every minute of the day is sort of carefully orchestrated. And so, bringing in outside groups that, without this required language in statute, the school districts might not otherwise do. And, and that, to me, is concerning and it's really at the behest of the organization. I was reading the language and--

KELLY: One minute.

M. CAVANAUGH: Thank you, Mr. President. Is this my second time?

KELLY: Yes.

M. CAVANAUGH: OK. So-- and I misplaced where I set that. So I probably will jump back on 15. Oh, and now I have the outdated amendment. So I will jump-- I will get the updated amendment to make sure that I am speaking to the current amendment, because I was speaking to the previous amendment. And I will-- I'm-- finish my thoughts on that time on the microphone. Thank you so much, Mr. President.

KELLY: Thank you, Senator Cavanaugh, Cavanaugh. Senator Conrad, you are recognized to speak.

CONRAD: Thank you so much, Mr. President. Just to continue, just generally, to be clear for the record and, and other stakeholders, that this is a very principled opposition to the measure that Senator von Gillern has brought forward. I really appreciate how he's conducted himself in terms of dialogue and collaboration. And, and do think that at each iteration, the measure has continued to improve and he deserves a lot of credit for that. The last piece that I-- maybe not the last-- the last couple of ideas that I wanted to make sure to be clear about, as well, was that there's a host of other ways for these wonderful civic groups to get information out to students and parents to participate in their programming, outside of giving presentations at schools. I know as a parent that I receive unsolicited emails about Boy Scouts, Girl Scouts, Little League, FFA, whatever it might be, any number of youth-serving organizations. And I always wonder, like, how'd they get my email? But clearly, there are lists that are available for purchase. There are also opportunities for different groups to get directory information from the schools that can be pursued and that have some parameters about how to go about that. But I know different groups across the political spectrum have utilized that for mailings in LPS and across the state. Many times, that information is even free, as I understand it. And then, of course, there is good old fashioned shoe leather approaches where you can take your fliers out and canvass the neighborhood or you can distribute fliers at a shopping center or after church services. So there is a host of different ways to get this information to students and to parents outside of a government mandate in this regard. And so that's just another kind of practical consideration that I wanted to put out there. I can tell you that the committee's deliberation in regards to this measure primarily focused upon kind of striking the balance in between respecting local control and then having a consistent, uniform, statewide policy, which is always a balancing act. But one, I felt that those policy arguments were compelling in-- which prompted my no vote out of committee, and if you look not only at what your individual school districts existing policy might be for civic groups or other external groups to engage with students, you can also ask the representatives from the Nebraska Association of School Boards, who did a comprehensive statewide survey of their members. Now, not everybody responded, but they had a pretty darn good response. And it showed, almost without fail, that most districts already allow this kind of access under their existing policy. So really, what this measure is about is it's about the state Legislature leapfrogging over two large, urban school districts that have a different policy. And that's really, in my heart, in my mind, where this policy debate should stay. The groups that are seeking this

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access should petition their local school boards to address their policies in this regard, rather than finding a state legislative solution or function in that regard. So I do encourage members to ask the NAS-- the Nebraska Association of School Boards for their survey in this regard. I do ask members to think carefully about whether or not this would be better suited to respecting existing local control instead of putting forward a uniform statewide policy, because it's really not an issue in Lincoln.

KELLY: One minute.

CONRAD: It's really not an issue in many of our schools in greater Nebraska. There's one or two large school districts in Omaha for a host of reasons, the Omaha metro area, that have a different policy. And this is an attempt to, to leapfrog over that, which I think is a bit concerning, no matter how well-intentioned Senator von Gillern and his supporters are, in terms of promoting civic and youth engagement opportunities. And I have no, no reason to question the intentionality behind their motives. And I think it is sincere and I think it is authentic and they're trying to do something positive. But I do want to lift those practical and policy considerations in regards to this measure, as well. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. Colleagues, I just want to speak to my constituents and, and help build the record on this debate and just share that I don't think it's appropriate for government to tell a school, a private school or a public school what kind of organizations they have to require to come in and make presentations. That's it. There's no, but what if this organization's good? There's no, but what about all the good this group does? If the school-- the school can make this decision themselves. There's no law prohibiting them from doing that. And it's not the role of the state government to come in and say, these are the groups that you should allow to come in and make presentations. I trust our school administrators and our teachers and the families in our school districts to make that decision for themselves. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized to speak. This is your final time on the amendment.

M. CAVANAUGH: Thank you, Mr. President. I have the right amendment. Yay. And I looked at the previous amendment that Senator von Gillern

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had polled and looked at the current amendment. And thank goodness I have the right amendment, because some of my concerns were in the previous amendment but are addressed in the current amendment. Because I did talk about-- it does, on the current amendment, on line 23 of page 1, it does clearly state, may only be provided during noninstructional time. So thank you for that, Senator von Gillern. So my under-- my underlying concern about the actual bill remains, that I, I just don't think that it's appropriate for the Legislature to put this into statute a requirement like this. I think that we should entrust trust in our local school boards and our local school districts to make policies that are a right fit for them. And I, I think local control, when it comes to education, is really important. And I do-- I personally covet local control for education because I think education looks different in different settings. And so, I remain opposed to the bill, but I very-- I just wanted to point out-- and I appreciate that Senator von Gillern has taken up many of the concerns and addressed them. I also saw on page 2 of the amendment, where it talks about the, the background checks. And it does clearly state, yes, that they are responsible for the costs associated with the background checks and makes that exception. Or that anyone convicted of a felony may be prohibited from representing a youth organization on the school grounds. So I just-- even though I oppose the amendment, I want to acknowledge the work that Senator von Gillern put into this and taking the feedback and concerns of colleagues and incorporating them in, where possible. So thank you for that, Senator von Gillern. And I will be-- this-- so this is what a gentle no looks like. A gentle no is a present not voting. I will not vote red on this amendment. It will be a gentle no. So thank you and I yield the remainder of my time.

KELLY: Thank you. Senator Cavanaugh. Senator Conrad, you're recognized to speak. This is your third time on the amendment.

CONRAD: Thank you so much, Mr. President. And thankfully, this is my third time. So I just haven't been able to get all of the, the information together in my last two points on the mike. So I'll be as quick as I can in regards to the final piece. We've talked about the practical considerations that I'm concerned about as a parent, talk a little bit about the policy considerations I'm concerned about as a policymaker, but I don't want to let the other lens that I usually, usually, usually utilize when analyzing legislation, go without giving voice to and that's as an attorney. And so, one thing that I think we were able to get a little bit more information about were some of the legal issues, in relation to Senator von Gillern's measure. So as a civil rights attorney and having worked for many years on free speech,

free expression issues and particularly how they show up in our schools and this is a very, very general outline. There's, there's just generally kind of an, an understanding that, if a school's going to open up its space for one group, it has to open up its space for all groups. Otherwise you're going to get into kind of a, a viewpoint, an impermissible kind of discrimination, from a First Amendment perspective. And there's some really important strong, clear case law from the Eighth Circuit, which of course governs Nebraska, in relation to some of these very matters, from a, a sister state that took up a measure like Senator von Gillern's, and that caused, I think, some headaches, perhaps, for school administrators and the courts to kind of sort through. Well, once they let in one group, what about all the other groups? And what does that mean in terms of ensuring neutrality, in terms of viewpoint and ensuring that there is not discrimination? So the Attorney General provided his thoughts in that regard. I'm not sure I entirely agree with their analysis overall, on all issues and matters, but it is one data point that we can look at for consideration. I would encourage members, though, who are interested in thinking and learning more about the legal aspects related to this measure, to look at the underlying case law from the Eighth Circuit that I did cite, which seems to kind of point in a different direction, I think, than what our Attorney General found. The other thing that I think is really important to note in that regard, just by requesting an Attorney General's Opinion, we were able to do a closer look at the legislation. And to his credit, again, Senator von Gillern agreed that part of his original measure included a very vague aspect with existing law, in relation to criminal penalties and how that would be applied. And he was very gracious about conceding and acknowledging that that was inappropriate and should be removed from the measure and the existing statutory framework, so that we don't have a problem with impermissible vagueness from a criminal justice perspective, based on, on that language as it existed. So I, I definitely would encourage folks to look at the underlying case law governing the Eighth Circuit, to take a look at the Attorney General's Opinion as one data point and it is just that and wanted to thank Senator von Gillern for his openness in striking the criminal penalties component. Thank you, Mr. President.

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

CLEMENTS: I'd like to speak in favor of AM1558. A couple of years ago, Senator Brewer had a bill that he brought so that military recruiters could be in public schools, because they weren't being allowed to go in and recruit. And we did pass that bill, to require public schools

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to let military recruiters come in. If other-- this is for a career education day. But it was a similar situation, where we're requiring a public school to allow an organization to be in the school. And so, I think this has precedent and I support AM1558. Thank you, Mr. President.

KELLY: Thank you, Senator Clements. Senator von Gillern, you're recognized to close on your amendment. He waives closing. Members, the question is the adoption of AM1558. Request for a call of the house. 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.

ASSISTANT CLERK: 20 ayes, 3 nays to go under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Dorn, Fredrickson, DeBoer, Dover and John Cavanaugh, please return to the Chamber. The house is under call. All unexcused members are present. The question is the adoption of AM1558. There's been a request for a roll call vote, regular order. Mr. Clerk.

ASSISTANT CLERK: Senator Aguilar voting yes. Senator Albrecht. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood not voting. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer. Senator Briese voting yes. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne not voting. Senator Wishart. Vote is 35 ayes, 2 nays, Mr. President, on the adoption of the amendment.

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KELLY: The amendment is adopted. I raise the call.

ASSISTANT CLERK: Mr. President, the next amendment to the committee amendments, offered by Senator Murman, AM1528.

KELLY: Senator Murman, you're recognized to open.

MURMAN: I would like to yield my time to Senator Hughes, to describe the amendment.

KELLY: Senator Hughes, that's 9:52.

HUGHES: Thank you, Senator Murman. Mr. President, I rise in support of AM1528 to LB705. I spoke to this a little bit this morning, but AM1528 contains LB585, which I introduced, to provide our schools with better-- greater flexibility in providing a more comprehensive behavioral and mental health training that focuses on suicide awareness and prevention. LB585 is a tweak to our current law, which was championed by former Senator Amanda McGill Johnson. Suicide awareness and prevention training is an important part of the overall behavioral mental health programs in our public schools. And under the current law, Nebraska educators, school administrators and staff are required to take an hour of training focused on suicide awareness and prevention. This is a great thing. However, the current interpretation of the law has had the unintended consequence of forcing our educators to sit through essentially the exact training year after year. LB585 clarifies the intent of Senator McGill Johnson's original legislation and ensures that all school staff who interact with students receive this training. LB585 also positions our schools to better provide a greater scope of training in covering a broader spectrum of behavioral mental health that contribute to suicide in our youth. And it really comes down to local control. So if one of our school districts is seeing a particular issue with something that could lead to suicide, they can focus that awareness training on that particular issue. LB585 was a Speaker-- was designated as a, as a Speaker priority bill. Thank you, Sen-- Speaker Arch. And LB585 had nine people, including myself and former Senator McGill Johnson, testified in support of this bill. And no one opposed it. It was reported to the General File by the Education Committee in a vote of 8-0. And this bill has no fiscal impact. And I will also address Senator Halloran's comment that, is this an unfunded mandate. And I would say no, because the unfunded mandate came in 2014, when it was originally introduced, so this is already on the docket for our schools to do. It just gives schools more local control, kind of a bigger umbrella of choices on what they will use for that suicide prevention training for their staff. Thank

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you, Chairman Murman, for the opportunity to advance LB585, in form of AM1528, to LB705. Thank you, Mr. President.

KELLY: Thank you, Senator Hughes. Senator Fredrickson, you're recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good afternoon, colleagues. I just wanted to rise quickly in support of AM1528. The original bill, as Senator Hughes mentioned, by Senator McGill Johnson, I think, was a really strong bill and showed that we can help support our teachers in their classrooms when it comes to mental health crises. I think this amendment and this bill that Senator Hughes originally brought sort of expands on and improves the bill as it was originally written and ensures that the training is as effective as it can possibly be. So I think we can all relate to if we've ever had to do repetitive training or redundant training, we just kind of zone out after a little while. I think this bill sort of enables and allows for teachers to really, in school districts, to target specifically what types of concerns they're seeing individualized in on a, a idiographic level. So I think this is an excellent bill. I'm grateful to Senator Hughes for bringing this bill. Also grateful to Chair Murman for introducing this as an amendment and would encourage a green vote on this. Thank you.

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

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

KELLY: Senator Murman, would you yield to a question?

MURMAN: Yes.

M. CAVANAUGH: Thank you, Senator Murman. I'm, I'm sorry. I missed the bill number that this underlying amendment is.

MURMAN: I can get back to you on that. I don't have it with me.

M. CAVANAUGH: I-- you know what? I will ask Senator Hughes.

MURMAN: OK.

M. CAVANAUGH: Thank you. Sen-- would Senator Hughes yield to a question?

KELLY: Senator Hughes, you-- will you yield to a question?

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HUGHES: Yes. Yes.

M. CAVANAUGH: Senator Hughes, what is the bill number?

HUGHES: It was LB585, originally.

M. CAVANAUGH: LB585. OK. I probably should have asked you to begin with. I saw Senator Murman's name up there. So thank you. Thank you very much. I, I just-- for those listening, I missed the initial bill number. And I always like to do my due diligence by looking through the committee statement, first of all, because the committee staff does a lot of work and their committee statements deserve some love and attention. So I always like to look at the committee statement. So thank you to the Education Committee. And any time that we are attaching a new bill to an underlying bill, I think it's important that we take a moment to look it over and see what information we can glean from the committee statement. So it is helpful when we are adding these bills onto a-- another bill or a committee package to have them-- had been kicked out of committee, because you do not get a committee statement with your bill unless your bill is kicked out of committee. So, just addresses the duties of the state school security director. So sounds like a pretty straightforward bill. As you all know. I am just, generally speaking, taking a lot of time on everything. I know we have a few more amendments pending, so I probably won't take any more time on this so that we can get through the rest of the amendments. But I encourage people to take a look at the information that's being presented on these various amendments. And thank you to Senator Fredrickson and Senator Hughes and Senator Murman. I yield the remainder of my time.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Murman, you're recognized to close on the amendment. And waive closing. Senators, the question is the adoption of AM1528. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of the amendment.

KELLY: AM1528 is adopted. Mr. Clerk

ASSISTANT CLERK: Next amendment, Senator Walz. I have FA78 with a note to withdraw.

KELLY: Senator Walz, you're recognized to open on the amendment. No.

WALZ: Thank you.

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KELLY: Excuse me.

ASSISTANT CLERK: Senator Walz, withdraw FA78. In that case, Senator Walz would offer AM1531.

KELLY: Senator Walz, you're recognized to open.

WALZ: Thank you, Mr. President. I didn't hear you the first time very well, so I appreciate the clarification. Good afternoon, colleagues. Today, I am incredibly happy to introduce AM1531 to the standing committee amendment. This amendment is another portion of my priority B-- bill, LB516. After the shooting that took place in Uvalde almost exactly a year ago, I asked former Nebraska Department of Education Commissioner Blumstead to put together a school safety task force. This task force was made up of law enforcement officials, city leaders, public and private school educators and concerned parents. And we met several times over the interim. The recommendations from all of these Nebraskans were presented in LB516. However, there have been two of the four recommendations that we chose as priorities to move this bill forward this year. That is the continuing state funding of the Safe2Help hotline, which include-- which was included in AM1468, and this amendment I introduced, which includes a recommendation that the state provide more assistance to school safety infrastructure. After the shooting at Sandy Hook, there was a Sandy Hook advisory committee put together to review how future incidents could be prevented. Overwhelmingly, the recommendations were to have each classroom have a lock that can be locked from the outside-- from the inside. Excuse me. However, beyond that, there are several other updates to school infrastructure that are needed. Those are included on the handout that I asked pages to send around. Year after year, we hear about tragedies that take place at schools. Schools are supposed to be a place where children and young people go to learn, be around friends, play sports, go to prom. The last thing our students should be worried about is their safety at the place that they're at five days a week. The fact of the matter is that none of us want to believe that something like this will happen in our state. But we have had a few incidents in Nebraska and we need to be prepared for future incidents. My amendment creates the School Safety and Security Fund and puts \$10 million from the Cash Reserve into it. I wanted to create a fund so that the future legislators could put more money toward this fund if they see fit. Additionally, we are asking NDE to submit a report to the Legislature so we can see what the money is being used for. I've also ensured that in that reporting portion of this piece of legislation, we maintain anonymity of schools. Some of the things that could be reported on are the number of schools receiving funding, how

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funds were being used and the number of schools that were denied funding and why. This has been my top priority this legislative session. It is very disturbing and alarming to hear about tragedy after tragedy happening, happening, especially when it comes to innocent children. We are in a unique position this legislative session to make a real investment in our students' safety. While I know \$10 million does not cover all the needs of the state, it does help us get started. That is why this amendment creates a fund, because the safety of Nebraska students will always be a priority of this body. I would be happy to answer any questions you may have regarding this amendment and the [INAUDIBLE] grant opportunity. With that, I would ask for your yes vote on AM1531, the underlying amendment and the L-- and LB705. Thank you, Mr. President.

KELLY: Thank you, Senator Walz. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. I'll be very brief. I, I do rise in support of this amendment. I think, as we've spoken before when we discussed LB77, I've long believed that, that eliminating soft targets will be a major step forward in eliminating gun crime. When we provide for soft targets, we have a-- there's a standing invitation for those who want to do bad things. And I think it's time that we take a serious look at how do we harden our schools. I think this is a great step forward. And for that reason, I'm in support of AM1531. Thank you.

KELLY: Thank you, Senator Jacobson. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. I rise in support of AM1531, and of course, the underlying committee amendment in LB705. In my previous career, I was a part of literally hundreds of school construction projects. Some of those were renovations, some of them were new construction and spanned over a period of 35 years. So I've seen this world change dramatically in that time period. And Senator Jacobson used the perfect term and that is the hardening of the school structures. And that's everything from improved lock systems, to electronic systems, to camera systems, to even visual aids for the administrative staff and closed circuit televisions and so on. I was a part of a renovation project several years ago that actually had to separate two parts of the school. It was a very complicated kind of a Jenga puzzle or jigsaw puzzle to try and get things separated, in order to secure the students from another part of the building that had a greater level of public access. So I'd certainly-- so I've seen

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this, in my own personal life, seen this change dramatically over the years and have been pleased to have been a part of that process, with many different school districts and both public and private schools. So it-- it's obviously-- our first line of defense is protecting someone from-- that wants to do harm from ever entering the building. And I believe that Senator Walz's bill will help achieve that. So, again, I stand in support of AM1531. Thank you for the time.

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

M. CAVANAUGH: Thank you, Mr. President. I wasn't prepared to speak, so I-- I'm going to look at the materials that Senator Walz had sent out. I had them readily available-- and speak on this on my next time on the microphone. But I do see everyone and I know that Senator Walz mentioned this, that she had some handouts. LB520-- change provisions relating to Computer Science and Technology Education Act. And then, safety-- school safety needs and the Safe2Help Nebraska, anonymous tip reporting for Nebraska school students. And I think that's it. I think that's all of them. OK. Well, I will get back in the queue and I will talk on it my next time. Thank you.

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

BLOOD: Thank you, Mr. President. I do stand in support of AM1531, but I need some clarification. I would ask that Senator Walz yield to a question.

KELLY: Senator Walz, will you yield to a question?

WALZ: Yes.

BLOOD: Senator Walz, can you walk me through the difference between this committee and the one that this Legislature did in 2013? What were the difference in findings and the funding that was allocated to schools or will be allocated?

WALZ: You'll have to remind me about the piece of legislation that was introduced.

BLOOD: So the Education Committee had a public hearing in December of 2013. I think it was 10 years ago. And I know that some schools did receive funding. I don't remember what the bill number was, but I clearly remember the hearing and that there were schools that received funding.

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WALZ: Um-hum.

BLOOD: So do-- did we learn anything from that committee or did we use that as a foundation at all for what we did next? That's the question that I have.

WALZ: I don't think that we used that piece of legislation, but there were so many stakeholders involved in the meetings that we had over the summer that probably had some knowledge of that legislation, that were able to give input on that.

BLOOD: All right. I didn't mean to put you on the spot, I just--

WALZ: No, that's OK.

BLOOD: --I sincerely remember that we had addressed this before and where were we at? Obviously, we weren't far enough. We know that.

WALZ: Yeah.

BLOOD: And I think it's, I think it's fantastic that we're doing this. But this is so much like what we continue to do, which is we see a problem and we kind of fix the problem. And then, we kind of put it on the back burner and then a couple of years later, we try and fix the problem as it grows bigger. So that's my concern.

WALZ: Yeah. Can I--

BLOOD: You absolutely can.

WALZ: --respond to that, please? I, I think the difference between this piece of legislation is that we're creating a fund. And that fund can be used year after year after year as the Legislature sees that. So if we see additional needs in schools, the fund is there to be used.

BLOOD: Fair enough. Thank you.

WALZ: Thank you, Senator Blood.

BLOOD: Thank you, Mr. President.

KELLY: Thank you, Senator Blood and Walz. Senator Dover announces some guests in the north balcony, fourth graders from Christ Lutheran School in Norfolk. Please stand and be recognized by your Nebraska Legislature.

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KELLY: Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. I was wondering if Senator Walz would yield to a question or two.

KELLY: Senator, Senator Walz, will you yield to a question?

WALZ: Yes.

ERDMAN: Senator Walz, this amendment was that your original LB516?

WALZ: Yes.

ERDMAN: OK.

WALZ: Oh--

ERDMAN: So in LB516, when I looked it up, it's \$20 million a year.

WALZ: Yeah. Can I clarify? It--

ERDMAN: Yep.

WALZ: --it's not the original bill. We took out the top two priorities from my original bill, which were the Safe2Help hotline, and then providing funds for infrastructure so door locks, cameras, things like that.

ERDMAN: So it also-- it also talked about in, in the original bill talked about the annual cost associated with the Safe2Help was \$870,000 per year. You removed that part?

WALZ: The Safe2Help went into the package. I am introducing the rest of that bill as an amendment.

ERDMAN: So is this a one-time appropriation?

WALZ: This is a fund that we are creating. So it's a-- it's a one-time appropriation this year, but it is a fund that we're going to-- that we're creating. So if the Legislature sees fit and finds that there are additional, you know, safety needs that schools have to have, the fund is there to, to fund it if needed.

ERDMAN: OK. So I've been here nearly seven years. And so this is how we start a program that is an ongoing obligation. So in your opinion, will we contribute another \$10 million next year?

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WALZ: I, I don't think that \$10 million is enough, to be honest with you. I don't think it's going to go as far as it needs to go, especially for schools in rural areas. I can't answer that question for sure.

ERDMAN: OK. OK. Thank you.

WALZ: But there is-- oh.

ERDMAN: Yeah, thank you very much.

WALZ: Yeah.

ERDMAN: So what'll happen here is we'll do \$10 million this year and then we'll have to do \$10 million going forward. So be aware of the fact that when you vote for this and we put this in place, this is going to be an ongoing obligation. This won't be a one-and-done deal. OK? And I'm not saying it's not appropriate and it's not needed. I'm just saying when you get ready to vote, you need to understand what you're voting for. And so this isn't a one-and-done. This is a continuation going forward. So with that information, vote as you will. Thank you.

KELLY: Thank you, Senator Erdman. Senator Walz, you're recognized to speak.

WALZ: Thank you, Mr. President. And Senator Erdman, I just want to-- I was going to finish something, but I ran out of time. The other part of this bill is that there's going to be a report that has to go to the Legislature every year so we will know what the funds were spent on. You know, if schools were denied, why? Just, just, just wanted to clarify that so you understood that there will always-- there has to be a report that's given to the Legislature on what, what the funds were used for. Thank you, Mr. President.

KELLY: Seeing no one else in the queue, Senator Walz, you're recognized to close on the amendment and waive that closing. Senators, the question is the adoption of AM1531. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 1 nay on the adoption of the amendment, Mr. President.

KELLY: The amendment is adopted. Mr. Clerk.

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ASSISTANT CLERK: Next amendment to the committee amendments offered by Senator Fredrickson, AM1529.

KELLY: Senator Fredrickson, you're recognized to open.

FREDRICKSON: Thank you, Mr. President. Good afternoon, colleagues. I am here to introduce AM1529, which contains LB222, which is a bill that will help adults and juveniles with criminal histories get the education and training they need to move on from their mistakes and contribute to our workforce. I want to thank Chairman Murman and the members of the Education Committee for advancing this bill to General File earlier this year. LB222 provides that no publicly funded college or university in Nebraska shall, as part of its student application and admissions process, inquire about the criminal history of an applicant except as required by state or federal law, or when such information is offered voluntarily. LB222 only applies to the admissions process and does not cover other administrative applications, including on-campus housing or athletics. So Nebraska law currently prohibits public employers from asking applicants criminal record or history until the public employer has determined that the applicant meets the minimum employment qualifications. Fair chance hiring is good public policy because it provides opportunities for people to get their foot in the door, rebuild their lives, and contribute to our workforce. Pivotal to these employment opportunities is the ability to receive education and job training. The national unemployment rate among formerly incarcerated folks is 27 percent, according to the National Conference of State Legislatures. Nebraska consistently has one of the lowest unemployment rates in the country, currently at around 2.6 percent. Governor Pillen has spoken to the need to ensure people exiting our prisons join the workforce and live productive lives. LB222 as through the vehicle of AM1529 will help that happen by removing a barrier to employment and allowing more employee-- employers to find the skilled workers that they need. So many institutions have already removed the criminal history question from their admissions process. Others I have spoken to, including the state colleges, tell me that removing this question will not be a problem as long as they can continue to ask the question for other purposes, including campus housing. We want to make sure that our college campuses can continue to keep everyone safe and LB222, and again, as the vehicle AM1529, will continue to allow colleges and universities to ask about criminal history and background checks beyond the admissions process. You will notice that there was a fiscal note on the bill from the University of Nebraska. I am happy to say that I worked with the university to amend the bill to remove the fiscal note. The amendment clarifies that this bill does not apply to

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inquiries occurring subsequent to the admissions and applicant process, as part of a professional licensure process, or an academically required clinical or field placement. With that, I ask you to vote green on AM1529 and the underlying bill. I want to once again thank Chair Murman and members of the Education Committee for advancing this bill. Thank you.

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

DUNGAN: Thank you, Mr. President. And colleagues, I rise today in favor of AM1529. I just wanted to hop on real quick here to express some of the reasons that I think AM59 is so-- AM1529 is so vital for our state. I want to applaud Senator Fredrickson for his work on this. I know he worked incredibly hard on the bill in the first place and then working on this amendment specifically, like he just said, to get it so there's no longer a fiscal note, I think is, is vital for us to pay attention to and to appreciate his hard work for that. The fact that this is going to have large reaching effects on our state without costing us any money I think makes this a no brainer. One of the things that we know is that in order for actual rehabilitation to happen for folks who have served their time or have actually gone through probation and proven that they're willing to reintegrate into society, whether it's probation or parole, what we know is that it is vital for them to be able to be employed in order to continue operating as a contributing member of society and in order to sort of become a part of what they used to be again. I have personally worked with clients who have done more than enough to show that they've worked on treatment, whether it's substance use treatment or mental health treatment. They have done maybe in some cases years of probation. And so they've definitely proven they're able to and willing to reintegrate into society in a positive way. But then they continue to run into problems with things like what we're talking about here. Education, in a lot of circumstances, is the silver bullet that I think can really help people reach their full potential. And if we are creating these artificial roadblocks to people actually getting the education that they need in order to become their best selves, I think we're doing a disservice to our state as a whole. I don't know the exact statistic, but I do know that a very high number of people with any kind of criminal history, the second they reach that question on the application, stop and they don't fill out the application to even see if they would be eligible maybe for that schooling. And so what I think we should be doing is trying to make our state safer. And I think that we do that by reintegrating folks in a positive way, completing rehabilitation and ensuring they can receive that

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education. Another component of this bill that I think is of particular importance is that there's been an effort made, I think, to balance that safety of the community in the colleges or universities, as well as the rehabilitative efforts. And so the fact that there are still those background checks that can be done for things like student housing, I think balances out any concerns people would have about safety and really does sort of put that check and balance on any concerns that folks might have about AM1529. So again, I just wanted to rise in support. Education is a crucial and vital aspect of rehabilitation. And if people have served their time and done their best to sort of reintegrate through, again, probation or parole, we should be doing everything we can to encourage them to get an education, not to dissuade them from doing so. So I would encourage my colleagues to vote yes on AM1529, and I yield the remainder of my time. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. I also rise in support of AM1529. I did review the bill a little more in detail to understand all the nuances. I feel that it is well written. I think that when it comes to being admitted into classes, that's one thing. I don't see any issues here. When I was on the campaign trail, I did talk to two or three different convicted felons. And I can tell you that the real challenge that they have is how do we get integrated back in again? After we've served our time, how do we get back into society? Now, I want to be clear. I think it is-- it's important to have the piece, the carve-out as it relates to housing, that that inquiry can be there. And I think that's very well thought out. And I compliment Senator Fredrickson for having it in there. I'm also going to tell you that as an employer and certainly as a banker, that we're going to always want criminal background checks, because when it comes to hiring people, they've got to be bonded. And there's also issues with regard to someone that might have been convicted for some kind of fraud or any issue like that. That could be a little problematic for us. So, so there are certain occupations that we're going to have those issues. And I know I think in the criminal justice reform bill that came last year, there were some issues in there that I had a little issue with. But when it comes to this bill, I think it's well thought out. I think it's appropriate. It makes sense. We've got to be able to get as many people in the workforce as we can, and we've got to get them integrated as safely as we can. I think this is a great step forward. So I remain in support of AM1529 and thank Senator Fred-- Fredrickson for bringing it.

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

CONRAD: Thank you, Mr. President. And good afternoon, colleagues. I want to thank Senator Fredrickson for his leadership and wanted to thank our colleagues for their strong voice in support as well. This measure came out of the Education Committee with strong support and is a measure that has previously been introduced and advanced in the Nebraska Legislature, but has run out of time for a variety of different reasons. So it's great to see Senator Fredrickson pick up this measure and find a path forward for it. One thing that I wanted to talk about was just what this means in terms of removing barriers to accessing education for people who are system impacted that have a criminal justice system impact on their record. And what we know is a couple of things, and it's important to put a finer point on this because we have the budget debate tomorrow and then, of course, have smart justice reform measures that will be pending before this body over our remaining weeks together. But we know that Nebraska is consistently right at the top of that list, either one or two, in terms of a prison overcrowding crisis. We also know that we have not taken smart justice reforms that have worked in our sister states that advance our shared public safety goals, and we do all share a commitment to public safety. Also help us to ensure sound stewardship of the taxpayer dollars and have better outcomes in returns from a human rights perspective. When we rightsize our criminal justice system, we can help to advance those measures. So not only is Nebraska a significantly overcrowded prison system, but we can't talk about mass incarceration without equally and as voraciously talking about racial injustice. And we know from the statistics that Nebraska has some of the highest disparities in the country in terms of our criminal justice system. So if we have yet to find the political will or consensus to do front-end sentencing reform, to make additional changes and investments to the prison system for people's period of incarceration, perhaps one area where we can find more consensus is around reentry and second chances, and the belief that everyone is entitled to redemption and an opportunity to succeed after they've paid their price to society, after they've done their time. And so when we look at collateral consequences, we're looking at removing barriers to things beyond that period of incarceration or term of sentence to include things like restrictions on voting rights, barriers to housing, barriers to education, barriers to public benefits. The list literally, literally goes on and on. I've asked Legislative Research to put together a, an inventory of collateral, collateral consequences that we assess in Nebraska in addition to and

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outside of our criminal code. And folks, when you see this research that they've put forward, it's jaw dropping. It's literally an Excel spreadsheet, single spaced, front and back, copied, maybe an inch thick. So keep that in mind. Because of this war on drugs, tough on crime mentality, that has been part of our policymaking in Nebraska and our sister states for many decades, not only do we have a mass incarceration and racial injustice crisis, but we've exerted so much additional punitive, so many additional punitive measures and additional restrictions on those who have already served their time.

KELLY: One minute.

CONRAD: Thank you, Mr. President. Well, over 90 percent of those who enter our criminal justice system will return to our communities. And the more opportunities we have for pro-social activities like job training, like employment, like education, like access to the safety net, the more opportunities that we have for returning citizens, it advances our shared public safety goals. It reduces recidivism. It helps to ensure that we don't have to continually build and build and build new prisons because we're breaking cycles of recidivism. This is one small and important piece in that puzzle, and I really want to thank Senator Fredrickson and the other senators for moving this forward so that we can increase access to higher education for more people so that they can contribute to our communities in a thoughtful, productive way. Thank you, Mr. President.

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

SLAMA: Thank you, Mr. President. I'm-- I rise in support of LB709 [SIC LB705], the mainline AM, but I do rise opposed to Senator Fredrickson's amendment. I am grateful for the debate today, and I understand why you'd be on either side of this. I do want to share the lived experiences in my area with Peru State College and why I have some real concerns about colleges, not at least asking the question and getting notified before they're letting students into their college campuses. So I want to tell you about someone named Joshua Keadle. So in 2008, Joshua Keadle was on a football scholarship at Midland Lutheran. Now it's Midland University in Fremont. He raped a 15-year-old in his college dorm. He transferred down to Peru State. And in December 2010, after also being accused of rape earlier that year on the Peru State College campus, Ty Thomas, a really popular cheerleader and bright member of the Peru State College community, disappeared and she was never heard from again. In 2012, Joshua Keadle was convicted of raping that 15-year-old at Midland Lutheran, and he

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was convicted in 2020 of killing Ty Thomas. Now, I question in this case, given the overlapping of the accusations and the flux of when he was in college and when the crimes occurred, that maybe checking a box on an admission sheet wouldn't have made a difference in this case. But I do worry. This guy was convicted of, I believe, first-degree sexual assault, second-degree murder. He's going to be eligible for parole in 2054. He could very well get out. He has a tendency to be drawn to college girls and sexual misconduct on college campuses. The disappearance of Ty Thomas had nothing to do with whether or not he was in campus housing. It was a very opportunistic murder. And I worry that as he is trying to reintegrate or do whatever in terms of coming back into society, that him and people like him could exploit this loophole in order to victimize more young women on college campuses. I see absolutely no harm in the colleges asking the question and looking into the background of the people that they're going to be letting on campus. I understand people's concerns with asking the question and how that might prevent people from applying in the first place. But I mean, I remember when I was-- I would have been about 13 years old walking around our property out in the country outside of Peru, because we were asked by the sheriff's office to look over land in the country to see if there was a body or any evidence of the crime out there. So that's my lived experience. That's why I'm opposed to this AM. I'm really grateful to have Senator Fredrickson as a friend and a colleague. But I just come at it from a slightly different perspective, and I'm grateful for everybody taking the time to listen to it. Thank you.

KELLY: Thank you, Senator Slama. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. I wonder if Senator Fredrickson would yield to a question or two.

KELLY: Senator Fredrickson, will you yield to some questions?

FREDRICKSON: I will.

von GILLERN: Thank you, Senator Fredrickson. I just want to make sure I understand this. This is-- this eliminates a requirement for notification during the application process. Can you tell me what changes actually physically occur on campus? I think you mentioned housing. What about attending-- physically attending classes or school activities? Does it change anything from a university or college process there?

FREDRICKSON: So yeah, I appreciate that question. So part of one of the amendments we actually filed on this bill was to specify so public safety is obviously of utmost importance. So we want to ensure that our, our colleges remain to be safe for, for all students. So that is why we added this amendment. So housing is excluded from this bill. Athletics are excluded. So on-campus type of extend, extended on-campus stays or interactions are obviously going to be not exempt from asking this question. In terms of attending classes, I mean, if a student is admitted, this wouldn't change anything. A student could, could attend class in person as per any other admission. But for any student who's going to be living on campus, extended periods on campus, participating in athletics that's included in this.

von GILLERN: So if today-- so if I have a child that's sitting in class and there's a felon sitting next to them post the passage of this law, should it become law, does anything change about that? Are there any notification changes, any anything different that will happen at that point? Is it more likely that that individual will be in the classroom or not?

FREDRICKSON: So this, this would not change the-- this would not increase the likelihood of that. I mean, there's, there's possible that that's occurring today and that that could-- that could occur in the future. But this, this is strictly for the admissions decision process.

von GILLERN: OK. Thank you.

FREDRICKSON: Yep.

von GILLERN: I yield my time.

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

ERDMAN: Thank you, Mr. President. If I've got it calculated correctly, this has got to be like 21 bills in this Christmas tree bill. Amazing. Senator Frederickson, would you yield to a question or two?

KELLY: Senator Fredrickson, will you yield to a question?

FREDRICKSON: Yes.

ERDMAN: Senator Fredrickson, are the universities or the colleges asking that question today about their background before they let them enroll today?

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FREDRICKSON: So not all of them are, but some currently are.

ERDMAN: So it's not a requirement that they do that.

FREDRICKSON: That they ask, no.

ERDMAN: So then why do we need to change the statute if some do it and some don't?

FREDRICKSON: So the goal of this bill is to ensure that folks are able to-- that, that there's nothing that is an additional barrier to folks who are looking for opportunities to get back in the workforce to achieve higher education. We want to remove any additional barriers to that so.

ERDMAN: OK. So if I make application to a school that checked my background and they don't let me in, wouldn't it be the next step for me to take is go to a school that doesn't ask?

FREDRICKSON: That's possible. You know, we're also modeling off of in Nebraska we passed a bill, the law a while back for public employers to-- it's called ban the box. So this is sort of modeled off of-- off of that model, essentially.

ERDMAN: OK. I guess-- thank you for answering that. I guess what I conclude from those remarks is there are schools that do it now and schools that don't. It looks like it's their choice. I don't know why we need to pass a statute to make it so everybody don't have to. I think they already can do that. I think this is a solution looking for a problem. I'm not going to vote for AM1529. I encourage you to do the same. Thank you.

KELLY: Thank you, Senator Erdman. Seeing no one else in the queue, Senator Fredrickson, you're recognized to close and waive closing. Members, the question is the adoption of AM1529. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: AM1529 is adopted. Mr. Clerk.

CLERK: Mr. President, next amendment, Senator Vargas would offer AM1555.

KELLY: Senator Vargas, you're recognized to open on your amendment.

VARGAS: Thank you very, very much. Thank you, colleagues. This bill and I just want to touch on a little bit of history, and I want to thank the Education Committee for voting this bill out. This is a bill that has seen a long history, has been voted out of the Education Committee twice, both those first times unanimous, and this time with one no vote. It is an update to various sections of due process within the Student Discipline Act so that there is fairness and communication and parents and families. A little bit of the background here. 1976, the Student Discipline Act was created because what had proceeded was deemed unconstitutional by the Nebraska courts. Without any rules about any dismissal, students were being treated differently from school to school or from district to district. This act continues to be the opportunity and the responsibility to assure protection for all elementary and secondary school students. And we want to make sure that this law continues to make sure that is updated in recognition of the right for every student to an education. But what we've seen over years is that when we don't update provisions of law to make sure the original intent or mission, what we have is a lack of updated statutes. My office has worked with several attorneys in the education law space that have had experience navigating Student Discipline Act with families across Nebraska, and why these very pragmatic updates are necessary and what the effects on the current law has had on students and families. From a cleanup perspective, we tried to include reasonable additions, like making sure parents are told where to request a hearing and setting some time frames for certain actions to happen. There are also a couple of changes that also would allow parents to request one new hearing officer if they're actually in the hearing officer component and process within the school discipline process. Another change would explicitly allow homework and classwork completed during suspension and hearing process to count towards credits earned because some school districts accept credits earned while some others do not, which creates a bigger problem for students who are expelled and fall farther and farther behind. Again, this version, LB774 is actually and this amendment is the third version of the bill. We introduced this in previous legislative sessions introduced as LB999 and LB515. What we did is we worked on a lot of this legislation through an interim study. We convened group stakeholders from the, the Council of School Administrators, the school boards, Department of Education, NSEA, Voices for Children and it produced the language which is in front of you to make sure that represents that agreement made with everybody to move forward on this bill. I am asking for your support and I want to thank again the committee for supporting this bill and the past committee chairs, specifically chair-- Chairwoman Walz and Chairman Groene for voting

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these bills out unanimously in the past 8-0. And this is something that I want to make sure that we can update these really simple, pragmatic changes. And I appreciate all the work for the members of the committee in the past. I've been working on this issue for more than five years. With that, I ask your support for AM1555. Thank you so much.

KELLY: Thank you, Senator Vargas. Senator Erdman, you are recognized to speak.

ERDMAN: Thank you, Mr. President. I change my calculation to 22. Another bill has been brought up. I wonder if Senator Vargas would yield to a question.

KELLY: Senator Vargas, would you yield to a question?

VARGAS: Yes.

ERDMAN: Senator Vargas, in your amendment, it says: Such guidelines shall not require the student to attend the schools district's alternative programs for expelled students in order to complete classwork and homework. So are they currently requiring students to attend their alternative schools?

VARGAS: There are some schools that are requiring individuals to attend alternative schools. The, the solution that we're trying to come up with, with this language that we've worked on is to make sure that the other options that are available to students will count towards making up the missed work and the credits lost. The goal and intent is that we're not making it harder for students to make up this gap in what they lose with being suspended and long-term suspension. So we wanted to make it much more broad so that they can complete that coursework.

ERDMAN: OK. So what, in your opinion, is wrong with making a student attend the alternative school programs in the schools?

VARGAS: Because there are other options available beyond the current alternative program. And so by only making that alternative program the only option, there are other programs that are available in other areas, specifically around--

ERDMAN: Such as what?

VARGAS: Well, it depends by school to school and district to district. But the goal we're trying to do is to make sure that we are not

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closing off the other available programs that exist in areas and be more nimble. And so that was the language that we worked on back in 2019 and '20 with the different stakeholder groups so it was much more flexible.

ERDMAN: So have we tried this amendment or this bill in the past?

VARGAS: We have. It just did not pass onto making it into law.

ERDMAN: OK. So the opportunity presented itself today with the other 22 bills that are in this bill. It was a great opportunity to attach one more bill. Would that be a fair synopsis?

VARGAS: We are pressed for time and this is a bill that got out of committee and it's gotten out of this committee now for the third time. So we're trying to be and I'm trying to be nimble with good legislation that we've worked on and has gone through [INAUDIBLE] process. So trying to do that on behalf of people across Nebraska and families.

ERDMAN: What was the vote in committee when it came out?

VARGAS: This vote was five in support, one no, and two that were present not voting.

ERDMAN: So we had just barely five that was required to make it to the floor.

VARGAS: There were a few members of the committee that still didn't have enough information that were newer members of the committee that weren't on the Education Committee in the past. But the members that were on the committee for the past several years, including Senator Linehan and Senator Sanders, that have been part of the negotiation on this in the past, they voted for it and supported it and had voted for it and supported in the past--

ERDMAN: OK.

VARGAS: --two times.

ERDMAN: This may be an unfair question, but I'm going to ask it anyway. Do you remember what the opposition was and what they had to say about it?

VARGAS: Yes, I do. So the opposition was a misunderstanding of a main component of the bill having to do with hearing officers. You know,

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they brought up in committee, a few administrators, that they thought we were requiring in the hearing officer process that they were requiring five hearing officers to be provided if a parent so requested. That is not what this bill does.

ERDMAN: OK.

VARGAS: This bill, one component would be if you are in the hearing process, which is your, your child is, is trying to appeal some sort of student discipline. And you do--

KELLY: One minute.

VARGAS: --you get one hearing officer and you request another one, you only get one other option. And it's on the parents request that. That was the misunderstanding and that was something that we addressed.

ERDMAN: Thank you. So in conclusion, it probably is safe to say that these people are failing because of truancy, and so it would give them an opportunity that they don't have to go to school. We're going to say that they're going to be OK because they can take alternative opportunities to take classes and do the work they have to do. I don't think there's anything wrong with teaching people to show up when they're supposed to be there. I think this is another bill that's looking for-- it's a problem looking for a solution. So I'm, I'm not voting for this one either. Thank you.

KELLY: Thank you, Senators Vargas and Erdman. There's no one else in the queue. Senator Vargas, you're recognized and waive closing. Senators, the issue is the adoption of AM1555. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 25 ayes, 0 [SIC] nays on adoption of the amendment.

KELLY: AM1555 is adopted. Mr. Clerk for items.

CLERK: Mr. President, I have AM843. I have nothing further on the committee amendments, Mr. President.

KELLY: Senator Murman, you're recognized to close on AM1468.

MURMAN: Well, I just thank everyone for listening so far today, and I'd appreciate your green vote on AM1468. Thank you.

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KELLY: Thank you, Senator Murman. Members, the question is the adoption of AM1468. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to vote? Record, Mr. Clerk.

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

KELLY: The amendment is adopted. Mr. Clerk for items.

CLERK: Mr. President, I've got AM843, FA35 and FA36, all from Senator Murman with notes that he wishes to withdraw. In that case, Mr. President, Senator Machaela Cavanaugh would move to amend with FA80.

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

M. CAVANAUGH: Thank you, Mr. President. I think this one strikes the enacting clause. No. Oh, strike Section 1. All right. Strike Section 1 of the-- I think of the bill that we or the amendment that we just amended into LB705. So whatever that is, there you go. It's arbitrary because, you know, I'm just taking time. So, colleagues, this is going to be a series of amendments and feel free to catch up on reading the budget or your correspondence, what have you. I am just taking time as I have been committed to do the entire session. We had several amendments pending on the underlying committee amendment today, so I wanted to take a step back and allow the conversation to happen around those amendments and allow the votes to happen around those amendments. So, so I'm just popping back up now to chat, as it were. I mentioned earlier, but I think it's worth repeating, the committee statement. I think this is the first major education committee bill that's been brought to the floor. So I want to give some, some props and some love to the Education Committee staff for their hard work because there are numerous bills that we just put into that package. Let's see here, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, plus I think we amended four more, 22, 22 bills. Whoo. Now normally in a situation like this, I would consider dividing the question and-- but there was such robust conversation about the bill itself. And part of the reason-- there's a couple of reasons to divide the question. One is you genuinely want to take something out or amend something into the larger package of bills. So that's one reason to divide the question. Another reason to divide the question is to take up time. Another reason to divide the question when you have such a massive package of bills is to force people to talk about the bills. And since people were just naturally talking about the bills, there wasn't really a need to divide the question. But when we have bills

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that are this large, that have now 22, this is 22 bills amended together, when we have that large of a package, it would be nice to have more debate on all of the underlying bills. So that's fine. I will just go one by one. I got them in here in my binder here, so we've got LB153. This is Senator DeBoer's bill. And let's see here, I'm going to skip through to the committee statement here. It's got an amendment. OK. LB153 voted out 8-0. It had no opposition. It was Senator DeBoer and then Jason Schapmann-- Jason Schapmann from Twin River Public Schools; Jack Moles, Nebraska Rural Community Schools Association, Greater Nebraska Schools Association; Dunixi Guereca with Stand for Schools; Colby Coash with Nebraska Association of School Boards, Nebraska School Board Association, Nebraska School Education Association, Greater Nebraska Schools Association. Edison McDonald with Arc of Nebraska; Richard Hasty, Plattsmouth Community Schools. LB153 would provide additional funding for special education in circumstances where the increase in costs just-- is justly-- justify doing so. Great. OK. And then we've got LB356 is the next one. Oh, wait. First let's see here. There's a whole bunch of letters. So there's a lot of letters in support of LB153 and then some testimony in support. OK. Then LB356. Let me get to that. And that is an Education Committee bill. And that also came out 8-0, and it was-- wait, is that right? LB356 introduced by Senator Walz; Mike Baumgartner, Coordinating Commission for Postsecondary Education; Treva Haugaard, Council for independent Nebraska Colleges, would amend 85-1906 by changing the definition of the term "located in Nebraska" and would amend 85-1907 by changing the definition of the term "eligible student." All right, so pretty straightforward, mostly technical cleanup bill. LB372, let's see here, LB372 is introduced by the Chair of the committee, Senator Murman. And I'm just trying to locate my committee statement here. OK. LB372 did not come out unanimous. It was 7 in support and 1 present not voting, Senator Wayne. It had a lot of opponents. LB372 would allow for part-time enrollment of students who are residents of the school district. School boards may allow part-time enrollment of students who are not residents of the school district, students who are residents of the school district but not enrolled in public school to participate in extracurricular activities in accordance with the standards set forth in this bill. I'd be curious why Senator Wayne was present not voting. I mean, I have my own thoughts on, on that and concerns, but there we have it. It's in the-- in the bill. So that one was LB372. OK. I'm going to not go any further into the bills in the list just yet, because I think that's a good start. And hold on. This is going to make a sound. There we go. Opening my binder. I had something out of order. OK. So I want to dig in on those first few bills that I was

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just discussing. We'll go back to those, see what they are. I mean, obviously, Senator Walz's bill that changes two definitions is probably not one that we can dig into, to a great extent so. Oh, look at me. I skipped LB705, the underlying bill. OK, let's look at the fiscal note for LB705. And of course, there will be a new fiscal note for the entire bill when it gets to Select File because we have amended so many bills onto it. We will then have a new fiscal note, and as such, the current fiscal note will be obsolete. But for the time being, I'm going to look at the current fiscal note. So LB705 change provisions for the distribution of lottery funds used for education; transfer powers and duties, creating new acts and funds; and, and change education provisions. It had an opponent, Jeff Cole, Beyond School Bells and Nebraska Children and Family Foundation. Interesting. Hmm.

KELLY: One minute.

M. CAVANAUGH: Thank you, Mr. President. OK. So LB705 amends several sections to change the distribution of lottery funds for educational purposes. After the payment of prizes and operating expenses and the \$500,000 being transferred to the Compulsive Gamblers Assistance Fund, the remaining balance will be distributed as follows: 44.5 percent, Education; 44.5 percent, Nebraska Environmental Trust Fund; 10 percent, State Fair Board; and 1 percent, Compulsive Gamblers Assistance Fund. OK. I am going to have a question for somebody from Appropriations, perhaps the Chairman if he's going to be available. I'm just going to-- I'm just going to let Senator Clements know I'm going to ask him this question my next time on the mic. But this bill says that 44.--

KELLY: That's your time.

M. CAVANAUGH: Thank you.

KELLY: That's your time, Senator, and you're next in the queue.

M. CAVANAUGH: OK. Thank you. So this bill, the fiscal note for LB705 says that 44.5 percent of the money from the lottery goes to-- after the \$500,000 to compulsive gambling, the remainder goes to the Nebraska Environmental Trust Fund. And my question that I'd like to ask the Chair of the Appropriations Committee, would Senator Clements yield to a question?

KELLY: Senator Clements, will you yield to a question?

CLEMENTS: Yes.

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M. CAVANAUGH: Thank you, Senator Clements. So I have-- I've been sitting here during this debate reading over your wonderful work product of the budget. Thank you. What color would you describe? What's the name of the color this year?

CLEMENTS: Electric green.

M. CAVANAUGH: Electric green. I was going to say Martian green or alien green.

CLEMENTS: Oh, Martian green, I'm sorry.

M. CAVANAUGH: Martian green, OK.

CLEMENTS: It is Martian green.

M. CAVANAUGH: Martian green. Thank you, Senator Dover. I call that phoning a friend. So I was reading it over. Am I understanding correctly that we would be, and maybe this was just hearsay because I haven't gotten to it yet, but are we taking the money in the Environmental Trust Fund and putting it elsewhere?

CLEMENTS: There is a transfer from the Environmental Trust Fund to the Department of Natural Resources, and they do annually request money from the Environmental Trust. And they're-- they usually have to go through a process and we give them extra points, so they always qualify. So rather than going through that process, they're getting a direct distribution, which also has requirement to say that they must spend the money according to the rules of the Environmental Trust Fund spending requirements. So it will still be spent under the normal environmental trust regulations.

M. CAVANAUGH: So would this money in the lottery that we are-- that we are designating to the Environmental Trust Fund, will that also be part of it? I honestly don't know. Are we transferring the whole amount in the Environmental Trust Fund, a portion of the fund?

CLEMENTS: Oh, no, just a-- just a, well, somewhat small, \$14 million. And I'm not sure what the whole trust fund is. It's not the whole trust fund at all. Whatever the lottery funds are goes to the Environmental Trust. And then I believe it's \$14 million that's going to be allocated to Department of Natural Resources directly rather than having them go through the grant process. But they still will have to spend it under the normal rules, requirements of spending Environmental Trust money.

M. CAVANAUGH: OK. All right. Thank you. I just saw that on the fiscal note here so it sparked the questions. I appreciate you letting me put you on the spot. OK. All right. So back to the fiscal note on LB705. So we've got the lottery. This is all about the lottery fund. So \$500,000 is transferred to the Compulsory Gamblers Assistance Fund. And that's something that I believe has been longstanding. I don't know if the amount is longstanding, but I know that the revenue when we started having lottery funds, it was important to make sure that we were funding this Compulsive gambler-- Gamblers Fund. So that's why we have that automatic 500. And then the remaining, the percentages are of the remaining funds, which I don't actually know how much revenue we get annually or anticipate. We've got statutory earmarks in here and I am looking to see if there's anywhere if there is a revenue estimation. This is a long fiscal note, not as long--

KELLY: One minute.

M. CAVANAUGH: Thank you. --as consumption tax but still that's a long, 12 pages. It's a 12-page fiscal note. I think consumption tax had something like 26 pages or EPICs tax. Sorry, the EPICs, EPIC tax. So I'm just trying to see if there is anywhere in here that estimates how much money we're actually talking about beyond the \$500,000. OK. If adopted as introduced, funds would be distributed as follows: And this, oh, sorry. This is on the introducer's Statement of Intent. So Nebraska Opportunity Grant Act, \$15 million; Community College Gap Assistance Program Fund, \$1.7 million; Door to College Scholarship, \$244,000; Career Readiness and Dual Credit, \$489,000--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: You're next in the queue and that's your last time before your close.

M. CAVANAUGH: Thank you, Mr. President. OK. Competitive Innovation Grant, \$4.1 million; Mental health training, \$367,000; Behavioral Training Cash Fund, \$2.3 million. So I don't know if you add all that up, it's-- this would be way too quick a math for me. Probably, h'm. I'm going to say over \$20 million. It's over \$20 million. Probably over \$20 million, under \$30 million, \$10 million spread there. It doesn't have-- if adopted, it doesn't have the Environmental Trust portion of that in here. OK. Through fiscal year 2022 23, the money available for education will be transferred to the Nebraska Education Improvement Fund. OK. So that's, that's a distribution within the

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Education Improvement Fund. Ah, OK. So that's 44-- ah-ha, skipping around here. All right, 44.5 percent of the revenue, the lottery revenue, goes to education, and that is the breakdown of education. Got it. This bill does not account for any other parts of the money, only the 44.5 percent of the education parts, but 44.5 percent also goes to the Nebraska Environmental Trust Fund. So of 44.5 percent of the lottery funds is approximately between 20 and 30 million. I'll do the math eventually and figure out how much that break-- that estimated breakdown is. It's not on any of the-- wait, here we go. OK, \$23,550,566, great, in FY '23-24. So that is how much is-- oh, that's an expenditure. But what about the revenue side of it? So education, that's the education expenditure. Well, assumedly, the revenue would be matched, but it doesn't have revenue going in. Ah-ha-ha. Thank you. \$14 million.

CLEMENTS: Seven, seven.

M. CAVANAUGH: Seven and seven. OK. This is what's in the budget.

CLEMENTS: Yeah.

M. CAVANAUGH: I love phoning a friend. Thank you, Senator Clements. That's \$7 million this year and \$7 million next year in the Environmental Trust transfer. OK. So how much time do I have?

KELLY: 2:01.

M. CAVANAUGH: Ooh, OK. I was really hoping you were going to say 1:48 because that seemed to be where I got every time I asked last week was 1:48. OK. So-- well, I will just read this because flipping back and forth and trying to find the information, if I just read it, maybe we will find it together. OK. So LB705 amends several sections to change the distribution of lottery funds for educational purposes. After the payment of prizes and operating expenses and the \$500,000 being transferred into the Compulsive Gamblers Assistance Fund, the remaining balance will be distributed as follows: 44.5 percent to Education; 44.5 percent to Nebraska Environmental Trust Fund; 10 percent to Nebraska State Fair Board; 1 percent to Compulsive Gamblers Assistance Fund. OK, after the payment. So we do two different distribution--

KELLY: One minute.

M. CAVANAUGH: Thank you. --to the Compulsive Gamblers Assistance Fund. We do the \$500,000 before we do any other distribution it appears and then we do an additional 1 percent. Interesting. OK. For FY '22-23,

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the 44.5 percent of lottery funds allocated for education will be transferred to the Nebraska Education Improvement Fund. For FY '23-24 through FY '27-28, the 44.5 percent of lottery funds allocated for education will be transferred into the following funds: 9.5 percent, Behavioral Training Cash Fund; 2 percent, Career Readiness and Dual Credit Education Fund; 7 percent, Community College Gap Assistance Program Fund; 17 percent, Department of Education Innovative Grant Fund; 1 percent, Door to College Scholarship Fund; 1.5 percent, Mental Health Training Cash Fund; 62 percent, Nebraska Opportunity Grant Fund.

KELLY: That's your time, Senator, and you're recognized to close on FA80.

M. CAVANAUGH: Thank you, Mr. President. OK, 62 percent, Nebraska Opportunity Grant Fund. OK. So, colleagues, as I am doing this, I've got two options. I can do a call-- well, I don't have two options. I have a lot of options. I'm entertaining two options. One is I do a call of the house when my motions or when I run out of my time is when I do my closing and I do a machine vote. Or I don't do a call of the house, but I do a roll call vote. So I prefer to do the call of the house because, frankly, it's easier on staff to not have to do a roll call vote all of the time, though they don't complain about it. Mind you, they are very gracious of doing the roll call vote, but I do like to be mindful of their vocal cords, if not my own, at least I can be mindful of somebody else's. So I probably will do a call of the house. If that fails, then I'll just switch to doing purely roll call votes. So that's just kind of-- I like to externally share my plan so people can plan accordingly for what they want to do. And also then if you don't want to come back for a call of the house, I would recommend that you check out. And if you're not on the floor but you're watching and you don't want to come back for a call of the house, then you should probably call the Clerk's Office and check out. Because once the call of the house is-- has been initiated, then you can't check out, which I learned a couple of weeks back when we had election night and somebody forgot to check out. So that's just some housekeeping for you all to keep in mind as you navigate your late afternoon. It is, wow, it is 4:00. One of the things with when you're taking a significant amount of time to talk is it really kind of takes a while to, like, get into a groove of what you're going to talk about. And I spent like the first several hours of today listening to debate, which was really, truly delightful. But I didn't really get into the groove of, like, what am I going to talk about? How am I going to approach today? So I'm just now kind of getting into my groove. And I think the fiscal note is going to be what I focus some attention on this

afternoon, because it is 12 pages, as I said, and I'm, I'm only halfway through page 1. So there we go. And I believe cloture on this is going to be after dinner. So we've got about an hour and a half left and then we break for dinner and then we come back. And when we come back, we have, like, I don't know, 55 minutes or something like that left. So, OK, back to the fiscal note. So for FY '28-29 and each fiscal year thereafter, the 44.5 percent of lottery funds being allocated for education shall be transferred as the Legislature directs. An unspecified amount of the lottery funds transferred may be used by the agency that is administrating the funds for which the transfer is made for actual and necessary expenses incurred by the agency for the administration, evaluation, and technical assistance related to the transfer of lottery funds. The balance of the Nebraska Education Improvement Fund on July 26, 2023, less than 3 percent of the lottery funds received for the fourth quarter of FY '22-23 will be transferred into the newly created Behavioral Training Cash Fund. The fund will be administered--

KELLY: One minute.

M. CAVANAUGH: Thank you. --by the Nebraska Department of Education with the funds being transferred to the ESUCC for the purpose of coordinating, training, and administer the teacher support system in compliance with the Behavioral Intervention Training and Teacher Support Act. OK. The Mental Health Training Cash Fund is created. The fund will be administered by NDE. The fund will be administered by NDE will consist of money received from allocated lottery funds and also any money appropriated by the Legislature. NDE will establish a mental health training grant program. Mental health training grants awarded will be funded from the Mental Health Training Cash Fund. A grantee will be a school district or an education service unit, ESU. The Door to College Scholarship Fund is created. CCPE will administer the fund--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you. Call of the house.

KELLY: 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: 8 ayes, 3 nays to place the house under call.

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KELLY: The house is under call. Senators, please record your presence. All senators outside the Chamber, unexcused, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call.

Unidentified: I'll just be the one place they're both problems. That's all I got.

Speaker 3: Okay. How are you?

Speaker 6: The moment from your union or.

Speaker 3: Did you have a nice weekend?

Unidentified: You. I'm like a real cliché. Just because you were in the car when.

Speaker 5: They just left with package.

Speaker 4: Included. And when.

Speaker 6: They give you a report at the end of the year, we know we get a bonus.

Speaker 4: If you do. Fighting control.

Speaker 6: A big fight for.

Speaker 5: Movies to come over here.

Unidentified: Other one. I didn't. I'm.

KELLY: Senators Fredrickson, Bostar, Moser, Sanders, and John Cavanaugh, please return to the Chamber and record your presence. The house is under call.

M. CAVANAUGH: My microphone still. So.

KELLY: All unexcused senators are now present. The question is the adoption of FA80. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 0 ayes, 32 nays, Mr. President, on adoption of FA80.

KELLY: The amendment is not adopted. I raise the call. Mr. Clerk for items.

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CLERK: Mr. President, amendment to be printed from Senator von Gillern to AM491 [SIC LB491]. Concerning LB705, Senator Machaela Cavanaugh would move to reconsider the vote just taken on FA80.

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

M. CAVANAUGH: Thank you, Mr. President. So I got a text from somebody saying that my mic was still on and I was talking to one of the pages about soccer games over the weekend. So I hope you all were entertained by that. And please don't tell my oldest child that I called her game a bloodbath. OK. But I think it was so. And my youngest, he scored four goals at micro soccer. And every time he, he scored, every time he was swapped out, he came and ran-- my husband coaches the team-- and he's really-- he's really doing an excellent job on conditioning these four-year-olds, but-- and teaching them technique. He, he has a lot of patience. Every time my son, it wasn't his turn, he would come and run and sit on my lap off to the sides and he would turn to the couple sitting next to me and tell them about how great his team was doing. I don't think he was paying any attention to the fact that they were parents of the opposite team. So it did seem a little bit like he was, you know, rubbing it in. But he's four. I don't think he understood that at all. And so I kept saying, oh, everybody's doing good, like, everybody's playing well. And he's like, we're playing really good. We're playing much better than the other team was playing. So, but next week, you know, it'll all be different on their micro soccer. So yes, we had a weekend of soccer games and then my oldest has a soccer game tonight. Whoo. Now normally they have soccer practice on Tuesday nights, but that is being superseded by a rescheduled game that was-- I don't think it was rained out. I think it was a day that it just, like, snowed one morning a couple of weeks ago, so that soccer game had to be rescheduled. Anyways, I was talking about how I'm just like a boring old-- not old. I'm not that old, but I'm a boring, just Midwestern soccer mom. Back to the fiscal note on the underlying bill of LB705. Oh, yes. So thank you all for voting against FA80 because it struck Section 1, which I don't even know what Section 1 was. Again, a gentle no is that you just don't have to vote against it. It needs 25 green votes to get adopted. So just keep that in mind, Senator John Cavanaugh, who voted against my floor amendment, thank you very much. You could have just been PVN, but again awkward car ride home. The fiscal note, OK, so the Door to College Scholarship Fund is created. CCPE will administer the fund which will consist of amounts transferred from the State Lottery Operation Trust Fund prior to July 1, 2028, as well as any money appropriated or transferred by the Legislature and gifts, grants, or bequests from any source, including federal, state, public and private sources. All amounts

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accruing to the Door to College Scholarship Fund will be used to carry out the Door to College Scholarship Act. The Career-Readiness and Dual-Credit Education Grant Program and the Career-Readiness and Dual Education Cash Fund are created. The program will be administered by the Coordinating Commission for Postsecondary Education, CCPE. I'm glad it defines that because on the previous page it referenced CCPE and I was like, what is CCPE, Coordinating Commission for Postsecondary Education, CCPE. The CCPE, consultation with NDE, the Nebraska Department of Labor, and any advisory committee established by the commission for the following purposes: Create and establish teacher education pathways enabling the instruction of dual-credit courses and career and technical education courses. Correlate and prioritize teacher education pathways with Nebraska workforce demand. Establish a grant program beginning on or after July 1, 2023, to distribute money from the Career-Readiness and Dual-Credit Education Cash Fund to teachers enrolled in education pathways leading to qualification to teach dual-credit courses and career and technical education courses. Establish a directory of available teacher and education-- teacher education pathways in Nebraska identified by sequence and location. On December 31, 2024, and each December 31 thereafter, electronically submit an annual report on grants awarded to the Career-Readiness and Dual-Credit Education Grant Program Act to the Clerk of the Legislature. The report will include, but not be limited to, the number and amount of grants awarded, the postsecondary educational institutions attended by grant recipients, and information regarding the completion of instructor requirements to teach dual-credit courses and career and technical education courses. Gonna stop there for a moment. Reports. I've talked about this before, and I know you all are just hanging on every word I say over probably like 300 hours at this point. So reports, on the legislative website on the left-hand side, there's like a toolbar basically of things and there are reports. So when it says a report will be filed with the Clerk, that is your go-to place to find said reports. And in another life, my first year in the Legislature, when I sat here and didn't talk all the time and listened to floor debate, I also when I would, you know, get kind of bored, I would look at reports and read reports. So a lot of work goes into those reports. We pass a lot of statute that requires those reports. And so I figure I should go look at them. So when we talk about a report to the Legislature, to the Clerk of the Legislature, ultimately I'm being presumptive here, but I presume that it will go to the, the reports page on the Clerk's web-- on the Legislature's website. I actually don't know for certain. I don't know what the criteria are for whether or not the Clerk's Office puts a report on the website or doesn't put it on the website. As far as I am

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aware, any report that I've ever been expecting to receive has been put-- placed on the website. So I'm not aware of any report that we would receive that hasn't been placed on the website. But as always, I'm willing to stand for correction. OK. So reports then beginning in FY '23-24, the Educational Service Unit Coordinating Council, ESUCC, will ensure that annual behavioral awareness training is available statewide and develop, implement, and administer an ongoing statewide teacher support system. By the way, they use the Oxford comma. Just FYI. Someone in Fiscal likes the Oxford comma. On and after July 1, 2023, all powers, duties, and functions that NDE has concerning the Excellence in Training Act prior to such date will be transferred to the CCPE, again, they use the Oxford comma. On July 1, 2023, all documents and records of NDE pertaining to the duties and functions under the Excellence in Training Act will be transferred to the commission and will become the property of CCPE. On or before July 1, 2024, and on or before July 1 of each year thereafter, each district will submit a behavioral awareness training report to the ESUCC. The report will include the school district's behavioral awareness training plan, summarize-- and summarize how the plan fulfills the requirements. On or before December 31, 2024, and each December 31 thereafter, the ESUCC will submit a report electronically to the Education Committee of the Legislature summarizing the behavioral awareness training reports received--

KELLY: One minute.

M. CAVANAUGH: Thank you. --by school districts, the various trainings provide-- oh, I got to-- just-- I just got really into it. I almost forgot to get in the queue. Whoo. OK. Where was I? Do to do-- on or before December 31, 2024, and each December 31 thereafter, the ESUCC will submit a report electronically to the Education Committee of the Legislature summarizing the behavioral awareness training reports received by school districts, the various trainings provided across the state, the teacher support system, and a financial report of funding received and expended in accordance with the Behavioral Intervention Training and Teacher Support Act. Whoo. By the way, when a report is submitted to a committee that also ends up oftentimes on the website in the same place.

KELLY: That's your time, Senator, and you're next in the queue.

M. CAVANAUGH: Thank you. It ends up on the website in the same place that I was previously discussing. So if you go to the Nebraska Legislature website and you look at the sort of toolbar on the left-hand side, there's a reports, you click on that. The report that

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I am just discussing likely-- now don't hold me to it because I'm not on the committee, I don't know for certain, but likely will be available on that website unless it has to be held private for some reason. But I don't believe this particular report would need to. Like if it has some sort of sensitive information in it that is not for broader public consumption, then that-- then it wouldn't obviously be available on a public website. But if that's not the case, that is most likely where you will find said report. OK. On-- whoo. On or before December 31, 2026, the Education Committee of the Legislature will electronically submit recommendations to the Clerk of the Legislature regarding how the money used for education for the State Lottery Operation Trust Fund should be allocated to best advance the educational priorities of the state for the five-year period beginning on 2020-- FY '28-29. Why would the Education Committee submit their recommendations to the Clerk of the Legislature you might ask? Well, because they're in charge. No, just kidding. I mean, they are in charge, but in a different way. Because, again, the Clerk of the Legislature oftentimes is the repository for much of the information of the Legislature, including reports. And therefore, the recommendations go to the Clerk of the Legislature so that that information exists for all to have access to, not just the committee itself, or at least that's my assumption. I'm really just self-narrating my ideas on how the Clerk's Office works. Beginning in FY '25-26, each school district will ensure that each administrator, teacher, paraprofessional, school nurse, and counselor receive behavioral awareness training. Each administrator, teacher, paraprofessional, school nurse, and counselor who has received the training will receive a behavioral awareness training review at least once every three years. Each district can offer the training or similar training to any other school employees at the discretion of the district. In addition, all employees will have a basic awareness of the goals, strategies, and schoolwide plans included in the training. Again, the serial comma, Oxford comma, same thing. The Oxford comma is a serial comma. They're one and the same. OK. Statutory earmarks. And there's-- ooh, sorry. Ooh, apologies. Statutory earmarks. I think I already went through most of these. Did I? It's a little, I don't know, it's like a chart. Chart, that's the word I'm looking for. It is a chart. So we've got the Door to College Scholarship Fund, the agency, CCPE, share of LB705 share is 1 percent. LB-- oh, hey, hold up. Hold up. Oh, no. OK. Nevermind. I answered my own question. I didn't ask it out loud, but I answered it so we're good. OK. I'm going to skip that part. I'm going to move on over to the next page, page 3. Mr. President, how much time do I have left?

ARCH: 1:07.

M. CAVANAUGH: Thank you, Mr. President. OK. Expenditures. Page 3 of the fiscal note--

ARCH: One minute.

M. CAVANAUGH: Thank you, Mr. President. Page 3 of the fiscal note of LB705. Interesting. I had noticed that there are page numbers handwritten at the bottom of this page of the fiscal note, but then there's also page numbers typewritten at the top of the page. And I'm wondering if my staff, my lovely staff, put together this binder for me. And I'm curious, did they write the numbers or did it get printed off with the numbers on it? And did the person think that there weren't page numbers on it because they're up in the top left-hand corner and perhaps normally whoever did this was used to seeing them in the bottom. I'm oftentimes looking for page numbers at the bottom, but I do see that there are page numbers at the top. Style, style differences. OK. Expenditures. CCPE estimates the need to add one FTE to administer the new--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're next in the queue and this is your last opportunity before your close.

M. CAVANAUGH: Thank you, Mr. President. OK. CCPE estimates the need to add one FTE to administer the newly created Career-Readiness and Dual-Credit Education Grant program. For FY '23-24, the FTE will have a salary benefits expense of \$92,500 and operating expense of \$7,250. For FY '24-25, the FTE will have a salary benefits expense of \$97,200 and operating expense of 700, 200-- \$7,250. CCPE estimates the need to add one FTE to administer the newly transferred Excellence in Teaching Act. For FY '23-24, the FTE will have a salary benefits expense of \$80,900, operating expenses of \$7,250, legal services of \$30,000. For FY '24-25, the FTE will have a salary benefits expense of \$85,100, operating expenses of \$7,250, and legal services of \$30,000. These expenses will be offset by reductions to NDE. NDE estimates the need to add two FTEs to administer the changes from LB705. For FY '23-24, the FTE will have a salary benefits expense of \$210,468 and operating expenses of \$15,889. For FY '24-25, the FTE will have salary, benefits, expenses of \$220,965 and operating expenses of \$15,311. NDE will have reductions in personnel expenses due to some programs ending

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which will offset some or all of these costs. Whoo, all right Now another question I have about this and so this is the fiscal-- what I was reading was the fiscal note prepared by our Fiscal Office. So we've got the Legislative Fiscal Office, and that was the fiscal note. And then after that, there would be any other impacted agencies. So there is a Coordinating Commission for Postsecondary Education fiscal note, and it says no basis to disagree with the agency's estimate of fiscal impact. The assumption of available funding from lottery appears to be reasonable. Then we have the Educational Service Unit Coordinating Council comments: agree with the ESUCC that there would be no fiscal impact related to the green copy of the proposed legislation. Auditor of Public Accounts comments: agree with the agency that there will be no fiscal, fiscal impact. Department of Health and Human Services comments: agree with the agency that there will be no fiscal impact. Department of Revenue comments: agree with the agency that there will be no fiscal impact. This goes on for 12 pages. I hope that's not all that that is, is just agreeing with the agencies. It's not. Don't worry. OK. So we get to page 4 and now this is the Education subdivisions fiscal note. So this is their fiscal note for LB705. How much time do I have?

ARCH: 1:02.

M. CAVANAUGH: And then I have a closing or this is my closing.

ARCH: You have a closing.

M. CAVANAUGH: OK. Thank you. Do you want to say one minute now?

ARCH: No, I want to say 52 seconds.

M. CAVANAUGH: Thank you. OK. Thank you, Mr. President. OK, so this is the Education, I assume the Department of Education's fiscal note. It just says Education on it. So it's not entirely clear, but I believe it's the Department of Education. OK. And their cash funds are 20-- under expenditures, \$23,550,566 in FY '23-24. And in FY '24-25, expenditures are \$24,550,566 so \$1 million more. LB705 changes several provisions pertaining to lottery fund distribution for education. Funds appropriated to the Nebraska Education--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're now welcome-- seeing no one left in the queue, you're welcome to close on your reconsider motion.

M. CAVANAUGH: Thank you, Mr. President. I was once told early on you should never be caught eating or drinking on TV. But if I don't take a sip of something, then I'll probably die of [INAUDIBLE]. I won't die, but I will get dehydrated. So I have broken that rule that I had self-imposed, that I do consume beverages. It's, it's actually cold brew and then I have water if people are wondering, what is she drinking? That is what I am drinking. Cold brew coffee and water. That's pretty much it. Sometimes I drink hot tea and I might switch to hot tea later today because my throat is giving me a little bit of a tickle. Please, no one send me hot tea. I have a lot. OK. LB705 changes several provisions pertaining to lottery fund distribution for education. Funds appropriated to the Nebraska Education Improvement Fund shall be used as follows: 9.5 percent to Behavioral Training Cash Fund; 2 percent to Career-Readiness and Dual-Credit Education Cash Fund; 7 percent to Community College Gap Assistance Program; 17 percent to the Department of ED Innovative Grant Fund; 1 percent to Door to College Scholarship Fund; 1.5 percent to Mental Health Training Cash Fund; 62 percent to Nebraska Opportunity Grant Fund. OK. Creates the Behavioral Intervention Training and Teacher Support Act and Behavioral Training Cash Fund. Creates the Mental Health Training Cash Fund. Revises Nebraska Innovation Grant to include the following priorities: teacher recruitment and retention, school improvement, score improvements in reading and math. Other innovative areas identified by the State Board. Transfers responsibility of the Excellence in Teaching and Excellence in Teaching Cash Fund to the Coordinating Commission on Postsecondary Education and creates the Career-Readiness and Dual-Credit Education Grant Program and Cash Fund. Funding for this program is not included in the allocations for the Nebraska Education Improvement Fund. Expands excellence in teaching programs, program loans to cover the cost of taking the basic skills competency. Establishes the Door to College Scholarship Act and establishes the Door to College Scholarship Fund to be implemented by the Coordinating Commission for Postsecondary Education. The bill would end current projects and initiatives in June 2023, instead of the legislated sunset date of 2024. The NDE entered several contracts in good faith with understanding these programs would end in June 2024. The accelerated sen-- sunset date for these programs is a concern for NDE. Now I am curious if this is something that was addressed in the committee amendment or not. So at some point I probably will ask someone for clarification. I don't-- at some point I will probably ask the, the Chair of Education to clarify if we still sunsetted the initiatives in, in June of 2023, in the amendment that was adopted like an hour ago, or did we allow them to have their natural sunset date of 2024? And if we expedited the or accelerated

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the sunset date for the programs, what was the thinking behind that? Because clearly NDE has some concerns, which I understand. When you enter into a contract, is that going to cost us more if we're breaking the contracts early? Lots of questions there. OK. So page 6 of--

ARCH: One minute.

M. CAVANAUGH: Thank you. --of the fiscal note: Coordinating Commission for Postsecondary Education. This is their fiscal analysis. So they have General Funds, \$1,700,000; Cash Fund, \$653,300 in 2023-24 totaling three-- \$2,353,300 in '23-24 with a revenue of \$553,300 in '23-24. The same numbers for '24-25. LB705 redistributes the percentage transferred from lottery proceeds for education purposes and does not provide any new overall funding for educational purposes. Any new or increased transfers to one fund will be offset by reduction transfers from another fund. The Coordinating Commission for Postsecondary Education Commission administers two financial--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you. Call of the house.

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

CLERK: 11 ayes, 5 nays, Mr. President, to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Dorn and Armendariz, please return to the Chamber. The house is under call. Senator Cavanaugh, Senator Dorn is still missing. Would you like to wait or proceed? We will proceed. The motion before the body is the reconsideration of the vote. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

CLERK: 1 aye, 37 nays, Mr. President, on the motion to reconsider.

ARCH: The motion to reconsider fails. I raise the call. Mr. Clerk, next item.

CLERK: Mr. President, some items quickly. Amendments to be printed from Senator John Cavanaugh to LB814. New LR from Senator Slama:

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LR118, LR119, LR120, LR121, LR122. Those will all be referred to the Executive Board interim studies. Additionally, LR123 from the Banking, Commerce and Insurance Committee. That will be referred to the Executive Board as well. Mr. President, concerning LB705, Senator Machaela Cavanaugh would move to offer FA81.

ARCH: Senator Cavanaugh, you're welcome to open on your floor amendment.

M. CAVANAUGH: Thank you, Mr. President. OK. So, do-do, we got about two hours, including the dinner break, but about two hours. Getting close to two hours left on this bill. And I'm standing here as I was reading the fiscal note, and as interesting as that is and it is, it actually is a fount of information, I started thinking to myself, Self, you've got this budget just looming for debate tomorrow. And I have been furiously trying to read it throughout the day and putting tabs on it. And I thought, well, I mean, everybody else is also trying to read it, so why not read it together? So there we go. OK. So the green, the Martian green-- and for those that are new to-- new to class, the budget-- the main budget report from the committee, is always-- comes to us bound and it always has a very bright color. And there's always much discussion over the name of the color. I don't know why. It's just, just what it is. One year it was like a very, very aggressively bright pink. There was, I think it was a bright orange previous year. So, yeah, I need to get in the queue. Cosmic, cosmic orange. That's right, cosmic orange. Similarly, our Rules Book tends to be a bright color and it's a different color each year. And I was told by the previous Clerk that he liked it to be a bright color because when he's sitting up there, he wanted to see who was reading the rules. Because if it's a hue, very bright color, then you would see who's reading the rules. And we now have a Rules Book. That's not the right drawer. So this isn't the Rules Book, but this is the staff roster, well, the whole Legislature roster, not the staff, has senators in it too. But it's this bright orange. Maybe this is cosmic orange. And then the budget is this, this Martian green. And so you always know, like, they're not-- they're never the same color. I don't know who's having these conversations, coordinating the color of these items, but they're never the same color. And then we have-- you'll hear people say the green copy of a bill, because every bill is either-- if it's one page or two pages, it's printed on literally green paper. If it's more than that, there's white pages inside, but the, the main bill is-- has green paper around it. So, you know, the white copy is-- doesn't have green paper on it. So when we say the green copy and the white copy, that literally is referring to the color of the paper. And then we've got our motion pads, which are a

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paleish orange peach, not sure what color you would call that. And then our fiscal notes are on pink paper, pale pink, pale pink. So we have this very old school color coding going on with everything in the Legislature, which I find kind of delightful. OK. So the budget, the biennium budget. I love a good budget. And this budget, this book, the neon Martian green book, is not the actual bill. It is the explanation of the bill. View it as the committee statement of the bill. Now, the bill itself, the amendment to the bill, which is a white copy amendment to the green copy of the bill, the white copy amendment to LB814, LB814, which I think is the mainline budget, the white copy amendment, I believe, is 181 pages. I think that's what it was when I looked this morning. And so then the explanation of it is not much-- well, it has all the agencies in it, so it's a little bit longer. But let's see here, when we get to the explanation of the budget, these are all the agencies, still on the agencies. OK. Narrative description by agency. So it's 81 pages, the, the initial explanation. And then there's a narrative description by agency, which is additional information. OK. So when you're looking at the mainline budget, it has a table of contents. And I, I always kind of skim. So first there's the-- and it was paper clipped into your copy this morning I think because it is updated, but it is the General Fund financial status. And, colleagues, you will start to see I believe, unless tradition has changed which is possible, I believe you will start to see-- after we move the budget, you'll start to see in your, your worksheet and your agenda that's on your desk every morning, there will also be an updated status of the federal-- not federal, General Funds financial status, an updated sheet every day. Because as we move bills, as we move bills from General to Select File and from Select to Final that have a fiscal note or an A bill, we're going to start to see how that money is being allocated and you can track how much money is left, as we call it, on the floor. So there you go. So there's the General Fund financial status that looks like it was updated on May 1, yesterday, so it was paper clipped on top of the page 2 of the budget. I assume that the intention is that it is to replace page 2 of the budget. Anyways, I go to-- back to the table of contents. So the General Fund appropriations-- and I think that the committee statement, of, of the, of the budget is very helpful. But I highly recommend reading over the committee statement and the budget itself so that you have a clearer understanding of what goes into the budget. So when you get to page 3 of the budget-- of the budget book, it starts talking about the Cash Reserve Fund, and then there's all these different, different funds. So it lists out Appropriations Committee proposal transfer to and from General Fund; transfer to and from other funds; Road Operation Cash Funds; State Indemnification Fund; Nebraska Capital Construction Fund

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or NCCF; Economic Development Cash Fund; Economic Recovery Cash Fund; Rural Workforce Investment and Middle Income Workforce Housing Investment Fund. Now, I'm going to pause there. You can read. There's there's information on each of these. So, well, if we were to read-- if we were-- why don't we? Shall we? We shall. Let's read the Rural Workforce Investment and Middle Income Workforce Housing Investment Fund. That is a lot of words. OK, let's do it. Created in 2017 by LB518, the Rural Workforce Housing Investment Fund is the source of the Workforce Housing Grant Program established by the Rural Workforce Housing Investment Act. Transfers enacted by the Legislature to the fund are as follows: \$7,300,000. That was from LB518 in 2017; \$10 million FY '20-21; \$30 million as authorized in LB1013 in 2022. In addition to the above transfers, \$10 million of the American Rescue Plan Act or ARPA has been appropriated-- that's LB1014 in 2022-- for eligible expenses related to housing under ARPA and the Rural Workforce Housing Investment Act. The Appropriations Committee budget contains a transfer of \$20 million to the Rural Workforce Housing Investment Fund and a \$10 million cash fund appropriation in FY '23-24 and FY '24-25. The grant program expires in FY '26-27. I do have a question about that. If the grant program expires in '26-27, are we putting a specific clock and maybe that's a good thing, just asking the question, not saying it's not a good thing, but are we putting a clock on when the grant-- when the funds that we have appropriated must be spent? And what--

ARCH: One minute.

M. CAVANAUGH: --if we then end up spending things too quickly on things that maybe don't quite fit? Just a question. Created in 2020 by LB866, the Middle Income Workforce Housing Investment Fund is the source of the Workforce Housing Grant Program established by the Middle Income Workforce Housing Investment Act. Transfers to the fund include \$10 million. Wait, didn't I just read this? No, this is OK. \$10 million, LB866, 2020; \$20 million, LB1013, 2022. In addition to the above transfers, there is an amount of the American Rescue Plan Act money available for the purposes of the Middle Income Workforce Housing Investment Act within the Qualified Census Tract Recovery Grant Program, Program 611, ooh, Program 611. Ho, ho. Let's pause on reading the budget book and let's talk about the LFO directory of state agency programs and funds.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

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ARCH: And you are next in the queue.

M. CAVANAUGH: Thank you. Can you tell I am a nerd and I love the budget? OK, so they reference Program 611. So this handy-dandy book, which thank you to our Fiscal Office for delivering it to me. I very much appreciate it. But this is a program, Program 611. Now, the issue is that it's a program within an agency, and I don't know what agency this is. So in order to look up the program, I think I need to know the agency number or maybe I can look-- maybe there's an index by program number. Huh, what agency do we think that Program 611 is under? Agency budget programs? Nope. Well, now I can just scan until I find 611 pop out at me. Ooh, program, program, program, fund. Nope, nope, Not there. Not under the Public Service Commission. Not under the Board of Parole's. Department of Revenue? No. Department of Agriculture? No. See, now, if we had a department for housing, a state agency for housing, then I would know what agency to look for the program under. Department of Health and Human Services? No. OK. Department of Transportation? No. Department of Veterans' Affairs? No. Natural Resources? No. OK. Well, I'm sure that I just missed it. Ah, da, da, da. OK. Well, I will find out what agency Program 611 is, because now I am-- now I'm curious because I couldn't find it. Now I really want to find it for no other reason than to find it. But that's how my brain works. I'm just double-checking on the Supreme Court. Not in the Legislative Council. All right, I'll have to come back to it. But anyways, the 2022 LFO Directory State Agency Programs and Funds, it's updated every two years, I believe. OK, so Program 611-- ah, ho, ho. Again, phone a friend. Thank you. Department of Economic Development, well, that makes sense. My goodness. Agency 72. But is it not in here? It's Program 611. It's not in there. Next year, all right. I got that all the way from the Rotunda. Thank you. All right. But Department of Economic Development, OK, makes sense. There we go. Easy-peasy. Program 611. However, there is no specific earmark within the statute. The Appropriations Committee budget contains a transfer of \$20 million to the Middle Income Workforce Housing Investment Fund and a \$10 million cash fund appropriation in FY '23-23. I think that's supposed to be '22-23 and FY '24-25. Any funds held by the department in the Middle Income Workforce Housing Investment Fund will be transferred to the General Fund beginning July 1, 2029. Why 2029? Oh, OK. Any funds held in the department, I see. We-- the program expires in '27, so any funds that are remaining that haven't been spent when the program ends in--

ARCH: One minute.

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M. CAVANAUGH: --'27, we give them two years. Got it. Answering my own question. Thank you, Mr. President. Site Building and Development Fund. The Appropriations Committee approved a transfer-- oh, you know what? I just rolled right into reading the next thing. I don't want to read that. Shovel-Ready Capital Recovery and Investment Fund. Ooh, let's read that. LB608 as amended by the Appropriations Committee reopens the shovel-ready grant application; transfers \$90 million from the Cash Reserve Fund to the Shovel-Ready Capital Recovery and Investment Fund. And earmarks \$30 million of the funds transferred to construct an athletic complex for certain postsecondary institutions pursuant to LB444. Now, this is where you really want to be able to cross-reference, like, what is LB444? Who testified in it? Were people in support? Who's going to benefit from this?

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You are recognized. You're next in the queue and this is your last opportunity before your close.

M. CAVANAUGH: Thank you, Mr. President. OK. LB444, I just highlighted it, flagged it, something I want to look up. Ah, I got an answer. Again, I'm phoning a lot of friends today. Thank you, Senator Dorn. He said it's Creighton University. OK, so LB444, I am interested in looking at that further. OK. And there we go. Then the Shovel-Ready Capital Recovery and Investment Act was created by LB566 in 2021 with a transfer of \$15 million from the General Fund with additional funding in the mid-biennium adjustment with \$100 million of the American Rescue Plan Act dollars. The act funds qualifying nonprofits with intent to distribute grants evenly across the three congressional districts of Nebraska. Youth Outdoor Education Fund, Perkins Canal. Ooh. OK. This is another one I'm interested in, Perkins Canal County Project. I think some of my colleagues went on a field trip over the long recess weekend to Perkins Canal Project. In January of 2022, former Governor Pete Ricketts included in the Governor's mid-biennium budget recommendation, the Perkins County Canal Project, a total of \$503 million. I want to be like Dr. Evil, \$503 million funded by the American Rescue Plan Act and Cash Reserve Fund transfers. I don't recall. I thought that that couldn't be funded by ARPA funds. That's another question. But that's what we did in 2023. Just making myself a note, ARPA for Perkins, not the restaurant, but the canal. I don't think the canal makes pies. OK. So. OK. The Legislature's mid-biennium budget adjustment approved a transfer of \$53,500,000 from the Cash Reserve Fund to the Perkins Canal Project Fund with direction to

contract for an independent study. I believe we have done that because we had a presentation on some of that information at Legislative Council. Full disclosure, didn't understand it. And, you know, you can't dig in on every single topic. This is one of the things where, again, phone a friend, lean on somebody, not my area of expertise. So I look to colleagues whose opinions I trust and who I know are more well versed in the topic than I am. When it comes to the Perkins canal, I do try to do my due diligence as much as possible, but it's just not my strength. OK. For their FY '23-24 budget request, the Department of Natural Resources initially requested \$449,500,000 from the Cash Reserve Fund for the project, with the request amended by the Governor's budget request to be \$574,500,000 to fund the construction of a 1,000 cubic feet, feet second, cfs, canal, as opposed to the initial proposal of a 500 cfs canal. The Perkins County Canal-- oh, that was-- this is my last time, OK, and my close. The Perkins County Canal is a provision within the Interstate Compact agreed by the states of Nebraska and--

ARCH: One minute.

M. CAVANAUGH: --Colorado. Thank you. [RECORDER MALFUNCTION]. --Congress in 1923. So 100 years ago. The Perkins County Canal, as outlined in the compact, would have a 12-17-1921 priority date and may divert up to 500 cfs of water that is present in the lower section of the South Platte River during the nonirrigation season and may divert all flows that would otherwise cross the Nebraska-- the Colorado/Nebraska state line in excess of 120 cfs right during the irrigation season. The Appropriations Committee includes a transfer from the Cash Reserve Fund of \$574,500,000 and increases the appropriations from the Perkins Canal County Project from \$53,500,000 to \$62,000,800 annually.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. As a result of the new and prior transfer, fund balance will be approximately \$630 million. Now, that is interesting because that is 25 plus 30, \$55 million more? But maybe that takes into account the \$53 million. Well, another question. This is why I like to read these things and I like to read them very thoroughly as you maybe can tell. OK, Critical Infrastructure Fund,

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Public Safety Fund, Accounting Division Revolving Funds, a Health and Human Services Cash Fund. OK. HHS Services Cash Fund: The committee included a transfer from the Cash Reserve Fund to the Health and Human Services Cash Fund for three specific purposes: 60, 60, sorry, \$6.5 million to supplement the \$5 million in fee revenue available for the Public Health Vital Records Modernization Project; \$4 million for the Public Health Data Nexus Project; \$820,000 for the Public Health Parkinson's Registry. OK, so that's the Health-- the HHS Cash Fund. Risk Loss Trust, Public Safety Communication System Revolving Fund, Materiel Division Revolving Fund, State Building Revolving Fund, Universal Service Fund. Now, here's one that I had already marked with a question. I am just "telepathing" all of my questions that I'm going to have tomorrow. OK. The Universal Service Fund, this is on page 7 of the budget and the Universal Service Funds. It says: To replenish the balance of the Cash Reserve Fund, the committee included a transfer from the Nebraska Telecommunications Universal Service Fund of previously accrued and unspent earnings. The transfer amount is \$40 million in FY '23-24. My first question that I wrote down is this typically done? Do we typically transfer the Universal Service Fund money to the General Fund? And if it isn't typically done, why are we doing it this year? And if it is typically done, why do we do that? Because the Universal Service Fund should be used for greater investment in telecommunications and broadband, etcetera, across the state. So if we have an excess of \$40 million, just why aren't we utilizing it for what it should be utilized for? Also, the USF is funded, the Universal Service Fund is funded through fees. So if we have an excess of fees of \$40 million, we should probably be reassessing the fees that we are charging to those who pay the USF. Again, this is one of those things where we have so many fees on so many things and they do start to add up. So if we have \$40 million of excess in the USF, should we not be evaluating if we should reduce what we charge for USF? Perhaps instead of shifting that financial burden to the General Fund, we should be reevaluating the fee itself that we charge. It kind of creates not a very clear and, and, and transparent picture of how we are--

ARCH: One minute.

M. CAVANAUGH: --funding government. Thank you, Mr. President. If we are funding government by taking money from one fund that is essentially a fee for service fund that has excess funds, if we are taking that fee for service excess fund and putting it towards the General Funds, that is totally unrelated, we aren't having a clear picture. When we talk about our, our cash receipts, our revenue, this is not revenue. The Universal Service Fund should not be treated as

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revenue. It should be returned to those who are paying the fee. But what do I know? OK, so next is the Governor's Emergency Cash Fund. I'm actually going to read this: The committee also included the Governor's recommendation to transfer back the remaining unspent funds in the Governor's Emergency Cash Fund, \$83 million in funds were originally--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you. Call of the house.

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

CLERK: 8 ayes, 4 nays, Mr. President, to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Day, please return to the Chamber. The house is under call. All unexcused members are now present. The question before the body is the adoption of FA81. All those in favor vote aye; all those opposed nay. Mr. Clerk.

CLERK: 1 aye, 32 nays, Mr. President, on, on FA81.

ARCH: FA81 fails. I raise the call. Mr. Clerk, next item.

CLERK: Mr. President, some items quickly, amendment to be printed from Senator Vargas to LB705 and Senator Wayne to LB814. Concerning LB705, Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote on FA81 with motion 1000.

ARCH: Senator Cavanaugh, you're welcome to open on your motion to reconsider.

M. CAVANAUGH: Thank you, Mr. President. OK, so I was just taking a minute to catch up on my tabbing of things. So I've got here, I've got the, the, the green, the Martian green report, and then I have the book with the agencies and their programs, and then I also have the underlying white copy amendment to LB814. I'm sure there are things that I am forgetting, but what I was just doing while I was waiting on the vote was writing down on some tabs the different program numbers. Because if you go to page 26 of the Martian green report, we have the federal Medicaid match rate starting October 1, 2023. FY-- FFY '24,

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the federal medical assistance percentage, or known as FMAP, is increasing from 58.87 percent to 58.60 percent and decreasing to 58.44 percent on October 1, 2024. The initial increase allows for a reduction-- yeah, I'm going to take issue here with the statement that I'm about to read. The initial increase allows for a reduction in General Fund appropriations of \$20,135,114 in FY 2023 and \$24,000,029-- 646 in FY '24-25. The increase in federal programs from federal-- in federal funds from Program 424 moved to Program 348. The impact of this change is spread across programs, including two operation programs, 33 and 421. But the impact is largely in aid programs. The additional 6.2 percent FMAP enhancement associated with the COVID-19 public health emergency is being phased out and will fully expire on January 1, 2024. The first calendar quarter of 2023, the enhanced FMAP will remain at 6.2 percent. Then, starting in April 1, 2023, the enhanced FMAP will drop to 5 percent; July 1, 2023-- starting July 20-- July 1, 2023, the beginning of SFY '24 the enhancement will drop to 2.5 percent. Then, starting October 1, 2023, through the end of the calendar year 2023, the enhancement will be 1.5 percent. The intent of the enhancement was to offset the added costs states incurred during the public health emergency to keep Medicaid recipients enrolled regardless of any changes in eligibility. CMS allows states a total of 14 months to complete renewal and redetermination of eligibility for all Medicaid members. Nebraska DHHS has opted, let's be clear, has opted to begin the unwind on March 1, 2023, and will complete all Medicaid renewals over a 14-month period from March 1, 2023 to April 30, 2024. Yes, we opted to start the unwind at the earliest possible moment so that we can start kicking people off of healthcare. Yes, we did opt to do that. Provider rates: The committee proposal includes provider rates increase of 3 percent in FY '24 and 2 percent in FY '25 for child welfare, Medicaid, behavioral health, and developmental disabilities in DHHS, as well as child welfare and medical services and probation programs within the Supreme Court. These rate increases were not included in the agency request for the Governor's recommendation. There are no other adjustments or increases in eligibility utilization or other rate increases. Historically, Medicaid rates have increased 2 percent each year for the past two biennium. In Program 38, Behavioral Health Aid, and Program 424, Developmental Disability Aid, the amount of the increase in General Funds and federal funds for Program 38 was offset by a base reduction of an identical amount. The total cost of the rate increase by program, the total amount related to the base reductions in these two programs are shown in table 17. Table 17 is on page 27. Let's take a look. OK, so programs-- Behavioral Health is Program 38 and Program 424 is the Developmental Disability Aid. So table 17,

where are those programs, they're at the bottom. Base reductions, General Fund, federal fund. I'll have to come back to this. I think I need to dig into this a little bit more before I talk about it on the microphone. OK. But on page 27, after the chart, after the table, we have behavioral health aid in addition to the FMAP decreases and provider rates amount-- provider rates amounts described above the proposed budget includes funding for the 988 call center. Beginning in July of 2022, nationwide use of a three-digit code for persons to access behavioral health assistance and referral included-- including for suicide ideation and other behavioral health emergency care began operation. DHHS worked with Boys Town to fund the first year of the statewide call center using carryover funds and a one-time federal grant. This request will establish ongoing funding for the operations of the call center. It is estimated that 32,500 inbound and outbound chats and texts can be answered annually with the statewide 988 call center. The General Fund impact is \$4 million in FY 2024 and \$4,877,000 in FY 2025. Developmental disability aid: In addition to the FMAP decreases and provider rate amounts described above, the proposed budget includes several additional items. The Division of Developmental Disabilities administers the Medicaid Home and Community-Based Services or HCBS waivers. State statute 83-1216 specifies funding priorities for these services. The fourth funding priority is, quote, for serving persons transitioning from the education system upon attaining 21 years of age to maintain skills and receive day services necessary to pursue economic self-sufficiency, end quote. The division anticipates 158 graduates in FY '23, 143 graduates in FY-- SFY '24; 144 graduates an SFY '25; and, therefore, uses 148 as the average for this request. The General Fund impact is \$1,000,800-- or not 800-- \$1,088,958 in FY '24, \$2,177,916 in FY '25. There are corresponding federal funds in Program 348 for the Medicaid component of these waivers. The Division of Developmental Disabilities administers the Medicaid Home and Community-Based program [SIC], HCBS, waivers. State statute specifies funding priorities for these services. The average cost per--

ARCH: One minute.

M. CAVANAUGH: --person-- thank you, Mr. President-- the average cost per person for DD waiver for priority one is \$93,092.16 per person. The division anticipates approximately 40 individuals in this category based on historic data from FY '21. The General Fund impact is \$1,568,789 in FY '24 and \$3,137,578 in FY '25. There are approximately 3,000 individuals on the waiting list/registry. OK, Fiscal, Fiscal Office registry, has been made very clear by Director Green that we are not to call it a waiting list, it is a registry. So I'm just, just

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letting everybody know on page 28, it is not a waiting list, it is a developmental disabilities registry.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're next in the queue.

M. CAVANAUGH: Thank you. There are approximately 3,000 individuals on the registry for Home and Community-Based Services for the developmentally disabled. Sorry, I'm just going to take a sip of water. OK. The average annual cost of serving an individual with the DD comprehensive waiver who entered services via the waiting list-- registry, registry-- just going to edit that-- via the registry is about \$47,551.81. This estimate is based on the average cost for the DD comp waiver in FY '21 for individuals who started the waitlist in FY 2019. Additionally, DDD will need ten service coordinators, that's the Department of Developmental Disabilities, ten Service coordinators, one supervisor for each FY in order to assimilate this change. The expected General Fund cost to fund these waivers and personnel to serve those on the waiting list is \$5,008,395 in FY '24, \$10,016,790 in FY '25. No additional appropriations were included in the DD waitlist registry, just registry, DD registry. There is adequate funding within the program to accomplish this need. Oh, well, is there? All right. We'll dig in on that comment another time. Medicaid, in addition to the FMAP, which is the-- want to say it correctly-- the federal medical assistance percentage, in addition to the FMAP decreases and the provider rate increases for medical services described above, several other items related to Medicaid are included in the budget proposal. Medicare Part D drug costs are projected to increase by 5.08 percent in CFY '23. Medicare pays for the cost of the drugs for individuals who are dual eligible, eligible for both Medicare and Medicaid. The federal government claws back the amount Medicare covers based on a formula of what the state share otherwise would have saved without Part D Medicare coverage. The state is required to pay the formula determined amount. The committee approved this item in the amount of \$3,143,162 General Funds in FY '24 and \$3,300,320 in FY '25. As a result of the determination dated on 4-7-22, Medicaid is required to pay for this covered outpatient drug, a treatment for Alzheimer's disease, as well as required lab testing and routine MRI and PET scans. Aduhelm will be part of the drug rebate program. The committee approved an increased federal fund appropriation FY '24, \$9,687,131 and a total appropriation of \$16,421,836. In parentheses, it says \$6,843,809 in General Funds and

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\$9,578,027 in federal funds in FY '25. Public assistance: The committee-- OK-- the committee approved a reduction of \$3 million--

ARCH: One minute.

M. CAVANAUGH: --the committee approved a reduction of \$3,137,551 in General Funds and \$348,617 in federal funds in Program 347 in 2024 and 2025 to offset funding in Program 38 administration to replace 3,500 computers over the biennium. Based on recent trends in utilization, Program 347 program assistance, which has a surplus of appropriated funds, this decrease results in net zero impact on the budget of the IT hardware refresh issue. OK, so Program 347, let's take a look. Well, we might not have time to take a look on this round, but we're going to--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: Senators, the Legislature will now stand at ease until 6 p.m.

[EASE]

KELLY: It's 6:00. We're ready to resume. Senator Machaela Cavanaugh, you're recognized to speak. And this is your last time before your close.

M. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. OK. So I was looking at the budget and I was on page 28 of the Martian green budget report or-- sort of serving as our committee statement. And then under the public assistance piece of it, it says that to offset funding in program 33 administration, to replace 3,500 computers over the biennium. So federal funds from program 347. So I wanted to look and see what program 347 was. That's public assistance/aid. OK. So looking at the Legislative Fiscal Office Directory of State Agency Programs and Funds, from 2022, on page 269 is Program 347: Public Assistance/Aid. Child Welfare related programs-- purpose: child welfare-related programs were moved to a separate budget-- I-- program 354, beginning in FY 13. The following programs are included in program 347. OK. So child welfare is program 354. Great. SNAP. OK. Supplemental Nutrition Assistance Program, SNAP Employment and Training, Aid to the Aged, Blind and Disabled, AABD, TANF, Temporary Assistance for Needy Families, Community Services Block Grant, Child Care Subsidy, Emergency Assistance, Low-Income Home Energy Assistance Program or LIHEAP, Medically Handicapped Children's Program, MHCP, Disabled Persons and Family Support Program, Social

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Services Block Grant, Refugee Assistance Program-- or provides-- Nebraska Homeless Program-- Assistance Program, Nebraska Lifespan Respite Service Program, State Disability Program, Medical and Maintenance. OK. So, it has just the funds from those programs, up to '21-22, on page 270. So going back to this, the committee approved a reduction in general funds and federal funds from program 347 to offset funding in program 33, administration. So let's go to program 33. Program 33 is central office/operations. OK. Well, I know we'll have time to talk about this tomorrow. So I'm just going to start the conversation by saying, why? Why, Appropriations Committee, did you decide to take the offset for funds for public assistance to cover administrative office costs for DHHS, when those clearly should be general funds?

KELLY: One minute.

M. CAVANAUGH: That's going to be a question I'm going to be looking to have answered tomorrow when we debate the budget. What is the reasoning? Why are we continuing to pilfer public assistance? Meanwhile, we're going to do all these other projects that cost millions of dollars, but we have to fight for any public assistance. We're going to build a prison to house the people that we refuse to feed, to house the people that we refuse to house, to house the people that we refuse to give heat to. We're going to allocate millions and millions of dollars to build a prison. To do that, meanwhile, we're going to pilfer the funds that would support those people to pay for computers, when we should be using general funds. We should be using general funds for the administration of DHHS.

KELLY: That's your time, Senator. You are recognized to close, Senator Cavanaugh.

M. CAVANAUGH: Thank you, Mr. President. So this is on page 28 of the Martian green appropriations, underlying bill explanation and cross-referencing it with page 261 in the programs book and 269-270, where we are shifting, shifting funds away from public assistance and shifting funds to the Central Office/Operations Fund. I look forward to members of the committee tomorrow-- the Appropriations Committee tomorrow, standing up and talking about this as a moral document. The budget is a moral document. And I am concerned. I am deeply, deeply concerned about what it says about our morals, where we are willing to put money into all kinds of projects, for-profit projects, business projects, tax incentives, tax cuts, while also pilfering public assistance, continuing to intergenerational lies poverty, the systems of poverty that we create, the systems of poverty that we perpetuate.

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I look forward to the conversation from members of the Appropriations Committee tomorrow, telling me how this is a moral document. This is not my morals. My morals are not building a prison. My morals are not incarceration over public assistance. My morals aren't shifting the funds, pilfering the things that are intended for the lowest-income individuals in our state, so that we can offset our general fund balance, so that we can spend more of the taxpayers dollars on our whimsical projects. I have seen very little from this body that shows morals when it comes to how we spend taxpayers' dollars. Before we broke for dinner, I was talking about the Universal Service Fund and how we're shifting-- how we're taking \$40 million of unspent money from that fund and putting it to the general fund, instead of cutting the fees, the fees that would impact people's lives. We're shifting. We're shifting funds away from public assistance. We're shifting funds away from fees for service. We're shifting, shifting, shifting and when you're shifting, it gets pretty shifty. I don't have a lot of time to read this budget. We got it today. We're debating it tomorrow. And I have not even gotten past page 28. And I'm already disappointed. I am already disappointed. I'm disappointed in what appears to be the logic. The disbursement: making sure that there's money on the floor for people's projects and not for people. I'm disappointed. And I'm sure, as I dig into this further and I cross-reference between the programs and where money is being shifted, because we have excess of this and excess of that and what we're shifting it away from, so that we have money for projects for prisons, I'm sure I'm going to continue to be disappointed. How much time do I have left?

KELLY: 1:08.

M. CAVANAUGH: Thank you, Mr. President. Call of the house.

KELLY: There is-- thank you, Senator Cavanaugh. There has been a request to place the house under call. The question is, shall the house go under call. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 11 ayes, 4 nays to go under call, Mr. President.

KELLY: The House is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Walz, Clements, Bostelman, McDonnell, Ibach, Hunt and Brandt, please return to the Chamber and record your presence. The house is under call. Senator Brandt, please return to the Chamber and record your presence. The

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house is under call. All unexcused senators are present. The question is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 4 ayes, 34 nays, Mr. President, on the motion to reconsider.

KELLY: The motion fails. Mr. Clerk, for items. I raise the call.

ASSISTANT CLERK: Mr. President, Senator Machaela Cavanaugh would move to strike Section 13 of LB705.

KELLY: Senator Machaela Cavanaugh, you're recognized to open on your motion-- on your amendment.

M. CAVANAUGH: Thank you, Mr. President. I think I heard the Clerk say this is to strike Section 13. I picked that number because I thought, well, that's an unlucky number. I'll, I'll be superstitious today. So we should just arbitrarily strike Section 13. So that's what FA82 is about, striking Section 13, because I'm being superstitious. All right. So I was just talking about the delightful way that we are being completely irresponsible with taxpayer dollars and fees for service in our budget, by shifting, so that we can make room to pay for the fun, frivolous things that people in the body want to see enacted. Meanwhile, we are going to force the lowest-income people in the state to fight for everything that we give them. So, yeah. OK. But back to reading the budget. I jumped ahead. So I jumped to the state aid to individuals. But I had been, back before we adjourned, I was going through the cash funds. OK. I got through the HHS-- oh, the Governor's emergency cash fund. I think that's where I left off. OK. I am going to revisit this because I did have some things to say about the Governor's emergency cash fund and a little historical context on it. So the committee also included the Governor's recommendation to transfer back the remaining unspent funds in the Governor's emergency cash fund. 83 million in funds were originally transferred from the reserve cash fund to the Governor's emergency cash fund in 2020 for COVID-19 relief, prior to the receipt of federal funds for such purpose. After federal aid was received, \$60 million was transferred back to the cash reserve fund. Remaining obligations have been met and the \$2 million transferred back to the cash reserve fund is included in the committee's proposal. OK, so fun little history here. In 2020-- in March of 2020, when the Legislature took what I call a hiatus from the season, we went on hiatus. We didn't adjourn. We adjourned until the next bell. That was how we got around-- because normally, when we-- it's like, we'll adjourn until 9 a.m. on May 2. But when we

adjourned in March of 2020, we adjourned until the next bell, because we did not know when we would be back. But we needed to come back because we had important things to finish. So prior to adjourning, however, we authorized-- was it \$86 million, \$86 million, something along those lines. I read it-- just read it a second ago-- \$83 million. We authorized that to go into the Governor's emergency cash fund so that the Governor had funds available, while the Legislature was not in session, to use for emergency purposes. So then, over the summer months, the federal government gave out emergency funds not only to individuals but also to states. And hence, our obligations have been met. So that's what the Governor's emergency cash fund is for. But actually, the emergency Governor-- the Governor's emergency cash fund, I believe, was not created in 2020. I think it's a cash fund that exists that we have the opportunity to put funds into whenever we deem it necessary. So just if you're looking at the cash funds, that's the last one listed. It's on page 7. OK. Next is the Cash Reserve Fund historical balances. I'm going to skip that. General Fund revenues, that's page 9. Now, this is interesting. I'm going to be looking forward to reading this because I've been looking at some of the different projections. And just looking at numbers, for me, sometimes is not enough. Sometimes, I need to read. That's one-- another thing I love about the committee report every year, is that it is both visual aids and text. And so, I can look at both charts and read information and I like to learn both ways. And I learn best when I have both available. So FY 2021-22, actual receipts were \$1.469 billion above certified forecast. That is a lot above the forecast. Of this \$1.469 billion above certified forecast-- cast amount, \$1.288 billion is transferred to the Cash Reserve Fund, while the other \$181.4 million is retained in the General Fund. Section 77-4602 as amended provides that the amount to be transferred to the Cash Reserve Fund is the actual-- is the amount actual receipts exceed the certified forecasts less receipts and above a 3.5 percent growth over the prior year's revenues. That, I'm sure, makes sense to someone. I'd have to write that math problem out to make it make sense to me. But I trust that we did the math correctly. OK. Originally under 11-- LB1107, this amount would have been added to the income tax credit. But LB873, in 2022, fixed those credit amounts for 2022 and 2023, so now the difference is simply retained in the General Fund. FY 2022-23 rate and base adjusted revenue growth was 18.7 percent. The FY '22-23 forecast was certified in July and other than adjustments for legislation enacted in the '22 session remained unchanged, because the NEFAB was not scheduled to meet until October, 2022. I think that's the Nebraska fore-- Fiscal Analyst Board? I don't know what it stands for, FAB. I think it's the forecasting board. At the October 28, 2022

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meeting, the NEFAB increased their forecasts for 2022-23 by \$620.6 million. The NEFAB also sent the forecast for the first time for FY '23-24 and '24-25. The forecasts exceeded the LFO, that's the Legislative Fiscal Office, preliminary estimates by \$809.5 million, '23-24 and \$1.059 billion '24-25, for a year total of \$1.868 billion. These forecasts yield a projected adjusted revenue growth of 2.5 percent in FY '23-24 and 3.3 percent in '24-25, an average growth of 2.9 percent. While this two-year growth is below the historical average, 23-- '22-23 growth of 5.1 percent brings the three-year average growth to 3.6 percent. The NEFAB reaffirmed the forecast estimates for all three fiscal years at the February 2023 meeting. In NEFAB-- the NEFAB will meet again on April 26 to revise the forecast. And they did meet again to revise the forecasts. Any changes made to the revenue forecast at the April meeting are not reflected in the general fund status of this report. Hence, remember what I talked about, the paper-clipped piece of paper. OK. So let's go revisit our-- let's see-- where are the general fund-- where, where am I looking for the cash receipts. I will have to come back to that later, because I can't quickly figure out what I'm looking for, at this moment in time. So I'll come back to that. Don't worry. I'm sure you were worried. OK. So-- sorry. Lost my place. Revenue forecast. OK. So then, on the bot-- next, on page 10 is table 4--

KELLY: One minute.

M. CAVANAUGH: --thank you-- General Fund revenue. OK, so the general fund revenue. This is FY '23-- '22-23, '23-24, '24-25. You can look at that yourselves. Pretty self-explanatory. Then there's the general fund revenue growth, adjusted for tax rates and base changes. This is since 1981. OK. We have a spike in 2022. And it starts going up in 2021 and peaks in 2022 and goes down in 2023 and is projected to go, go down in 2024 and start to go back up, but not all the way back up to where it is in 2022. So, there we go. OK. Estimated financial status following--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: You're next in the queue.

M. CAVANAUGH: Thank you. Estimated financial status following biennium. For planning purposes, an estimated financial status is constructed for the biennium following the two-year biennium budget currently being considered. This allows the Legislature to see the

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future implications of budget actions being considered. Following biennium FY '26 and FY '27 pursuant to Legislative Rule 8, Section 7, the Appropriations Committee and Revenue Committee met on April 20 and voted to approve 3 percent unadjusted revenue growth in each year of FY '26 and FY '27 biennium and 2 percent budget growth in each year of FY '26 and FY '27 biennium. OK. General Funds transferred out. This area tabulates funds that are transferred from the General Fund to another fund within the State Treasury. These items have the same effect as an appropriation, in that they reduce available funds but are not expended as such and thus, are shown under the revenue category. OK. So these items have the same effect as an appropriation. They reduce the general funds. OK. So we've got the Property Tax Credit Fund, we've got the Water Resource Cash Fund, the Cultural Preservation Endowment Fund, the Water Sustainability Fund, the Nebraska Revolve--Revolving Loan Fund, Hall of Fame Trust Fund, Public Advocacy Cash Fund, Municipal Inland Port Authority Act, Shovel-Ready Capital Recovery/Investment Act, Water Recreation Enhancement or STAR WARS. Yes, you saw that correctly. I did Roll my eyes-- STAR WARS, NCCF, fund shifts, fund shifts and new projects, Jobs and Economic Development Initiative, also STAR WARS, Governor's Emergency Fund for Peru Levy, LB1102, Nebraska Environmental Response Act, Community College State Dependents Fund, Economic Recovery Act, Education Future Fund, DEE LEAD or LEAD Cash Fund, DEE LEAD. I'm going to sink-- Department of Economic Development LEAD Cash Fund or LEAD Cash Fund. I don't know-- Workers' Compensation Court Cash-- all of that totals, in the current year, \$517,853,459. And in the next biennium, it is, in the first year, it is \$1,399,760,000. And-- yeah. One billion of that is the Education Future Fund. OK. All righty. Property Tax Credit Cash Fund. I'm going to skip over that for now. Can come back to that later, because that's page 12 if you're interested. Page 13 is the Nebraska Cultural Preservation Endowment Fund, Water Sustainability Fund, Hall of Fame Trust Fund, Education Future Fund-- let's read about that, shall we? The committee included the provision of LB681, which creates the Education Future Fund and transfers \$1 billion to the Nebraska Department of Economics-- of Education, not economics. Sorry. Oh, shoot. And I put my binder all the way over there. Because, I believe LB681--

KELLY: One minute.

M. CAVANAUGH: --might have been in the-- might be in this bill, LB705. The Education Future Fund will prioritize the following: to fully fund equalization aid under the tax-- the TEEOSA; to fund special education supplemental aid under TEEOSA; that's a, that's a little bit different than how we currently do it-- to fund foundation aid under TEEOSA; to

increase funding for school districts in a way that results in direct property tax relief, which means a dollar-for-dollar replacement of property tax-- taxes by a state, by a state funding source. Well, that is actually what we should do. Great-- to provide funding for a grant program created by the Legislature to address teacher turnover rates and keep existing teachers in classrooms; to provide funding to increase career and technical education or CTE classroom opportunities for students. The funding must provide students with the academic and technical skills, knowledge and training necessary to succeed.

KELLY: That's your time--

M. CAVANAUGH: Thank you.

KELLY: --Senator. You're next in the queue. And that's your last time before your close.

M. CAVANAUGH: Thank you. It is getting a bit warm in here. I apologize, but I am going to take my jacket off because it is warm. OK. So also, I love this dress has pockets. Whoever came up with dresses, not having pockets was not a very wise person. Dresses should have pockets just like pants. And all pants should have pockets. OK. Anyways, that's just non-sequitur. OK. To provide funding to increase career and technical education, CTE classroom opportunities for students. The funding must provide students with the academic and technical skills, knowledge and training necessary to succeed in future careers and to provide funding to provide students the opportunity to have a mentor who will continuously engage with the student directly, to aid in the student's professional growth and give ongoing support and encouragement to the student. OK. Again, this is one of those words. Is it Lead Cash Fund or Lead Cash Fund? It's L-e-a-d. I genuinely don't know. Maybe there'll be some context clues in this text. The Appropriations Committee approved a transfer of \$10 million for the General Fund to the Lead/Lead Cash Fund and commiserate appropriation of cash funds for FY '23-24. Funds are to be used for-- it's lead. Funds are to be used for lead service line replacement, pursuant to the provisions of LB613. I kind of was leaning towards it was lead, but I was like, it could be some sort of leadership cash fund. I don't know. It's lead-- the Lead Cash Fund. Makes sense. We need to replace lead service lines. OK. Public Advocacy Cash Fund, let's read that one. The Public Advocacy, Advocacy Commission was created in 1995 to provide indigent, indigent defense services. Such services include providing effective representation to indigent defendants in first degree murder cases, other service-- serious violent felony cases and certain felony drug cases. The

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Commission on Public Advocacy has historically been a cash funded agency that generates revenue from the indigent defense fee of \$3. The revenue from the court cases filed have decreased over several years, to the point that funding its operations expenses was increasingly difficult. The fee was not increased for many years. The Appropriations Committee transferred funds from the General Fund to the Public Advocacy Cash Fund in the previous biennium, in the amount of \$520,000 per fiscal year. The committee included a transfer from the General Fund in the budget proposal for '23-24, '24-25, as well, in the amount of \$1 million per year. There we go. Workers' Compensation Court Cash Fund, Economic Recovery Act, Community College State Dependents Fund, Municipal Inland Port Authority and then, General Fund transfer in. Cash funds are funds which contain earmarked revenue sources and moneys in those funds can only be used for the purposes authorized by statute. In many instances, since 2009 special session, an authorized use of moneys in a cash fund is transferred to the General Fund at the discretion of the Legislature. For accounting purposes, these are shown as transfer in and are included in the General Fund revenues. Historically, there have been transfers from three main sources: Security Act Cash Fund, Tobacco Products Administration Cash Fund, and the Department of Insurance Cash Fund. The Appropriations Committee proposed budget includes transfers in of \$39.3 million each year. There we go. General Fund appropriations.

KELLY: One minute.

M. CAVANAUGH: Thank you. OK. This is page 17. Table 9 contains a summary of-- this is-- I have a closing, right? This is not my closing. Yep. OK. Table 9 contains a summary of the Appropriation Committee's proposed General Fund budget for FY '23-24 and '24-25. Subsequent sections of this report contain a more detailed explanation of the various increases and reductions, which are included in the totals shown below. The numbers in the committee proposed budget are the net result of all of the individual issues which reflect both increases to and reductions from the current year appropriation. The average spending growth for two years of the biennium is 2.3 percent. OK. So this is the committee-proposed General Fund budget. All right, colleagues. Page--

KELLY: That's your time, Senator. And you're recognized to close.

M. CAVANAUGH: Thank you. I think you can hear my ice on the microphone. I apologize. OK. Page 17, colleagues, is the committee proposed General Fund budget. So if you want to skip the first 17 pages, you can go straight to the meat and potatoes on page 17, where

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you have, without deficits, '23-24 and then, committee to the floor. And that is to the floor in '23-24 and '24-25. So I think that it's our-- like, current-- we're currently operating under and then the, and then the new budget for the biennium. And then, changes versus prior year, '23 without deficits, changes without deficits, two-year average percent total. OK. So we've got, we've got the University, state colleges. It looks like a 2-- a 3.8 percent increase. HHS, 10.3 percent increase over the two years. Correctional Services, 10.4 percent; Courts, 5.5 percent; State Patrol 11.2 percent; Retirement Board, 4.5 percent; Revenue, 4.2 percent; 39 other agencies, 10.4 percent. Total general funds, an average of-- wait. Sorry. I was reading the wrong numbers at that last one-- 7.6 percent for the 39 other agencies. The total general fund operations average increase is 6.8 percent over the biennium. State aid to individuals and others. OK. Medicaid, 1.4 percent, Child welfare aid, 4.9 percent, DD Aid, 6.4 percent, with a total of 3.7 percent. Wait a second. Why-- I see. OK. Public assistance, anybody want to take a guess on this one? Yep. Yep. It's negative. It's negative. You know why? Because we're taking money from public assistance to pay for operations of DHHS, that has an increase over the biennium of 10.4 percent-- 10.3 percent. I apologize. Part of that 10.3 percent comes out of the public assistance, which has a negative funding amount of -1.8 percent. Behavioral health aide, 7.2 percent, CHIP, 0.5 percent, Broadband Bridge Act, 0.0 percent, Aging Programs, 0 percent, Community Health Centers, 0 percent, Nebraska Career Scholarships, 20 percent, 20 percent, higher ed student aid programs, 2.7 percent, public health aid, 6.3 percent, Rural Projects Act, 0 percent, all other aid to individuals, -13.3 percent. All other aid to individuals. Cool. Moral document. Just remember that, when we have that moral document conversation tomorrow. All other aid to individuals is -13.3 percent funding. We are decreasing it by 13.3 percent over the biennium. State aid to schools, TEEOSA, -5.7 percent, property tax credit, it has a bunch of--

KELLY: One minute.

M. CAVANAUGH: --dashes. Thank you. Is this my closing?

KELLY: This is your close.

M. CAVANAUGH: Thank you. State aid-- aid to community colleges, 1.9 percent, Homestead Exemption, 4.9 percent, aid to ESUs, 0 percent, aid to counties programs, -100 percent. We gave them \$2 million and we're not giving them any. So that's why that is. I don't-- that might-- me I don't know what that program is. High-ability learner programs, 0

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percent, early childhood programs, 0 percent, community-based juvenile services, 0 percent, Governor's emergency program, 0 percent, all other aid to local government, 0 percent, total aid to local government, -3.3 percent. Capital construction. OK. Agency--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you. Call of the house.

KELLY: 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: 8 ayes, 5 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are now present. The question is the adoption of FA82. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 2 ayes, 34 nays, Mr. President, on the adoption of FA82.

KELLY: The amendment is not adopted. I raise the call. Mr. Clerk, for the next item.

CLERK: Mr. President, quickly, additional item. Senator Wayne, amendment to be printed from-- to LB754. Concerning LB705, Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote on FA82.

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

M. CAVANAUGH: Thank you, Mr. President. So, FA82 was my motion to strike Section 13 because I was being superstitious, but I actually didn't look at what Section 13 was. So now, I'm going to look to see if perhaps, we want to strike Section 13. Let's see here. Career Readiness and Dual Credit Education Grant program. Yeah, no. I don't think we want to strike that. I can't remember whose bill that-- was that Senator McDonnell's bill? Well, who, regardless, whoever's bill it was, I was just being superstitious. No intention to strike your bill from the bill. All right. So I was on the budget, the Martian green budget, page 18. I had just finished going over the General Fund appropriations. Now we are on the agency operations. I don't know if

people are enjoying listening. Like, maybe you were planning to read this tonight at home and now you don't have to. But you're also getting this editorialized version of reading the budget because you're getting, like me, reading it to myself and asking my own questions out loud and sometimes, getting indignant-- most of the time getting indignant, very frustrated. Because when I think of a moral document, I think that it should be morally responsible to first serve those who are most vulnerable. And that includes not only children, but our low-income individuals, because they are vulnerable because they are in poverty. So we should be working to serve them with our moral document. And I am not seeing a great deal of service in this budget, so far. OK. Agency operations. This area accounts for the cost of operating state agencies, including costs of employees, employee salaries and benefits, data processing, utilities, vehicle and equipment purchases, etcetera. In the proposed budget, 39.9 percent of all General Fund appropriations are for agency operations. Although there are 49 state agencies that give-- that receive General Fund appropriations, higher education, the University of Nebraska and state colleges and six-- the six largest agencies, Health and Human Services, corrections, courts, State Patrol, Revenue and Retirement Board, account for 88 percent of state operations. General funds for agency operations show a net \$65.2 million increase, 9.1 percent, in FY '23-24 and \$106.9 million increase, 8 percent, in FY '24-25. Now, I'm just-- let's just hold on there, because that's not right. That's not true. General funds for agency operations, that's not accurate, because we are taking money from public assistance to fund operations that should be funded with general funds. So this is not an accurate picture. This is not an accurate picture. And one of the problems with not having an accurate picture is that when there are people here who weren't here for this shifting of funds and they all of a sudden think, holy smokes, the budgets for these state agencies have just skyrocketed in general fund utilization. No, they haven't. We actually just fudged the numbers. That's what's happening. So future Legislature, 2023 Legislature is fudging the numbers so it looks like the operations are increasing by less than they are increasing. But who cares about that? Transparency, good governance, good steward of taxpayer dollars, serving the people we're sent here to serve, the most vulnerable, etcetera, etcetera. Same old tune, right? Right. OK. So state aid to individuals and others-- oh, I can't wait to hear about this. Aid-- and this is on page 18. Aid to individuals/others includes programs, such as Medicaid, public assistance programs, child welfare services, student scholarships, where state funds are provided for the direct benefit of an individual. This area also includes aid to quasi-government units, which are those local agencies that do not

have the authority to levy property taxes. This would include such entities as areas-- area aging-- agencies on aging, mental health regions and developmental disability regions. The area has-- this area has a 2.4 percent increase in '23-24, \$40.4 million, and a 2.2 percent increase, \$79.6 million, in '24-25. There is a reduction of \$20.1 million in '23-24 and \$24 million in '24-25, due to an increase in federal medical assistance percentage or FMAP. However, the committee included a 3 percent increase and a 2 percent increase for provider rates for child welfare, Medicaid, behavioral health and developmental disabilities in DHHS, as well as child welfare and medical services and probation programs within the Supreme Court. This increase is partially offset by base reductions in behavioral health and developmental disability programs. Total general funds accounting for the offset for these increases in aid programs are \$25.7 million and \$43.3 million. State aid to local governments. Aid to local governments accounts for aid payments to local governments that have the authority to levy a property tax such as cities, counties, K-12 schools, community colleges, natural resource districts or NRDs and educational service units, ESUs. Aid to local governments increased by \$11 million or .0-- 0.7% in FY '23-24, but declined \$81 million, -5.3 percent, in '23-24. That, maybe, is an error. The primary reason for the reduction in aid-- yes-- in '24-25 is the reduction in TEEOSA aid as calculated under existing law, due to higher property valuations. Homestead exemption reimbursement rates increased by 5.5 percent in FY '23-24 and 4.4 percent in '24-25. The budget also provides for a 1.9 percent per year increase in funding for community colleges, about \$2.1 million each year. OK. That really-- 1.9 percent increase for community colleges is not even like a cost of living increase. So that's concerning, especially since community colleges are where our workforce is really being trained, primarily. They have a lot of the programs for the jobs-- the skilled jobs that we need individuals in as quickly as possible. So it is an interesting move to not invest more money in our community colleges. But I have noticed that there are several members of this body that do not care for community colleges. I have not quite gained an understanding as to why, but I have heard it numerous times. OK. Capital construction, not going to read about that. Historical general fund appropriations, not going to read about that. Significant general fund increases and reductions. This is on page 22. So let's just, let's just hammer this, this message home again. General Fund increases and decreases by category are shown in table 13. Some items that account for general funds are not listed here, as they are funded with a general fund transfer-out and are discussed in this section of the report. OK. So TEEOSA aid to schools--

KELLY: One minute.

M. CAVANAUGH: Thank you. Homestead exemption, community colleges, aid to counties, certain federal judgments-- so the TEEOSA, we'll start there. The TEEOSA is \$4,206,026 in '23-24 and a -\$114,000,000 in '24-25, for a total of a -\$109 million over the biennium. That seems kind of strange. Medicaid with expansion, public assistance, just a bunch of negative numbers. Child welfare aid-- let's see here. What else? Economic recovery, aid to the arts programs, also has an-- aid to the arts is decreased by \$15 million.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: And you are next in the queue.

M. CAVANAUGH: Thank you-- -\$15 million over the biennium. Be interested to know why we are taking away funding for the arts. Again, when we talk about overincarceration and things that we could be doing for those individuals that are incarcerated, art is essential and investment in art is essential. And having spaces around you that are, are beautiful, are pleasing, are artistic, are creative is important for cognitive development for everyone, but especially for young children. And decreasing investment in the arts, while it might be necessary in some times, is certainly not necessary in these times, when our budgets run overflow. But we're cutting \$15 million, so I look forward to hearing more about that. OK. Aid to local governments, state aid, K-12. I'm not going to dig in on that right now. OK. On page 26, I already started going over the federal Medicaid match rate. And then, page 27 talks about behavioral health aid and developmental disability aid. I already read through all of this-- Medicaid, child welfare, public assistance, community health aid. CASA, court appointed special advocates. The committee voted to increase funding designated for the Nebraska court appointed special advocates, previously appropriated \$500,000 in general funds annually, by 250 in general funds annually, to the total of \$750,000 in general funds annually. These funds are appropriated to the Foster Care Review Office and passed through to CASA. Nebraska career scholarships, the-- in the 2020 session, the Governor's budget recommendation included funding and distribution language for the Nebraska Career Scholarships Program through the University of Nebraska, state colleges and community colleges. The original purpose included intent language to increase funding through '23-24. The distribution language was codified in LB902 in 2022. That brings me to an issue about the

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budget. The budget is an appropriation that we do. Every two years, we do the big, the big budget and then we do updates to the budget in the, the shorter year. But you can't really codify things in statute through the budget. You can put intent language. If you want something to be funded in perpetuity, you need to put it-- you need to submit a bill that legislates that. And you can't do that through the budget quite so easily, which is why we have all the other committees that we have. So when this program was set up, it had to be codified in statute through LB902. Workforce Development, Department of Labor. Oh, I should probably-- I think we're about out of time, but I always like to err on the side of caution. If I stop talking, are we out of time? Oh. Should I stop talking? That was a great deal of restraint and not nodding your head. Thank you. All right. I yield my time to the Chair and waive closing, I guess or whatever. Go forth.

KELLY: Thank you, Senator Cavanaugh. Mr. Clerk, you have a motion on the desk.

CLERK: I do, Mr. President. Senator Murman would move to invoke cloture on LB705 pursuant to Rule 7, Section 10.

KELLY: Senator Murman, for what purpose do you rise?

MURMAN: Call of the house.

KELLY: 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: 23 ayes, 3 nays to place the house under call.

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

CLERK: 39 ayes, 0 nays to invoke cloture, Mr. President.

KELLY: The motion to invoke cloture is adopted. The next vote is on the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 3 ayes, 39 nays, Mr. President, on the motion to reconsider.

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KELLY: The motion fails. The next vote is to advance LB705 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays, Mr. President, on advancement of the bill.

KELLY: LB705 is advanced to E&R Initial. I raise the call, Mr. Clerk, for items.

CLERK: Mr. President, next bill on the agenda, LB9-- LB92A introduced by Senator Slama. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB92.

KELLY: Senator Slama, you're recognized to open.

SLAMA: Thank you, Mr. President. Many of you will probably remember LB92, which was the Banking, Commerce and Insurance Committee's Christmas tree bill that's been up in the last few weeks. This is just the A bill that goes along with that bill. We have an amendment coming up, to reflect some language that we were hoping to address in an amendment on Select File for LB92. We will be pulling LB92 back to Select File to address the amendment on LB92 and for the amendment that is forthcoming on LB92A, to resolve that fiscal note. So please bear with me as we handle this amendment and hopefully move forward on LB92A.

KELLY: Thank you, Senator Slama. Mr. Clerk, for some items.

CLERK: Mr. President, Senator Slama would move to amend LB92A with AM1549.

KELLY: Senator Slama, you're recognized open on your amendment.

SLAMA: Thank you, Mr. President. As I briefly touched on in my introduction for LB92A, this amendment reflects the cost assessment of Senator McDonnell's CHIPS bill. However, this was intended to be clarified and removed with an amendment that we were going to bring on Select File, on LB92. So before LB92 advances on to Final Reading, we will be pulling it back to Select File to remove this rather large fiscal note that's in the \$20 million range. So please, vote green on the amendment. We will be taking it back off. This is just to keep our language in line with the language of LB92 as it currently stands. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Mr. Clerk, for items.

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CLERK: Mr. President, a priority motion. Senator Machaela Cavanaugh would move to bracket the bill until June 1, 2023.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues. OK. So before I jump back to the budget, I wanted-- my curiosity was piqued. I like a good fiscal note. So the A bill here, AM1549: there is hereby appropriated \$9,977,290 from the General Fund for FY 2023-24 and \$23,751,410 from the General Fund for FY '24-25 to the Department of Economic Development for Program 604. OK-- to aid in carrying out the provision of LB92, One Hundred Eighth Legislature. This includes appropriation to this program-- apologize-- getting to that point. Total expenditures for permanent and temporary salaries and per diem funds for appropriated this section not exceed \$53,930, FY '23-24, \$74,790 for FY '24-25. Page 2, line 11, strike 515 and insert 781. OK. So it sounds like that's pretty much it. OK, So, back to the budget. All right. Just making some notes to myself. 70-- 706. OK. Wait. This isn't the budget. This is the programs book. What? How silly of me. OK. Now, just getting a jumpstart on tomorrow's conversation today. Why put off to tomorrow what you can do today? Read the budget. OK. So, on page 30 is where I left off: mentorship Program-Department of Economic Development, Nebraska Opportunity Grant, RHOP/PHEAST Scholarships-State Colleges. State Agency Operations-- oh, let's read about that. What? Starting with the court system, the proposed budget includes \$500,000 per year to allow any county to transfer the function of the clerk of the district court to the Administrative Office of the Courts and Probation. There are currently 10 counties that have entered into a contract. The proposed budget also includes funding for additional probation officers. The Supreme Court contracted with the University of Nebraska Law and Psychology program, on a workload study, which was a comprehensive examination of workload. Interesting, a workload study that studied workload. It oversaw the time it took probation officers to handle different cases. This study suggested that there is a need for 20 additional probation officers. The proposed budget includes funding for 10 additional officers in FY '23-24, an additional 10 officers in '24-25, for a total of 20 officers. The total costs are \$1,005,266 in FY '23-24, and \$2,065,231 in FY '24-25. LB761 is included in the recommendation to appropriate additional funds to the Office of the Public Guardian. The proposal includes an additional \$250,000 each year for such purpose. The committee included a 3 percent rate increase in '23-24 and a 2 percent rate increase in '24-25 for community corrections and juvenile services providers for medical and child welfare services. The total

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cost of this rate increase for the Supreme Court are \$2,494,773 in general funds and-- in FY '23-24 and \$4,207,850 in general funds in FY '24-25. The committee also included a base adjustment of \$3,590,367 in FY '24-25. Only the rate increase provided in FY '22-23 in LB1011, which was paid for using carryover funding for FY '22-23. OK. Department of Veterans-- the proposed budget includes an appropriation of \$4,000,477-- no, \$4,407,340-- 94 (\$4,407,394)-- wow. I am sorry to the transcribers. I am butchering numbers tonight. Um-hum. OK-- for FY '23-24 and \$9,691,664-- I'm going to skip this. I'm not that interested in reading about the Department of Veterans. Not because I don't care about the Department of Veterans, but I don't think that there's anything that I need to be concerned about there. Maybe there is, but somebody else can unearth that. DHHS Administration. Guess what? I'm concerned, so I am going to read this. OK. The proposed budget includes numerous increases for the Department of Health and Human Services related to administration costs. Some of these increases are offset by reductions in general funds in aid programs. Cool. The committee approved \$3,137,551 in general funds and \$348,617 in federal funds in FY '24-25 for computers. This funding will replace 3,500 computers over the biennium. This source of funding for this is a corresponding decrease in appropriations from Program 347-- yay-- public assistance-- yay-- which has a surplus of appropriated funds based on utilization trends. This transfer results in the request having a net zero effect on the overall budget. Awesome. Utilization trends of public assistance. You know why utilization trends are what they are? Because of the requirements that we have in statute for qualifying, that's why. Utilization would go up if we would keep pace with, you know, inflation, cost of living, the economy, etcetera, but we don't. So, cool beans. The committee has approved \$1,330,000 in general funds and \$570,000 in federal funds in FY '24 and FY '25, for facilitation of training for protection and safety net [SIC] in the Eastern Service Area as required by statute. This funding will ensure that staff, staff are well trained and equipped to handle the work by being aware of best practices based on the requirements set out in LB1173. Of the total \$1.9 million, staff certification would cost approximately \$200,000 per year, curriculum design \$200,000, and \$100,000 for increases to the existing training entity and renewal of--

KELLY: One minute.

M. CAVANAUGH: --thank you-- renewal of \$1.4 million contract with the provider, UNL Center on Children, Families and the Law, CCFL. And I just want to give a little shout out to the contract provider, CCFL, because when we were dealing, which we're still dealing with, but when

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we were really in the thick of the crisis with St. Francis ministries and the hemorrhaging of employees and the lack of training, CCFL did everything within their power, power and ability to train individuals that were coming into the workforce to do child welfare in the Eastern Service Area. And it was not an easy task. And we overloaded them. We overloaded them, even though--

KELLY: That's your time--

M. CAVANAUGH: --thank you.

KELLY: --Senator. And you are next in the queue.

M. CAVANAUGH: Thank you, Mr. President. So just a little shout out to UNL's CCFL. The committee approved \$6 million total funds, 50/50 general funds and federal funds, to support contractual call centers necessitated by increased workload and workforce shortages due to the pandemic. Failure to maintain certain metrics could result in a performance improvement plan and potential reduction in federal funding. The committee also approved an additional \$150,000 total funds, \$90,000 general funds, \$60,000 federal funds, to support relocating one of the two Fremont call centers to a new call center in west Omaha to improve recruitment and retention. The committee approved \$9,289,759 total funds, some of that general, some of that federal. I'm not going to read all these numbers. I'm going to start skipping the numbers because you can read the numbers. That's fine-- to align appropriations with actual changes in cost to contracted services, including data warehouse/decision support solutions, provider screening and enrollment, interoperability [SIC] requirements, electronic visit verification requirements and school-based services/administrative claiming contracts. Required recouping of existing contracts and inflationary or inflammatory-- I think just inflationary-- cost increases will require additional funds. The committee approved funding for 14 additional FTEs to Program 33 at a total cost of \$1,124,447 and-- skipping. OK. Additional staff is needed to handle operations-- oh, I should get-- additional staff is needed to handle operations-- I lost my place-- operations for adult protection, abuse hotline, licensing and placement, policy, data analysis, as well as programs created by the Legislature. DHHS: indicates the possibility of an annual general fund benefit of \$2.6 million in the Program 354 Child Welfare aid budget if all eligible IV-E homes become licensed. What, what? That's amazing. That is something that we weren't able to do, get that IV-E funding, because we weren't meeting the qualifications laid out to get IV-E funding. But getting IV-E funding means that more kids are staying in

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the home and we have set out metrics to ensure that they can stay in the home, while getting the wraparound services and supports that they need to stay safe and healthy. So, getting an increase in IV-E funding is a good thing. I mean, it's a good thing to get increased federal funds, sure. But this is like a specifically good thing. It is an indicator-- the larger amount of IV-E funding that we get is an indicator of how we are maintaining children in the home while they need wraparound services. So that's a good thing. Finally, the committee approved creation of a new agency program, Program 624 Health Information Exchange, to improve transparency. The newly created program was approved by appropriations totaling \$15,982,134. Additionally, the committee approved \$5 million--

KELLY: One minute.

M. CAVANAUGH: --thank you-- \$5,541,661 total additional funds in Program 33 Administration in FY '24 and '25, attribute to contractual costs to operate the Prescription, Prescription Drug Monitoring Program or PPMD is required-- PMP-- sorry, PMP-- sorry, PD-- PDMP-- all right-- as required by statute. These programs were previously supported with a higher percentage of federal funds, which are no longer available due to operations of these programs shifting from development to maintenance. Department of Corrections, this is going to be the juicy stuff. Page 32-- I think I'm about out of time. How much time? A few seconds?

KELLY: 5 seconds.

M. CAVANAUGH: OK. Let's just go to the next time.

KELLY: All right. And this is your last time before your close.

M. CAVANAUGH: Thank you, Mr. President. OK. Department of Corrections, on page 32 of the Martian green appropriations book. The Department of Corrections-- now, just so you all know, this is real time for me. I haven't read this page yet, so I have no idea what we're about to discover. Let's go on this journey together. Department of Corrections-- Correctional Services included a variety of items included in their requests, the largest item being increased salary expenses due to the negotiated salary increases for the employees in 24/7 facilities that were authorized in 2021; a base adjustment increase due to lack of vacancy savings, which were used to fund part of the increases in previous fiscal years; and inmate per diem costs. Interesting. The proposed budget includes a base adjustment for the agency of \$10.4 million per year. This base adjustment is needed to

reestablish the base level of funding for operations for the agency, which has utilized vacancy savings over the past several years to account for increasing expenses. Salaries for NDCS team members-- this is a huge pet peeve that I have, calling employees team members. It just feels weird. Like you're showing up for the team. You're a team member. No, you're not a team member. You're an employee. You might not be working if you didn't need the salary to live. It's not like the-- you're not doing it for the love of the game. Maybe some people are, but not everybody. Anyways, that's just always stuck in my head, the term, team members, when you're talking about employees. And of course, I lost my place. OK. Salaries for NDCS employees, primarily security positions, were increased in 2021 to attract and retain individuals who occupy these positions. The agency expects that salary expenses will exceed the FY '23 budget as the FY '22-23 appropriation for salary increases was calculated using only filled positions at the time. NDCS has filled over 400 vacancies due to those pay increases. What? Congratulations. That's awesome. It's almost like when you pay people a decent wage they want to work. Doue-- apparently, 400 more people wanted to work when we increased pay. The proposed budget includes \$14.5 million in each year of the biennium for these salary increases. The agency also requested a per diem increase to cover rising costs of providing goods and services to the inmate population, for a total of \$12.8 million in FY '23-24 and \$13.3 million in '24-25, as follows: health service costs, food cost increase, electronic monitoring increase, other per diem expenses-- cover all per diem expenses, excluding food and health services. Finally, the Department requested and the committee included increases related to the OCIO rates and license fees, insurance and DAS assessments. The cost of these increases is \$2.8 million in '23-24 and \$3.2 million in '24-25. Maybe I'm missing it somewhere. Maybe it's further in here. I don't see anything for a department request--

KELLY: One minute.

M. CAVANAUGH: --for repair and care of the current facility, but maybe that's coming later in the, in the budget. Guess we'll see-- to be determined. OK. University of Nebraska, then there's state colleges, Commissions for Latino Americans, Indian Affairs and African American Affairs. Oh, OK. I'm going to read this one, mostly because I'm just curious. What do they got going on? What's happened in their hopper this year? The committee included reappropriation of unexpended general funds for the Commission on African American Affairs, which was established in 2020-- I think that was Senator Wayne's bill-- and continues to work to establish staff and standard operating procedures. The committee also included reappropriation of unexpended

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general funds for the Commission on Latino Americans, which experienced vacancies--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: And you are recognized to close

M. CAVANAUGH: So soon? All right-- which experienced vacancies savings during the FY '22-23 biennium and included an increase in PSL only in FY '24 beyond the negotiated contractual salary increases for all staff, with the intention to fund salary increases with the reappropriated funds. The committee included a 3 percent increase for salary and PSL in FY '24 beyond the negotiated contractual salary increases for only the director of the Commission on Indian Affairs, to be funded by the added general fund appropriation. The committee package includes the following specification for these agency director salaries. It's the intention of the Legislature that the respective commission maintain parity with additional consideration for years of experience, between executive directors of Agency 68, 76 and 90. Cool. Legislative Council. The committee included LB323, which appropriates funds for salary increases for legislative employees. The proposed increase allocates funding to bring the overall costs of living raise for employees to 15 percent. Wait, what? How much time do I have left, Mr. President?

KELLY: 3:24.

M. CAVANAUGH: OK. All right. Are we ready? This is it. Pay increase for staff. What, what? What, what? Fifteen percent. I promise I won't try to take that out of the budget tomorrow. Legislative Council, page 33 in the Martian book. The committee included LB323-- is that Senator Linehan's bill? That might be Senator Linehan's bill. LB323, which appropriates funds for salary increases for legislative employees. Yes. The crowd goes wild. The proposed increase allocates funding to bring the overall cost of living raise for employees to 15 percent in '23-24 and 15 percent in '24-25. As such, the funding included pursuant to this item is the equivalent of an 8 percent increase in '23-24 and 10 percent increase in '24-25 above the increases included for the nonbargaining employees. Total funds pursuant to LB323 are \$1.4 million general funds, \$5,560 cash funds. Don't know why. Who cares? You're still getting it. You get a raise and you get a raise and you get a raise. Woo hoo. All right. I don't know if it's enough. It's probably not enough. I mean, it's genuinely probably not enough,

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but it is super awesome. Super excited to vote on a pay increase for legislative staff because whoo, are they underpaid. Defined benefit retirement plans: the Public Employees Retirement Board PERB, P-E-R-B, PERB is the entity through which the state contributes funding for the three defined benefit plans. Hold on. I just got to go back to the last one. Pay increase for legislative staff. Whoa, yes, the crowd goes wild. I'm just very excited. I mean, again, it's probably not enough, but it is certainly--

KELLY: One minute.

M. CAVANAUGH: --more than well deserved. Thank you, Mr. President. I'll just do a call of the house. Thank you.

KELLY: Thank you, Senator Cavanaugh. 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: 13 ayes, 8 nays, Mr. President, to place the house under call.

KELLY: The house is under call. Senators please record your presence Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Raybould, Day, Conrad, Lippincott, DeBoer, Dover, Bostar and Erdman, please return to the Chamber and record your presence. The house is under call. Senator Cavanaugh, may we proceed without Senator Conrad?

M. CAVANAUGH: Yes.

KELLY: Thank you. Senators. The question is the bracket motion. All those in favor Vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 0 ayes, 36 nays, Mr. President, on the motion to bracket.

KELLY: The motion fails. I raise the call. Senators will stay under call, please. Mr. Clerk, you have a motion on your desk.

CLERK: I do, Mr. President. Senator Slama would move to invoke cloture on LB92A pursuant to Rule 7, Section 10.

KELLY: Senator Slama, for what purpose do you rise?

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SLAMA: Well, we were already under call, so I don't really have a purpose.

KELLY: Thank you, Senator Slama. Members, the first vote is the motion to invoke cloture. And we're past that. Yeah. The question is the-- all those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 37 ayes, no nays to invoke cloture, Mr. President.

KELLY: Cloture is invoked. The next vote is on the adoption, is on the adoption of AM1549. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: The amendment is adopted. The next vote is on the advancement of LB92A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 ayes, 0 nays, Mr. President on advancement of the bill.

KELLY: LB92A is advanced to E&R Initial. I raise the call. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Some items, quickly. Amendments to be printed, Senator Machaela Cavanaugh to LB705. Mr. President, next item on the agenda, LB227A. Mr. President, excuse me. LB227A, introduced by Senator Hansen. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB227; and declares an emergency. The bill was read for the first time on Jan-- April 25 of this year and placed directly on General File. There is an additional amendment, Mr. President.

KELLY: Senator Hansen, you're recognized to open.

HANSEN: Thank you, Mr. President. Well, before I get started, I'd at least like to mention and I did get her permission before I do say this, it is my good friend and colleague's birthday today, Senator Slama. And so, I'd like to wish her a birthday-- even though we didn't get any cookies, So, happy birthday, Senator Slama. [APPLAUSE]. Thank you for thoroughly embarrassing her, colleagues. I appreciate that. All right. So LB227A is the A bill for LB227, which we passed on Select File. This was the Health and Human Services Committee Priority bill, which had a package of bills that we've discussed already, before. But this is just the A bill. This, in particular, is the ones

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that were on General File. The preceding amendment that we have is for the ones that are on Select File. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Mr. Clerk, for items.

CLERK: Mr. President, an amendment, Senator Hansen would offer AM1550.

KELLY: Senator Hansen, you're recognized to open on the amendment.

HANSEN: Thank you, Mr. President. Like I said before, AM1550 is the A bill for the ones that we incorporated into the package on Select File. So with that, thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Senator Hansen, to close. And waives closing. Members, the question is the adoption of AM1550. All those in favor vote aye; all those opposed, nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on advancement-- excuse me, on adoption of Senator Hansen's amendment.

KELLY: AM1550 is adopted. Senator, Senator Hansen, you're recognized to close and waive closing. Members, the question is the advancement of LB227A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: It is advanced. Mr. Clerk for items.

CLERK: Mr. President, Select File, LB138A, I have no E&R amendments and nothing on the bill, Mr. President.

KELLY: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB138A be advanced to E&R for engrossing.

KELLY: Senators, you have heard the motion. All those in favor say aye; those opposed, nay. Is it-- it is advanced.

CLERK: Mr. President, next item, LB245A-- excuse me, LB254A. I have no E&R amendments. Senator Brewer would move to amend with AM1543.

KELLY: Senator Briese has been authorized to open. Senator Briese.

BRIESE: Thank you, Mr. President. Good evening, colleagues. I rise to present AM1543. AM1543 updates the appropriations language in LB240--

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LB254A, to reflect the two amendments that were adopted by the body on Select File. First, the amendment appropriates funds to the Legislative Council for the provisions of what had been LB552, introduced by Senator John Cavanaugh. And again, that bill extended, by one year, the Legislature's Mental Health Care Capacity Strategic Planning Committee. Second, the amendment increases the appropriation to the Nebraska Educational Telecommunications Commission to provide for the closed captioning of legislative debate in both English and Spanish. And that was Senator Hunt's amendment that we adopted. I would ask for your support of AM1543. Thank you.

KELLY: Thank you, Senator Briese. No one else in the queue you recognized to close and waive closing. Members, the question is the adoption of AM1543. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: The amendment is adopted.

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

KELLY: I recognize Senator Ballard.

BALLARD: Mr., Mr. President, I move that LB254A be advanced to E&R for engrossing.

KELLY: Senators, you have heard the motion. All those in favor say aye; all those opposed say nay. It is advanced. Mr. Clerk, next item.

CLERK: Mr. President, LB683A. I have nothing on the bill, Senator.

KELLY: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB683A be advanced to E&R for engrossing.

KELLY: Senators, you have heard the motion. All those in favor say aye; all those opposed, nay. It is advanced.

CLERK: Mr. President, LB799A. I have no E&R amendments. Senator DeBoer would move to amend with AM1435.

KELLY: Senator DeBoer, you're recognized to open on the amendment.

DeBOER: Excuse me, colleagues. Sorry about that. This is the bill that would be a lot of the things that the court wanted, including the

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salaries for our judges and the other amendments that we added in. This is just the A bill. So I encourage your green vote. Thank you very much.

KELLY: Thank you, Senator DeBoer. There's no one else in the queue. You're recognized to close and waive closing. Members, the question is the adoption of AM1435. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays on an adoption of the amendment, Mr. President.

KELLY: The amendment is adopted. I recognize Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB799A be advanced to E&R for engrossing.

KELLY: Senators, you've heard the motion. All those in favor say aye; all those opposed say no-- nay. It is advanced. Mr. Clerk.

CLERK: Thank you, Mr. President. Amendments to be printed from Senator Brandt to LB562, Senator Vargas to LB562. Name adds, Senator Fredrickson adds his name to LB199. Finally, a priority motion. Senator McDonnell would move to adjourn the body until Wednesday, May 3, 2023, at 9:00 a.m.

KELLY: Senators, you've heard the motion to adjourn. All those in favor say aye; all those opposed say nay. We are adjourned.