

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 29, 2024

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-sixth day of the One Hundred Eighth Legislature, Second Session. Our chaplain for today is Pastor Jay W. West of Elkhorn, Nebraska, a guest of Senator Clements. Please rise.

JAY W. WEST: Good morning. Pleasure to be here. I know you're kind of spread apart, but in order for me to pray for you adequately, I need you to do just a real simple thing. Turn to somebody right next to you, OK? And say this-- say this to him. Say when God made you. Just try it. He said, I'll never do that again. So-- and you'll understand when I pray. So let's pray. Father, I thank you for individuality. Lord, we were created in your image and yet each of us is different. We have a different DNA, different fingerprints, different makeup, different looks, style. Some are Republicans, some are Democrats, some are Independent, and yet created in your image, and called to a task to work here in Lincoln, at the Capitol, for the good of the people of this state. So we ask for a blessing on these men and women in their various capacities and in their various differences. Encourage them to say, this is Leap Year Day, whatever that means, an extra day in the year to get along or to fight. Lord, we pray they get along. That the Bible says as much as it lies within us, to live at peace with all men. So I pray that this is the day that some work hard to be at peace with others. So I pray a blessing on this, this day, the activities, the events, the bills, the discussion, the dialogue, whatever you would have them do. I pray that they would look to you for their answers, for wisdom, for guidance, for strength and discernment. And we thank you so much. In the name of Jesus, Amen. It's leap year so I'm just going to say this. I'll see you in 4 years.

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 thirty-sixth day of the One Hundred Eighth Legislature, Second 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?

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CLERK: There are no corrections this morning, sir.

KELLY: Any messages, reports or announcements?

CLERK: Mr. President, amendments to be printed: Senator Riepe to LB905 and Senator Jacobson to LB852. Additionally, report of registered lobbyists from February 28, 2024, can be found in the Journal. Additionally, agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR304, LR305 and LR306. Senator Albrecht would like to recognize the doctor of the day, Doctor Dave Hoelting of Pender. Please stand and be recognized by your Nebraska Legislature. Mr. Speaker, for an announcement.

ARCH: Thank you, Mr. President. Just one, one small change to the agenda this morning. At the request of the introducer, Senator Dorn, we will be passing over LB130 this morning on Final Reading. Thank you, Mr. President.

KELLY: Mr. Clerk, first item on the agenda.

CLERK: Mr. President, the daily agenda, General File LB204A, introduced by Senator Riepe. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of provisions of LB204. The bill was read for the first time on February 23 of this year, and placed directly on General File.

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

RIEPE: Thank you, Mr. President. Good morning, Senators. This morning I present the appropriations bill for the pharmacist dispensing fee increase bill, LB204, which was passed on General File with a 32-0 vote. LB204A appropriates \$2.5 million of General Funds and \$4.46 million of federal funds to increase the dispensing fee paid to independent pharmacists to \$10.38 per prescription. As a reminder, an independent pharmacist is defined in LB204 as a pharmacy chain with 6 or fewer locations. My initial estimate at the beginning of this session is that the program would cost around \$6 million, so I am pleased with the conservative figure. With that, I ask for your green light on LB204A. Thank you.

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

CLEMENTS: Thank you, Mr. President. I stand in favor of LB204A. Senator Riepe also brought a bill to the Appropriations Committee, LB1376, for the exact same amount of money, \$2.5 million of General Funds and generates \$4.5 million of federal funds. The purpose of this is to increase the dispensing fee for the small, rural, mostly rural pharmacies which have been losing money filling prescriptions for Medicaid patients. This brings them up to \$10.38 per, per prescription, which is what Iowa pharmacies receive. And they did restrict it to-- he did restrict it to those with-- have 6 locations or fewer so that it kept the fiscal note down. And we do have room in the budget for that. And we couldn't put it in the budget because it has statutory language that was too much for us to put in the budget. So passing this on the floor is the proper way to do it. So I ask for your green vote on LB204A. Thank you, Mr. President.

KELLY: Thank you, Senator Clements. Seeing no one else in the queue, Senator Riepe, you're recognized to close, and waive closing. Members, the question is the advancement of LB204A 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 adoption-- advancement of the bill, excuse me.

KELLY: It is advanced. Mr. Clerk, next item.

CLERK: Mr. President, next item, LB358A introduced by Senator Walz. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of the provisions of LB358. The bill was read for the first time on February 27 of this year and placed directly on General File.

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

WALZ: Thank you, Mr. President. Good morning, colleagues. As a refresher on LB358, this would increase dental Medicaid rates 25% for the upcoming fiscal year and to the future. We moved LB358 to Final Reading on February 14 with zero no votes. LB358A is simply the appropriation for a 25% increase. Dental Medicaid rates have been a serious issue for Nebraskans and dentists providing this care. So with that, I would ask you to please vote on LB358A. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. This is another item that came, also had a bill in Appropriations. And we considered this, but felt it was probably best to have this go on the floor and to consider it here. It is \$6.9 million of General Funds, and we'll hopefully fit that into the budget. We heard testimony in our committee of dentists around the state that cannot take Medicaid because it's well below the cost of providing the service. So there is a need there, and we'll just have to prioritize how much is available. But I'm supporting that at this time. I ask for your green vote on LB358A.

KELLY: Thank you, Senator Clements. Seeing no one else in the queue, Senator Walz, you're recognized to close and waive closing. Members, the question is the advancement of LB358A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB358A is advanced to E&R Initial. Mr. Clerk, for the next item.

CLERK: Mr. President, next item, LB905A introduced by Senator Riepe. It's a bill for an act relating to appropriations; appropriates funds to aid in carrying out the provisions of LB905. The bill was read for the first time on February 23 of this year and placed directly on General File.

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

RIEPE: Thank you, Mr. President and Senators. This is the appropriations bill for the homeless respite care center, a bill which is LB905, which was passed on General File with a 38-0 vote. LB905 instructs DHHS to file an 1115 waiver with CMS for the operation of 2 separate homeless respite care centers, one in Omaha and one in Lincoln. LB905 is Senator Wishart's priority bill, and I thank her once again for that designation. I plan to amend LB905 to source funding from the Medicaid Managed Care Excess Profit Fund when it comes up on Select File. I ask that you-- that we advance LB905 [SIC] to catch up with the LB905 bill. With that, I ask for your green vote on LB905A. Thank you, Mr. President.

KELLY: Thank you, Senator Riepe. Seeing no one else in the queue, you're recognized to close, and waive closing. Members, the question

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is the advancement of LB905A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record. Mr. Clerk.

CLERK: 41 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: It is advanced. Mr. Clerk, next item.

CLERK: Next item, Select File, LB829A. Senator, I have nothing on the bill.

KELLY: I recognize Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB829A be advanced to E&R for engrossing.

KELLY: Members, you've heard the E&R-- the motion. All those in favor vote-- all those in favor say aye. All those opposed say nay. It is advanced.

CLERK: Mr. President, next item. Confirmation report concerning gubernatorial appointments from the Nebraska Retirement System, the appointment of Ellen Hung as State Investment Officer for the Nebraska Investment Council.

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

MCDONNELL: Thank you, Mr. President. Good morning, colleagues. Ellen Hung, State Investment Officer, functions as the director of the Nebraska Investment Council. Recommended by the Governor on October 20, 2023. Committee voted 6-0 to recommend her appointment. Has extensive experience in pension fund investments, most recently as deputy chief investment officer of the Illinois State University Retirement System; other numerous governmental finance positions, including Santa Barbara, California, San Jose, and Spokane, Washington, as well as additional positions in the private sector. The committee found her to be very qualified to serve in this position, are confident of her ability to assist the Nebraska Investment Council on a day-to-day basis. I would urge a green vote. Thank you.

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

CLEMENTS: Thank you, Mr. President. I stand in support of the appointment of Ellen Hung. She met with me and I visited with her for an hour or so. Her background is she has very high academic qualifications. She has done other retirement systems around the

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country, in California, and lately in Illinois. If you can survive in Illinois, I think you can survive in Nebraska pretty well. She's glad to be here. And I found her very well qualified and an excellent choice for our State Investment Officer. I ask for your green vote. Thank you, Mr. President.

KELLY: Thank you, Senator Clements. Seeing no one else in the queue, Senator McDonnell, you're recognized to close and waive. Members, the question is the adoption of the report from the Retirement Systems Committee. All those in favor vote aye; all those opposed vote nay. Record. Mr. Clerk.

CLERK: 34 ayes, 0 nays on adoption of the committee report, Mr. President.

KELLY: It is adopted. Mr. Clerk, for the next item.

CLERK: Mr. President, next item, a committee report from the Natural Resources Committee concerning the gubernatorial appointment of Roger Helgoth to the Nebraska Environmental Trust Board.

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

BOSTELMAN: Thank you, Mr. President. Good morning, Nebraska and colleagues. The Natural Resource Committee held a confirmation hearing on February 21, 2024, to consider the gubernatorial appointee, Roger Helgoth. Mr. Helgoth is a new appointee to the Nebraska Environmental Trust Board, to serve a term from October 24, 2023, until March 10 of '29. He is a district 2 member of the board. The Nebraska Environmental Trust Board is comprised of 14 members, three from each of the three districts who are appointed by the Governor, as well as five agency directors from the Departments of Game and Parks, Natural Resources, Agriculture, Environment and Energy, and HHS Public Health. The Environmental Trust Board meets quarterly and holds special meetings in between when needed. The mission of the Nebraska Environmental Trust is to serve, enhance, and restore the natural environments of Nebraska. The trust is to complement existing activities, stimulate private investment, and emphasize long-term gain. The Trust is to lead in the development of a vision of Nebraska's future environment. The Trust is to collaborate with public and private efforts to achieve that vision. Mr. Helgoth is a professional environmental engineer from Omaha. He earned both a bachelor's degree in civil engineering and his master's in environmental engineering from the University of Nebraska. Mr. Helgoth also serves on the University of Nebraska Dean of Engineering Advisory

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Board, and as a University of Nebraska Foundation trustee. In the past, he was on the Nebraska Board of Engineers and Architects and has been active in the American Academy of Environmental Engineers and Scientists, the Nebraska Water Environmental Association, and the American Council of Engineering Companies of Nebraska. Besides managing family farm in Butler County, he is active in the Knights of Columbus and outdoor activities, including many conservation areas and travel. He lives in Omaha with his wife and they have 2 daughters and 3 grandchildren. He appeared in person at the hearing, and the committee voted 8-0 to advance his confirmation. I'd ask for your green vote for the confirmation of Mr. Roger Helgoth to the Environmental Trust Board. Thank you.

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

CLERK: 36 ayes, 0 nays on adoption of the committee report, Mr. President.

KELLY: The report is adopted. Mr. Clerk, for the next item.

CLERK: Mr. President, next item. The Natural Resources Committee would report favorably on the gubernatorial appointment of John Arley Rundel to the Nebraska Oil and Gas Conservation Commission.

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

BOSTELMAN: Thank you, Mr. President. The Natural Resource Committee held a confirmation hearing on February 21, 2024, to consider a gubernatorial appointee, John Rundel. Mr. Rundel is a reappointment to the Nebraska Oil and Gas Commission to serve a term from September 29, 2023, until September 29, '27. He is currently serving as chair of the Commission. Nebraska Oil and Gas Conservation Commission was founded in 1959. Its mission is to permit the development of Nebraska's oil and natural gas resources up to the maximum efficient rate of production, while promoting the health, safety, environment of the residents of Nebraska. The purpose of the Nebraska Oil and Gas Conservation Commission is to regulate the oil and natural gas exploration and production industry in such a manner as will-- as will prevent waste, protect correlative rights of all owners, and encourage the authorized secondary recovery, pressure, maintenance, cycling and-- or recycling in order that the greatest ultimate recovery of oil and natural gas may be obtained within the state while protecting the

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environment. Mr. Rundel is 1 of 3 commissioners on the Nebraska Oil and Gas Commission, which is located in Sidney, Nebraska. Mr. Rundel is a self-employed petroleum geologist from Trenton, Nebraska. He attended Colby Community College-- Junior College in Colby, Kansas, and earned his associate's degree in geology. He then went to Fort Hays State University in Hays, Kansas, where he received his bachelor's degree in geology. He has also served on the village of Trenton Board of Trustees for 24 years, as well as 22 years with the Lions Club International. He appeared in person at the hearing, and the committee voted 8-0 to advance his confirmation. I'd ask for your green vote for Mr. Rundel to the Nebraska Oil and Gas Commission. Thank you, Mr. President.

KELLY: Thank you, Senator Bostelman. Seeing no one else in the queue, you're recognized to close and waive. Members, the question is the adoption of the report from the Natural Resources Committee. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: The report is adopted. Mr. Clerk, next item on the agenda.

CLERK: Mr. President, next item. The Revenue Committee would report favorably on the gubernatorial appointment of Jacqueline Russell as the Tax Equalization and Review Commission.

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

LINEHAN: Thank you, Mr. President. Good morning, colleagues. Jacqueline, Jackie Russell has been appointed by Governor Pillen to serve on the tax equalization-- as a Tax Equalization Review Commissioner. It's a new appointment. She has been Adams County Assessor from 2015 until this year with the appointment to TERC. She-- before that she was appraiser for Adams County Assessor from 2007 to 2015. I worked with her on the Governor's Working Group this last fall. I found her to be a delight, and informed, and very close in touch with people. She was a real estate salesperson from 2005 to 2007. She testified at her hearing on February 14, 2024. I also on her resume, I find this impressive, she's a Girl Scout leader from 2014 to present; Hastings Leadership since 2014; Hastings Diplomats, 2016 to 2020; Hastings Kiwanis, 2016 to 2020; Girl Scout Service Team, 2017 to present; Hastings Public School volunteer; active member and volunteer for Peace Lutheran Church; and she's a graduate Bachelor of Science

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Administration from the University of Nebraska. So I'd appreciate your green vote for Jacqueline Russell. Thank you, Mr. President.

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

CLERK: 32 ayes, 0 nays on adoption of the committee report, Mr. President.

KELLY: The report is adopted. Mr. Clerk, for the next item on the agenda.

CLERK: Mr. President, the Health and Human Services Committee would report favorably on the gubernatorial appointment of Elis-- Alyssa L. Bish as director of the Division of Children and Family Services for the Department of Health and Human Services.

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

HANSEN: Thank you, Mr. President. Dr. Alyssa Bish was appointed director of the Division of Children and Family Services, Department of Health and Human Services on October 24, 2023. Dr. Bish's most recent role is serving as Director of Personnel, appointed by Governor Parson for the state of Missouri. During her tenure, she oversaw personnel, personnel policies and responsibilities, developed and carried out initiatives to benefit state team members, and collaborated with human resources professionals for all 17 executive departments. Prior to Bish's work in personnel, she held various roles of increasing responsibility for the Department of Social Services, serving children and families. Dr. Bish oversaw multiple statewide initiatives, including the implementation of the Family First Prevention Services Act, and initiatives to improve the quality of foster care services and decrease the backlog of cases. Dr. Bish has a Doctor of Communication and Master Public Affairs degree and a Master of Arts in Communication from the University of Missouri. She earned her Bachelor of Science in Communication Studies with an emphasis in public relations and organizational leadership, and a minor in sociology from Wayne State College. The Health and Human Services Committee advanced the appointment of Dr. Bish with a 7-0 vote. And I respectfully ask for a green vote on Dr. Bish. Thank you.

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KELLY: Thank you, Senator Hansen. Seeing no one else in the queue, you're recognized to close, and waive closing. Members, the question is the adoption of the committee report from Health and Human Services. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays on adoption of the committee report, Mr. President.

KELLY: The committee report is adopted. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB992A as correctly engrossed and placed on Final Reading. Additionally, your Committee on Natural Resources, chaired by Senator Bostelman, reports LB399, LB867 both to General File with committee amendments. Additionally, your Committee on Banking, Commerce and Insurance, chaired by Senator Slama, reports LB1074 to General File with committee amendments. And the Transportation Telecommunications Committee has a committee report concerning the gubernatorial appointment of Patrick Haggerty as Director of the Nebraska Broadband Office. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Mr. Clerk, we'll move to Final Reading. Members should return to their seats in preparation for Final Reading and check in, please. Mr. Clerk, the first bill is LB16. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 4 nays to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB16]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB16 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Erdman, Fredrickson, Hansen, Hardin, Holdcroft, Hughes. Hunt, Ibach, Jacobson, Kauth. Linehan, Lippincott, McDonnell, McKinney, Meyer, Moser, Murman,

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Riepe, Sanders, Slama, von Gillern, Walz, Wayne. Voting no: Senators Albrecht. Not voting: Senators Lowe, Dover, Halloran, Raybould, Vargas, Wishart. The vote is 42 ayes, 1 nay, 1 present not voting, 5 excused not voting, Mr. President.

KELLY: LB16 passes. We will now proceed to LB16A.

CLERK: [Read LB16A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB16A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Erdman, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz, Wayne. Voting no: Senator Albrecht. Not voting: Senators Lowe, Dover, Halloran, Raybould, Vargas, Wishart. The vote is 42 ayes, 1 nay, 1 present not voting, 5 excused not voting, Mr. President.

KELLY: LB16A passes. We will now proceed to LB51.

CLERK: [Read LB51 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB51 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Erdman, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz, Wayne. Voting no: none. Not voting: Senators Dover, Halloran, Raybould, Vargas and Wishart. The vote is 44 ayes, 0 nays, 5 excused not voting, Mr. President.

KELLY: LB51 passes. The next bill is LB83. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: 33 ayes, 5 nays to dispense with the at-large reading, Mr. President.

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

CLERK: [Read Title of LB83]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB83 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senator Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Erdman, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz, Wayne. Voting no: None. Not voting: Senators Dover, Halloran, Raybould, Vargas, and Wishart. Vote is 44 ayes, 0 nays, 5 excused not voting, Mr. President.

KELLY: LB83 passes. The next bill on the agenda is LB102. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 ayes, 3 nays to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB102]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB102 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Erdman, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz. Voting no: None. Not voting: Senators Wayne, Dover, Halloran, Raybould, Vargas and Wishart. Senator Wayne voting yes. The vote is 44 ayes, 0 nays, 5 excused not voting, Mr. President.

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KELLY: The bill passes. We'll now proceed to LB102A.

CLERK: [Read LB102A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB102A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Erdman, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, excuse me, Kauth, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz, Wayne. Voting no: None. Not voting: Senators Linehan, Dover, Halloran, Raybould, Vargas and Wishart. Senator Linehan voting yes. Vote is 44 ayes, 0 nays, 5 excused not voting, Mr. President.

KELLY: LB102A passes. Mr. Clerk, the next item on the agenda is LB147.

CLERK: [Read LB147 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB147 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, John Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz, Wayne. Voting no: None. Not voting: Senators Machaela Cavanaugh, Hunt, Dover, Erdman, Halloran, Raybould, Vargas, Wishart. Vote is 41 ayes, 0 nays, 2 present not voting, 6 excused not voting, Mr. President.

KELLY: The bill passes. The next bill on the agenda is LB152. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 4 nays to dispense with the at-large rating, Mr. President.

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

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CLERK: [Read title of LB152]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB152 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz, Wayne. Voting no: None. Not voting: Senators Dover, Erdman, Halloran, Raybould, Vargas, Wishart. Vote is 43 ayes, 0 nays, 6 excused not voting, Mr. President.

KELLY: The bill passes. Next item on the agenda is LB184. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 4 nays to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB184]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB184 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz. Voting no: None. Not voting: Senators Wayne, Dover, Erdman, Halloran, Raybould, Vargas and Wishart. Vote is 42 ayes, 0 nays, 1 present not voting, 6 excused not voting, Mr. President.

KELLY: LB184 passes. The next bill is LB190.

CLERK: [Read LB190 on Final Reading]

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KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB190 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Arch, Albrecht, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz, Wayne. Voting no: None. Not voting: Senators Dover, Erdman, Halloran, Raybould, Vargas, and Wishart. Vote is 43 ayes, 0 nays, 6 excused not voting, Mr. President.

KELLY: LB190 passes. The next bill is LB303.

CLERK: [Read LB303 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB303 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz, Wayne. Voting no: None. Not voting: Senators Dover, Erdman, Halloran, Raybould, Vargas, and Wishart. Vote is 43 ayes, 0 nays, 6 excused not voting, Mr. President.

KELLY: LB303 passes. The next bill is LB307.

CLERK: [Read LB307 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB307 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Arch, Armendariz, Blood, Bosn, Bostar, Brandt, Brewer, Cavanaugh, Cavanaugh, Conrad, Day, DeBoer, Dorn, Dungan, Fredrickson, Holdcroft, Hughes, Hunt, Jacobson, Linehan, McDonnell, McKinney, Meyer, Moser, Riepe, Sanders, von Gillern, Walz, Wayne. Voting no: Senators Albrecht, Clements, Hardin, Ibach, Kauth, Lippincott, Slama. Not voting: Senators Ballard, Bostelman, DeKay,

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Hansen, Lowe, Murman, Dover, Erdman, Halloran, Raybould, Vargas, Wishart. Vote is 30 ayes, 7 nays, 6 present not voting, 6 excused not voting, Mr. President.

KELLY: LB307 passes. The next bill is LB317.

CLERK: [Read LB317 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB317 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz, Wayne. Voting no: None. Not voting: Senators Dover, Erdman, Halloran, Raybould, Vargas, and Wishart. Vote is 43 ayes, 0 nays, 6 excused not voting, Mr. President.

KELLY: The bill passes. The next bill is LB731.

CLERK: [Read LB731 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB731 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dungan, Fredrickson, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Walz, Wayne. Voting no: None. Not voting: Senators Bostelman, Dover, Erdman, Halloran, Raybould, Vargas and Wishart. Vote is 42 ayes, 0 nays, 1 present not voting, 6 excused not voting, Mr. President.

KELLY: LB731 passes. Mr. Clerk, next item on the agenda. I propose to sign and do hereby sign LB16, LB16A, LB51, LB83, LB102, LB102A, LB147, LB152, LB184, LB190, LB303, LB307, LB317 and LB731. Items for the record.

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CLERK: Thank you, Mr. President. Singular item, new A bill. LB20A, introduced by Senator Wayne. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out the provisions of LB20. Returning to the agenda, Mr. President. General File, LB1288, introduced by Senator Raybould. It's a bill for an act relating to civil commitment; provides for recognition of tribal mental health and dangerous sex offender commitment orders as prescribed; provides for tribal law and law enforcement officers to take a subject into emergency protective custody; provides for transportation of and commitment of persons committed under tribal law and for payment of related costs; defines and redefines terms; harmonize provisions; and repeals the original section. The bill was read for the first time on January 16 of this year and referred to the Judiciary Committee. That committee placed the bill on General File. There are no committee amendments. There is an additional amendment, Mr. President. It's my understanding Senator Day is authorized to open on the bill.

KELLY: Thank you, Mr. Clerk. Senator Bostar would like to recognize some guests in the north balcony, 5th and 8th graders from George Stone School in Lincoln, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Day, you're recognized to open.

DAY: Thank you, Mr. President. As cosponsor of LB1288 and Chair of the State-Tribal Relations Committee, for which this bill was chosen the committee priority, I rise to introduce LB1288 today on behalf of Senator Jane Raybould, who could not be here today. LB1288 would amend the Nebraska Mental Health Commitment Act to include recognition of tribal mental health and dangerous sex offender commitment orders, allow for transportation of persons civilly committed under tribal law and provide for reimbursement. Currently, emergency protective custody orders issued by tribal courts are not recognized by the state of Nebraska. This escalates a mental health crisis in 2 ways. (1) finding a healthcare facility that provides the necessary level of mental healthcare for the patient and will accept the tribal EPC. And (2) securing transportation by law enforcement to transfer the patient under the EPC to a receiving facility. If either of these needs cannot be met, which is often the case-- cannot be met, which is often the case, we are putting the health and safety of an individual at risk of harm to themselves or others in great jeopardy. Our state has accomplished a great deal to improve access to and treatment of mental illness. Many of you who have served for many years have carried these bills, and together we have passed them to make a difference. However, we have citizens who are slipping through the cracks. The Winnebago Tribe of Nebraska has been working on legislation to close this gap

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for the last 2 years. Throughout this time, they have had productive conversations with the Department of Health and Human Services, and Senator Raybould has stated that she is proud to have introduced the bill that is the product of those discussions. She's asked me to thank the members of the Judiciary Committee for their unanimous support in advancing LB1288 to General File, and to thank the members of the State-Tribal Relations Committee for prioritizing it. The substance of the bill comes in the following ways. The bill states: With respect to a subject domiciled in Indian country, the state of Nebraska recognizes tribal hold orders, commitment orders, and emergency protective custody orders to the same extent as those initiated by any county in the state, or as otherwise provided in the Nebraska Mental Health Commitment Act. The bill addresses how written documentation of the determination that a subject domic-- domiciled with an Indian country is mentally ill and dangerous shall be provided. The bill allows for a subject domiciled within Indian country who is taken into emergency protective custody under tribal law to be transported by sheriffs and other law enforcement officers of the state of Nebraska and its political subdivisions. The bill expresses that in the case of a subject domiciled within Indian country in Nebraska who is committed for treatment under tribal law, the tribe shall make arrangements for payment of the cost of such treatment services or conveyance. As you can see, the bill is very straightforward and seeks to close the gap that exists for our citizens who find themselves in a mental health crisis. I believe that we can all agree that when an individual is at great threat of harming themselves or others, it is urgent that they get the appropriate care and treatment as soon as possible. I did want to specifically mention in my opening LB1288 does not in any way affect the process of how or for whom an emergency protective custody or hold order is granted. It only allows for the recognition of such orders by a tribal court. I encourage the body to support the bill and will gladly answer any questions as we move into debate on LB1288. Thank you, Mr. President.

KELLY: Thank you, Senator Day. Mr. Clerk, for an item.

CLERK: Mr.-- Mr. President, Senator Raybould would move to amend with AM2695. My understanding as Senator Day is author-- authorized to open on the amendment.

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

DAY: Thank you, Mr. President. This amendment fixes a mistake on page 21. As introduced, the bill mistakenly copies language from the Mental Health Commitment Act into a Sex Offender Commitment Act provision

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where it does not work. It has been changed for consistency. The language in AM2695 addresses the department's concerns in the fiscal note regarding how payment for the services will be facilitated. I strongly encourage the body to adopt AM2695 and the underlying bill. Thank you.

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

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I do rise today in support of both AM2695 and the underlying LB1288. I just wanted to rise today to speak briefly about LB1288 and what it does and what it doesn't do. I want to thank Senator Raybould for her very hard work on this. I know she had spoken with me during the interim about the necessity of this. She's worked very hard and diligently to go talk to a number of the tribes and figure out what issues need to be addressed by our Legislature. And it sounded like this issue came up time and time again. So I do really legitimately believe, colleagues, this is something we have to address. If we don't do this, we're going to be letting a real loophole continue to exist that is causing harm to a number of people who have those emergency protective custody orders and things of that ilk. I also want to thank Senator Day. I know that she stepped up to carry this through today and to make sure she can articulate these points. I think she did a really, really good job in her opening of explaining what this bill does and what it doesn't do. So I don't want to rehash that entirely, but I do just want to clarify a couple of things. Two of the major concerns that have been raised with regard to LB1288 are jurisdiction, meaning who does it actually affect, and does it unintentionally expand that jurisdiction? And then two, funding. Where's the money going to come from? So to address the first of those, this bill does nothing to change jurisdiction of who the tribe, the tribal courts currently have jurisdiction over or who they would have jurisdiction over moving forward. Jurisdiction, either criminal or civil, for the tribes is not set by state law. It's set by federal standards. And so nothing that we do in LB1288 is going to modify who would or would not be subject to civil jurisdiction by the tribal courts. All of the language in here is simply saying, if somebody has gotten a mental health protection order, an EPC or commitment rather, or an EPC by a tribal court, it must be honored then by other facilities. And so as of right now, there's just a discrepancy saying that can't happen. In order to be subject to a EPC by a tribal court, you have to already have been subject to their jurisdiction. This doesn't change that. This doesn't-- it doesn't expand who that potentially would affect. And so I just want to make that very clear. I have spoken with people who do

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know tribal law better than I think any of us in this room. And they've confirmed for me that part of the reason there's no language in this bill outlining who has that jurisdiction or what the jurisdiction is, is because it's already settled federal law. We don't need to have a definition of that in here. And in fact, having a definition of that in here, I think, would maybe further complicate things. So while I understand the concern, we always want to be diligent in what we do and don't do with these laws, I do believe that LB1288 does nothing to expand that jurisdiction in a concerning way. Additionally, I know funding has been an issue. I think that was an issue that was brought up it sounds like during the committee hearing. The bill provides that a funding mechanism or the funding agreement be worked out between the tribe and then the other entities. I think the concern was raised of, you know, what would that be? How would that be effectuated? Again, that's all already settled in terms of that process and procedure. So there's a case, *White v. Califano*, that specifically says the federal government has the obligation to pay for these. And then they work through IHS and a number of other entities, excuse me, to administer those funds. and that's all already been worked out. So in speaking with individuals, again, from the tribes who do this on a regular basis, they essentially say the reason that it's not all defined in the statute as to how that funding mechanism would work, is it's already been settled, and there's already multitudes of ways that's been established already. So I don't believe that funding is going to be a problem. There are already mechanisms in place to ensure that the hospitals and the regional centers would be funded by that through the federal government. There is no concern that I have with regard to jurisdiction. And I can't emphasize enough how important this is that we actually get this done. There are people right now who could be EPCed or have a mental--

KELLY: One minute.

DUNGAN: Thank you, Mr. President. --mental health issue who would not have the services and the care that they need if we don't pass this. So it's a small change. It may seem like a small change, but it does have a big effect on a number of people. So I would encourage my colleagues to vote green on both AM2695 and LB1288. Thank you, Mr. President.

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

ALBRECHT: Thank you, Mr. President. Thank you, colleagues, for, for engaging in this particular issue. I'm going to be rising opposing

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LB1288 and AM2695. Legislative District 17 has the Thurston County residents, which include the Winnebago and the Macy Omaha Tribes. And I will tell you that up in our district I have heard, even though the committee did not have anybody opposing the bill, I've gotten phone calls from the counties surrounding Thurston County, as well as the Thurston County that they had no idea that it was coming up. So that's why they didn't come or write letters. They were not aware of it. But we have a lot of trouble up in our district because-- and if you can just kind of wrap your head around this-- I came from many years ago, like 14 years ago, from Sarpy County, where there were over 100, probably closer to 200 deputies. In Thurston County, we are lucky when we have 4 to 6 possibly deputies that are-- that are assigned to the sheriff's department. But this is about transportation. While I understand-- I'm not going to stand up here and say I oppose it without what I feel could be a possible solution. The Winnebago Tribe has a beautiful hospital. Perhaps in that facility they could bring a wing to that particular hospital for mental health. I think it would be easier to bring the doctors in than to have to transport out. Because a lot of the people even up in, in the South Sioux City area, when they-- when they ask these mental health patients to be transported somewhere, it could be all the way across our state. And that's a whole day out. And then some information on whether they're going to take them or not. If they don't have enough room, then you bring them all the way back. I mean, that's the manpower and mandating that counties in-- Thurston County and around Thurston County have to transport. It is very difficult to do because we can't even-- we don't have enough manpower to get that done. So while I understand how, how severe this is, and it could easily be an LR to figure out how do we help everybody in the state of Nebraska figure out how we're going to get the mentally health-- the mental health folks to where they need to be. But more importantly, we need more hospitals to hold mental health people. So I'm rising not, not-- I'm not in support of the bills, but I'm in support of a-- of an answer. But I don't think that this is the answer for us. Thank you, Mr. President.

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

BREWER: Thank you, Mr. President. Well, I think we probably need maybe Native American 101 class here to kind of get everybody on the same sheet of music. If you haven't studied the tribes here in Nebraska, we essentially have 6 that have some property in the state of Nebraska. Not all of them have a headquarters within the land that they have. But the Santee Sioux, they're up Knox County. The Omaha in Thurston and Cuming; Ponca, they have land up by Niobrara. The Oglala have land

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north of Rushville. It's right on the border. Most of you remember Whiteclay. Whiteclay is not on the reservation, but the Oglala Sioux Tribe has land across from Whiteclay where they've built a senior center that can manage about 70 people. They made a conscious decision to expand that to treat both detox and mental health, a great decision. But the Winnebago Tribe has been the tribe that has been by far the most successful in the sense that they've started the company Ho-Chunk. And they have taken their town and have transitioned it into a very nice community. They do a lot of rewards to the employees there to make it possible for them to own their homes. The challenge that all of the tribes have is a combination of things. It is mental health. It's also, you know, the, the constant challenge of alcoholism and now drugs are part of that. But in a way, they all weave together. So how do we fix this problem? Well, it's no different than the problems that we see here in other communities. There is not enough mental health. The, the issue of transport is-- so imagine this. Just happens my brother's the sheriff in Sheridan County. So you're roughly about 445 miles from Lincoln. Right now, his challenges deal with juveniles and with mental health. And then where do you take them to? Used to be we could take him to Scottsbluff. We can't do that anymore. We used to be able to take the juveniles to Kearney. We can't anymore. Most of his trips are to Lincoln or Omaha. So you're going to send out a deputy, a cruiser, and usually 2 to 3 days to do that. There's no guarantee when they get here that they're going to be allowed in that facility, whether it be mental health or whether it be for the juveniles. So it is an incredible burden on them. Now what this bill does is it, it fills a void with the tribal courts that really needs filled. And I was-- I was challenged in that my brother said, listen, if the burden is enough, it is an unman-- unfunded mandate on the county. Now, as I understand it, that that expense is woven into the bill. So that, that no longer is, is one we can throw out there. So now it comes down to whether or not we want to do this or not. Now the other thing people come up to me said, hey, define Indian country. Well, if I had my ways, I'd define it from the East Coast to the west, but that probably ain't going to happen. So in lieu of that, we'll read what U.S. Code says. Indian country: all lands within the limits of any Indian reservation under the jurisdiction of the United States government. All right. So that's pretty simple there. Now, so our problem is we have Indian reservations that have requirements, but their judicial system doesn't let you take that patient and move them where they need to move them.

KELLY: One minute.

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BREWER: So-- thank you. So this, this helps to fill that void. And after spending some time in the lobby talking, you know I don't have a better solution. This is-- this is not the perfect answer, but it is a much better solution than to leave things the way they are now. So I would just-- hopefully that help folks to better understand our system here in Nebraska and understand the challenges that we have with the Native American population and the court system. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I rise in support of AM2695 and LB1288. And I appreciate Senator Raybould for bringing this bill and Senator Day for prioritizing it with the committee and for the introduction here today. And I really appreciate Senator Brewer's comments. And we've had the opportunity to talk about this off the microphone. My read of this bill and Senator Brewer I think correctly, you know, hit on some of the points here. But ultimately, tribes-- tribal law is very complicated, and it is encompassed a lot in federal, both law, treaty law and case law. But what this-- what we're talking about here is tribes are sovereign, meaning they have their own rights that determine-- self-determination. And they have their own legal systems and courts. And what this bill is doing is recognizing the lawfully determined adjudications as it pertains to emergency protective custody orders of these sovereign courts. So we are just recognizing their right to make these determinations and do these things. And then, as Senator Brewer correctly pointed out, and then to transport these folks who have been determined to be a risk to themselves and others who need these sorts of services to the places where the services are afforded. So this is really pretty simple to help address that issue and to recognize the, the legitimacy and sovereignty of these courts. It's, in my opinion, and some of, you know, I've had a few conversations with folks to make it as simple as possible. There are-- the state of Nebraska is one sovereign. The state of Iowa is a separate sovereign, meaning they're different legal entities. And Nebraska recognizes legal decisions from the state of Iowa, be they warrants for transport for individuals, to if somebody is on the run from Iowa and they issue a warrant and they get arrested in Nebraska and Iowa asks us to recognize that warrant and transport them back. We're recognizing the legitimacy of the courts of the state of Iowa and their right to exercise their-- that, that authority. We're not recognizing or determining the jurisdiction or any of those things. We are just recognizing the legitimacy of those courts. This is the same here where the state of Nebraska has a hole in our

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statutes where we are not effectively recognizing the, the legitimacy and authority and sovereignty of tribal courts in this particular case. So this bill and amendment fixes that hole in Nebraska statute and recognizes the legitimacy and sovereignty of the tribal courts. So that's why I support this bill. It will obviously help people who really need help. It'll help the tribes do what they need to do to help those folks. And it'll make our law better. So I join in everyone who supports this bill. And, thank you, Mr. President.

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

HANSEN: Thank you, Mr. President. I'll be brief here. Not going to reiterate what Senator Brewer and Senator Albrecht both said. But yes, there is some concern about this bill. I think the amendment doesn't go far enough possibly from my understanding. Again, my legalese isn't as much as maybe some of the people who spoke in front of me or behind me. But from my understanding, it seems like-- and, and I've been discussing with other people who have more legal knowledge than I do. It seems like the bill muddies the water quite a bit, especially when it comes to those domiciled within Indian country. And again, I think the term maybe is not the right connotation of maybe what we're looking for, those domiciled within Indian country versus those who are part of the tribe versus not-- nontribal members, which can kind of lead to some implications possibly with this state mental health board and superseding maybe their direction. So I just do have some concerns about this bill. I'm, I'm listening. So far, I am a no vote on LB1288. This might need to go back to the drawing board and get some more work done on it. Thank you, Mr. President.

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

DAY: Thank you, Mr. President. I'm just going to tell a story about how we came to introduce this bill. The State-Tribal Relations Committee and Senator Raybould visited the Omaha Tribe over the interim, and we discussed with them what they needed from us. And this was the absolute number one issue. Essentially, what's happening is, again, because the tribes are a sovereign entity, they have their own government. A tribal judge or a tribal court will issue an emergency protective custody order, just like we would in any other area of the state. At the point that that is issued, when someone, a sheriff or somebody is called to come and pick them up, there are issues with transporting the person to the hospital. So emergency protective custody means a person is at direct harm to themselves or someone

else. This is a mental health crisis type situation. So 2 things happen. One, either there's no-- there's no one for transportation because the order is not recognized by the state. Or there is transportation and then when they show up to the hospital, the hospital essentially says, we don't recognize this because it comes from a tribal judge. So the person, including children, get turned away. We're talking about children and adults who are potentially suicidal, who are extremely violent towards other people, domestic violence. We are talking about extreme mental health crisis situations. These people are turned away and sent home back to the reservation, because no one recognizes the order that was put in place by a tribal judge. That is the only thing that we're doing here, is we are essentially saying the state recognizes the orders that are put forth by a tribal judge or a tribal court. That's the only thing we're doing. Also, I will note that, yes, there is a really lovely hospital up by the Winnebago Tribe. In the testimony, there was a woman from that hospital, Twelve Clans Unity Hospital, excuse me, who mentioned in her testimony, last year, 72 tribal citizens came into the emergency department with suicidal ideation. It was necessary to transfer 62 of these 72 patients to another facility so they could receive a higher level of care to ensure their safety and the safety of others. So it's important to note that, yes, the hospital is there and it is available, but they cannot provide the level of care that a lot of these people need. We are essentially just trying to provide people emergency care in the timely manner that they need it in these types of crisis situations. And in order to be able to do that, we have to make sure that the state recognizes these orders from the tribes. Additionally, I want to make sure that everyone understands that this bill does not allow for the commitment of anyone other than a tribal member, and that is specifically, explicitly stated within the bill. If you look at the bill on page 5, lines 25 and below: At a minimum, such documentation shall clearly identify the subject, identify the relevant tribe, allege the officer's belief that the person in custody is mental ill and dangerous. So it's important to note that the only people that can be committed by these tribal orders are people who belong to the tribe for which that jurisdiction is specific to. This does not allow for commitment of people who do not belong to the tribe that may live on that land. So we need to make that clear as well. The third thing that I wanted to mention was the state cannot direct a sovereign entity like a tribal government on how they need to do their emergency protective custody orders and whether or not that goes through the state mental health board. That is up to them, and it is up to the federal government to change that if they wish to do so. As it stands right now, the state of Nebraska--

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KELLY: One minute.

DAY: Thank you, Mr. President. The state of Nebraska cannot direct the tribes on what their process needs to be in providing for emergency protective custody and how that whole process is facilitated. So we've provided for reimbursement so payment is not an issue. Number two, this does not allow for commitment of anyone other than tribal members that live on tribal land. And number three, we cannot direct another sovereign entity on what their process is on providing for emergency protective custody. I'm happy to answer any other questions. Thank you.

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

BOSN: Thank you, Mr. President. I did have a handout that I-- I never do handouts, but I had sent out that expressed some of the concerns that were discussed in the committee hearing on this bill. It's a letter from Tony Green, the Director of Behavioral Health, dated February 1 of this year. I would encourage you to look over that letter, and I want to emphasize that both he starts and, excuse me, he both starts and finishes his letter saying, the ultimate goal here is a goal worth pursuing. He says, let me first say the Division of Behavioral Health stands in support of continuing to engage in conversations that ultimately will support tribal members' access to supports through involuntary commitments or emergency protective custody hearings. He then goes on to explain and articulate what those concerns are with this bill. I think that shows his intent here is to continue working with the individuals. But these are the problems that we-- that we have in the bill as it's drafted. Starting with the first paragraph, the mechanism for payment, logistics, and roles regarding transportation under custody. So it's one thing to say the federal government will reimburse you for this individual. And it's another thing to say, here's how that reimbursement will work, because I think this is a significant cost. If you look at the fiscal note for this bill, I believe it was \$45,000 per patient per month. This is a significant amount of money, and that doesn't mean it's not something we should continue pursuing. What it does mean is that it's important we have the details worked out before we start sending out mandates to the counties that we might not be able to actually fund. He goes on to say: The executed agreements, involuntary commitments and emergency protective custody could not be executed through these contracts without more of an agreement between the tribes and the local agencies. The next paragraph talks about and this is an important paragraph: Discharges from hospitals, including but not limited to

regional centers, are under the authority of the treating facility. The bill currently reads that facilities, quote, may discharge with the consent of the tribe. So right now in state court under a Board of Mental Health commitment, the decision on when someone is and isn't ready for discharge lies with the treating facility, lies with the regional center, with the psychiatric residential treatment facility, but it resides with the treating-- treatment provider. And the way this bill is drafted, the tribe may disagree with the treatment provider. And the treatment provider is going to say, well, we don't need this individual in this level of care anymore, and we can't just have someone staying there without the ability to discharge them from that level of care. And this bill, as it's written right now, removes that discretion and that decision making from the treatment facility. It goes on to talk about the issue with firearms and possessing a firearms. That's the last paragraph. It says persons subject to involuntary custody following a mental health commitment are disqualified from purchasing or possessing a firearm pursuant to law. This bill is silent on the adherence to federal and state disability provisions under the Gun Control Act, and the law in this area is largely unsettled. The Division of Behavioral Health administers the electronic commitment reporting application process and would need this clarified. The next paragraph talks about the logistics here. Finally, the logistics of establishing court standards, forms or processes--

KELLY: One minute.

BOSN: Thank you. --to tribes executing contracts necessary to operationalize, excuse me, operationalize the bill would require an effective date beyond the current date, which is 90 days after signing. And they're saying we would need until at least January of, of next year before they could actually have these things worked out to a place where we could be successful. His closing paragraph reiterates their commitment to working with everyone on these concerns in order to get this to a place where we can all support it. So I just point those concerns out. Everyone should have a copy of that. I didn't realize it was going to be in color, so you could see all my personal highlights, but now you can see all my personal highlights on it. And if you have any questions, I'd be happy to try and answer them. But I share the concerns that are here and hope we can get to a place ultimately where we can all support this bill. Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. Senator Dungan, you're next and recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I still rise, in favor of LB1288 and the underlying amendment. I wasn't going to talk again on this, but I just wanted to kind of try to maybe answer some of the questions or further the discussion that Senator Bosn just brought up. And she and I did speak off mic about this a couple times. And I do understand some of the concerns that were brought up by Tony Green, the Director of Behavioral Health. But I think that the bulk of these can actually be answered pretty simply. And I-- I'm going to try to answer these as best I can. First of all, with regards to the funding mechanisms, it simply isn't true that there needs to be some delineated or outlined process and procedure with which those payments can happen. First of all, colleagues, you know all the time we pass laws that say things like the department shall promulgate rules to effectuate this bill, right? Like we allow all the time for other entities and organizations to set up their own structures and process and procedure to make sure that payments are going to happen. From speaking with the experts in this field, my understanding is that these agreements are already in place. So funding mechanisms through the Indian Health Service, through the federal government and through the tribes, they already have contracts in place and they already have a litany of rules to effectuate these funding mechanisms as they go through. And I think it's really, really important that we note that because the idea that we have to outline all of it in LB1288 on how this is all going to work is just, I think, unfounded in how these things operate. So the funding mechanisms are in place. Folks from the Winnebago Tribe have already assured me that the funding would be able to be effectuated almost immediately. And so I'm not concerned about that. And the part of the bill that's important is to ensure that the funding mechanism happens, which is in there. It says you have to reimburse for these services. The how is already in place through the federal government and the tribes. In addition to that, the part about the authority for the discharge from the hospitals, I did find that in statute. I think we're looking at page 16, lines 17 through 23. I don't want to get too into the weeds about this, but I think what we're talking about there, subparagraph (c) says "Provisional discharge or transfer of the subject may be authorized by the administrator only with the consent of the Indian Health Service or the placing tribe." I think what they're talking about there is if you're going to transfer somebody from one facility to another, that consent has to happen so somebody doesn't just get shipped around without the tribe's notice. In addition to that, the discharge of the subject from the treatment facility to the Indian Health Service or the placing tribe may be authorized by the administrator-- administrator after notice to in consultation with the Indian Health Service of the

placing tribe. So what that says is the administrator may discharge them; but before they do that, they have to talk with the tribe and at least consult with them. That does not mean that the tribe has the end-all, be-all say on whether or not an individual remains in custody or not. And I think that's really, really important because it's very clear here. The concern is somebody maybe no longer needs to be at a certain level of care. And the tribe says, no, keep them there, we don't want them discharged. That's not what LB1288 permits. Discharge of the subject from the facility to the IHS or the placing tribe may be authorized by the administrator-- full stop-- after notice to and consultation with the IHS or the placing tribe. Nowhere in there does that give the tribe or the IHS the ability to tell the administrator you cannot, you cannot release them. So the discharge is still at the discretion of the facility. It would still follow best medical practices. And I think that that's really important. And so I think there might be a conflation between subparagraph (c) and subparagraph (d) with regard to the consent. But discharge is still up to the administrator and it's still up to the facility. In addition to that, the concerns about the silence with regards to the federal law as it pertains to the Gun Control Act and other things such as that, you don't have to put in law, oh, also, by the way, they have to follow federal too. The federal rule still applies. And federal standards, as I think Senator John Cavanaugh talked about with regards to tribes and--

KELLY: One minute.

DUNGAN: Thank you, Mr. President. --sovereign courts is very complicated. But it is all baked into the way that federal statutes currently apply to tribes. It is already worked into how there is interplay. And so simply because this LB1288 is silent as to whether or not a federal standard has to be followed, it is not of a great concern to me. Moreover, with regards to the actual logistics of how this would happen, I do have faith they'd be able to put this together quickly. This is not an issue that we can kick down the road. As Senator Brewer, I think, very clearly laid out, this is an issue that needs to be addressed now. There are currently people being turned away from facilities where they need this help. So I understand the concerns. I think they are all able to be answered. And I'm happy to talk with anybody else offline about this, but I do appreciate the conversation because I think it's good we kind of dig into how this all operates. So thank you, Mr. President.

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

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CLERK: Mr. President, a single announcement. The Education Committee will hold an Executive Session in Room 2022 now; Education, Exec Session, Room 2022 at 11:00 today. That's all I have at this time, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB1288 and AM2695, and I appreciate the leadership of my friend, Senator Raybould, on this issue and my friend, Senator Day, and the rest of the Tribal Affairs Committee. I want to acknowledge that there are legal terms of art contained herein that are confusing and complex. They are not controversial, but they are confusing and complex. Things like domicile, things like jurisdiction, things like the interplay between state, federal, and tribal law. And here's the good news, colleagues. I appreciate the information that my friend, Senator Bosn, has injected into the record and shared with us this morning. But let me-- let me just provide some context for that information. The letter that she passed out from DHHS is dated February 1, 2024, and relates to their comments in regards to the public hearing on this measure. After the hearing, those who are leading this measure sat down with DHHS, sat down with other stakeholders, sat down with the tribal leadership and attorneys, and they crafted a consensus amendment wherein they took all of the department's suggestions. That is what is before you in AM2695. These issues have been vetted. They have been negotiated. There really is no disagreement as to what's contained in AM2695. Those with legal expertise from the tribes, from the Department of Health and Human Services have sat down and worked out all of the concerns that were identified in the DHHS letter that Senator Bosn passed out. There is no remaining controversy in that regard. So we need to be really, really clear about that. And if you don't believe me, think about it from a practical political perspective. Do you see PRO in the lobby pulling you out? Do you see DHHS in the vestibule pulling you out? Have you received a flurry of text messages and notes? No. These issues have been solved. If there are certain county attorneys or other officials that have a viewpoint or a perspective that is out of alignment with all of the other experts that have worked on these issues, that's fine. They can hold that minority position, but it shouldn't carry the day because it is not well crafted. It is out of alignment with those with expertise on each side of this issue, who have already fostered consensus on one of the top and most pressing issues facing our indigenous communities in Nebraska. So to suggest that there's murkiness or some things unsettled is not the case and

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it, it needs to be clarified. If people want to give voice to a minority position that is out of alignment with all of the stakeholders' agreed-upon ideas as contained in AM2695, that's fine. They can do that. They have a right to do that. But the concerns that were addressed at the committee hearing and contained in this letter have been worked out with AM2695. That has been resolved amongst the tribal leadership and the Department of Health and Human Services. So to suggest otherwise is not accurate. This is a critical bill--

KELLY: One minute.

CONRAD: --that is long overdue-- Thank you, Mr. President-- has been carefully vetted by the legal experts on this issue, and we need to move forward. I urge your support, and I'm happy to continue to dialogue with anybody about the complex legal issues and terminology contained herein. It is complex. It might be confusing, but it definitely is not controversial. Thank you, Mr. President.

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

FREDRICKSON: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I rise today in support of both AM2695 as well as the underlying bill, LB1288. And similar to my friend, Senator Conrad, I am appreciative of Senator Raybould and her hard work on this, as well as Senator Day and the members of the Tribal Affairs Committee. So one thing that I think we haven't really discussed about this bill, which I think is really, really important, is-- and we've been talking a lot about the legal context, which, for the record, is, is incredibly important to talk about, but we're not talking about the actual underlying function of this bill and what this bill is actually supposed to do, which is to provide acute care to folks in acute crisis who currently do not have that as an option. So the number, the, the-- it cannot be overstated, you know, the importance of when a civil order is given, whether that is by a sovereign court or whether it's by any other court that an individual has been ruled as an acute risk to themselves or others, the necessity of immediate treatment is incredibly high. And that immediate treatment can literally change the outcome. Just yesterday, for example, we had, you know, Senator Blood had a guest on the-- in the Chamber who, you know, was able to tackle the shooter during the Kansas City Chiefs parade. I mean, that potentially saved hundreds of lives, you know. That's not an exaggeration. So to be able to have acute-- if someone is being deemed by a sovereign court as an acute risk to self or others, being able to receive care which they currently are not able to receive is very,

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very important. I do understand and I-- and I really appreciate the concerns that Senator Bosn had mentioned and Senator Conrad high-- highlighted that was from a letter dated February 1. My understanding is AM2695 was actually drafted by DHHS. And so the amendment that we are hoping to add to this bill would address the concerns from the letter. That is my understanding, and I'm happy to be corrected by-- with that. But that is-- that is my understanding as how things stand. So I appreciate Senator Bosn's comments, but I think it's important that we are also acknowledging that the stakeholders have been consulted. And with that amendment, that takes away the concerns that were highlighted. I also want to-- I know we all kind of like to brag about our, our districts and how we have the best districts in the state. Well, I'm very fortunate because one of my constituents is actually a tribal judge. And, I reached out to her yesterday about this bill and was consulting with her. And she actually comes from a family where her father is a tribal judge as well as her sister. And I spoke with her a little bit about this bill. And they are highly in support of, of this. And, and she was expressing to me and really, I think, putting some color into the level of concern that is out there with this. She was sharing with me various examples of, without this bill, how folks do fall through the cracks, one, which is a huge concern. But two, she was also talking about how cases have to be retried over and over and over again, which is, you know, a colossal, you know, I think misuse of resources in many ways. So all this to say, I think bottom line, I-- I'm appreciative of the work that's been done with the department to ensure that all stakeholders are on the same page with this. And I think that this bill, it gets folks the help that they desperately need while also respecting tribal sovereignty. And that's really, I think, the best we can do as a state around this. So I'm appreciative of Senator Raybould and Senator Day and the Tribal Affairs Committee's work on this. And I look forward to supporting both AM2695 as well as LB1288. Thank you, Mr. President.

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

BREWER: Thank you, Mr. President. Well, it seems like this morning I'm kind of going round and round with educating folks on Native American issues, culture. We're gonna talk a little about law enforcement now, so you, you maybe understand that the reservations are kind of islands out there. And it was Governor Heineman who came up with a cross-deputization of the BIA and tribal police. So let's, let's run down. If you're on a Indian reservation, what you potentially could see in the way of law enforcement is the FBI, that's on a rare occasion if there is a federal crime or crossing state lines, things

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like that. They do come on the [INAUDIBLE] reservation. They have jurisdiction. Nebraska State Patrol, but understand the Patrol-- part of the cross-deputization and the work with the tribal police was to take away some of that requirement away from them. So really, what you come down to is you have the BIA and you have tribal police. What's the difference between them? The BIA, Bureau of Indian Affairs, they go to their training at FLETC. That's a facility in Georgia. It is a demanding, difficult training. They would be more in the line of Nebraska State Patrol in their level of training and professionalism, all that. Your tribal police tend to be more your, your local police in your town. Their requirements are less. And consequently they have less formal training. But the challenge we have here is they are restricted, the BIA and the tribal police, to operations within the confines of the reservation. And that goes back to our point here is, why is this bill necessary? Well, we have to figure out how, how to bridge this so that we have identified someone who has a mental health crisis and potentially may be taking their life or possibly someone else's life, and you have to get them to a facility. Now, I heard discussion about the hospital in Winnebago, and that is a good, nice facility. It is very limited, though. You can't even have a baby there at that facility. So they have a ways to go. Now, should they? You bet. They ought to be working that way. They ought to be trying to figure out how they can establish a wing and do all those things, but it's not there. And what we're trying to do is deal with the crisis now. All right. So we're down to the sheriff's office taking on the burden of getting that transportation done. What we don't want to do is put them in a position where they are doing transportation; but because of the inability to link up with DHHS and facilities, that is an activity that's futile and they end up with that person back again because now you've compounded the situation. And one of the things my brother has to deal with that I wish I could give him a solution to is he says, if no one takes them, what do I do? He says, I have no chance. I put them in the jail. I got to protect the public. But I think if you've dealt with folks with mental health issues, the answer is not to stick them in a-- in a cell by themselves and give them nothing. So I appreciate the comments by John Cavanaugh. I think that there, there would be a bigger, better solution maybe. But the, the reality of the situation we're in right now with the changes with AM2695, we have something to help better the situation. Is it ideal? No. I, I, I think you would have to have a study. You'd have to do a lot of work to figure out how to bridge some of these challenges from the reservation on to other places that--

KELLY: One minute.

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BREWER: Thank you. --that will be needed in order to take care of that requirement for mental health. But if we roll them back into a, a cell, I think we have doomed the, the mental health situation to only get worse. Thank you, Mr. President.

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

WAYNE: Thank you. And, I just want to remind everybody that this bill came out 8-0. So I'm still curious on why today committee members have issues with a bill that came out 8-0. That's just the facts. So for me, when we get up and start talking about payments and being expensive, let me just remind everyone there are people right now in-- custody is the wrong word-- in a facility where the local county is recognizing the orders already. Somehow those payments are already worked out. Somehow those counties tend to have all of this worked out. And so to get up here and say it's not in the bill and now I'm confused when the reality is it's already happening. The reason for this bill is it's not happening consistently across Nebraska. So for Douglas County, Thurston County, Washington County, Sarpy County it's really a nonissue because most of our courts in those or actually most of our judges recognize this. It's sometimes there's a new judge appointed somewhere. They don't know it. They don't understand it. There isn't clear codification of how this is done. This codifies what happens in many of our counties. We're just trying to prevent a new judge or a new county making a mistake. There are some judges who say, well, we don't recognize that. Then they got to go through this process to hopefully file a motion to reconsider and do some other things. And we don't have to do all that. This is giving clarity. But if we can't come out of committee-- let me be clear here-- if we can't come out of committee with 8-0 votes and then we get up here, then consent calendar is going to be very interesting this year because I can 5-5 just to disrupt consent calendar. I don't-- I just-- I don't understand that. After we get on the floor, if these were new issues, I would understand. But the reality is the letter from HHS has been around, and they already work through this in many counties. So to act like we don't know how to do it, I think is just false. How are they currently doing it? If the idea is we have to be so prescriptive going forward, then when we go back and revisit LB137, then we need to be prescriptive on what the elements are. We need to write jury instructions in statute now. We have to be that prescriptive going forward, that's fine. It'll take a while. Bill Drafting is going to have a lot of bills going-- I mean amendments coming forward. But we can be that prescriptive going forward. I have no problem with that. We can be that prescriptive on how a baby box should be set in the

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fire station, because we can't leave that up to individual fire stations because it may cause too many problems. So we can be that prescriptive, too, going forward, that they have to be on the-- on the third garage entrance next to a heater. I can be that prescriptive. But many of the arguments right now are just, to me, clouding the issue that we have inconsistencies throughout our counties and we're trying to provide consistency across the board. Here's what I will say. Now the reverse can happen. If this bill doesn't pass, counties now have the authority to say that's not the Legislature's intent, because they didn't pass a bill saying it was. They rejected this. So now we can add more confusion across the state of Nebraska by not--

KELLY: One minute.

WAYNE: --passing a bill that came out 8-0 that there really was no opposition, just, hey, we, we want to figure out a couple of things of how people get discharged. Well, we walked through that in committee, how it happens in Douglas County, how it happens everywhere. You still got to go back through a board and get board approval of whether you can or cannot be discharged. That's no different than a tribe. You would go back to the tribe and get approval by that jurisdiction, that court of jurisdiction. So I'm going to see how this plays out. But I'm trying to figure out where the issue is and why it wasn't really fleshed out in committee. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Senator Fredrickson would like to announce some guests in the north balcony. They are fourth graders from Sunset Hills and Rockbrook Elementary in Omaha, including Senator Machaela Cavanaugh's daughter, Della. Please stand and be recognized. Seeing no one else in the queue, Senator Day, you're recognized to close on the amendment.

DAY: Thank you, Mr. President. I just do want to reiterate regarding the letter that Senator Bosh passed out from the Department of Health and Human Services. This amendment, AM2695, was literally written by the department. All of the issues have been worked out. This, as Senator Wayne said, the Chairman of Judiciary, through which the committee this bill went through, this bill came out 8-0. There was zero opposition testimony. It is frustrating. We get a bill out of committee unopposed from any of the members on the committee, from any testifiers, we draft an amendment to deal with the neutral testimony that was come in from the Department of Health and Human Services. Jane Raybould, Senator Raybould and her office have been working extremely hard on this bill. And it is frustrating for it to now be on General File and we all of a sudden have all of these other changes we

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want to make. This is an extremely simple, straightforward bill that just simply says the state can recognize emergency protective custody orders from tribal judges. That's it. There is nothing else complicated to it. The payment is handled through reimbursement, as Senator Dungan laid out already. There is no other issues. As I understand it, there is some simple language that potentially will be added in an amendment coming soon. If that is necessary to satisfy the desires of some of the people in this body, I am happy to continue to work with them on that because this bill is extremely important. When we invite you all-- I'm the Chair of the State-Tribal Relations Committee, and we regularly invite all of you to come with us when we go visit the tribes. Please come. Please come so you can hear the stories that they tell; so you can hear about what happens when kids and adults get turned away from the hospital and, as Senator Brewer said, either end up in a jail cell or they end up back at home. Please come visit with us because we're going to continue to do that. It's frustrating because I feel like some people don't quite grasp the context of this bill. We're talking about Native American tribal members that are in crisis, emergency situations in crisis. They need immediate help and we are turning them away right now. We are giving them nothing. Sometimes we throw them in a jail cell. That's a travesty. This bill has been worked on for years, for years. Senator Raybould has been working her tail off. Despite all of the other things that she has going on right now, she has worked extremely hard on this bill. She has satisfied all of the concerns and answered all of the questions. And it is, quite frankly, extremely frustrating that now here we are on General File after this bill has been on General File on your agendas for multiple days in a row. Now we have questions and concerns and amendments that we want drafted.

KELLY: One minute.

DAY: Fine. OK. We'll draft those amendments. If I can get you to a green vote by drafting a simple amendment, let's do it. That being said, I encourage your green vote on AM2695 and eventually, hopefully LB1288. And the last thing that I will say is please come with us when we invite you the next time. It's important-- I always say this-- it's important to be in proximity to the people for whom your bills impact. The closer you get to the people whom your bills impact, the better understanding you have of why this stuff is necessary. If you keep everyone at an arm's length, you can't possibly understand the situations that these people go through. Please come with us. I encourage your green vote on AM2695 and LB1288. Thank you, Mr. President.

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KELLY: Thank you, Senator Day. Members, the question is the adoption of AM2695. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house be placed under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 26 ayes, 2 nays to place the house 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. Senator Fredrickson has some guests in the north balcony, members of the Jewish Community Relations Council in Omaha. Please stand and be recognized by your Nebraska Legislature. Senators Walz, Bostar, Hughes and Bosn, please return to the Chamber and record your presence. All unexcused members are now present. Senator Day, the vote was open. Would you accept call-ins? She will. We are now accepting call-ins. Mr. Clerk.

CLERK: Senator Bostar voting yes. Senator von Gillern voting yes. Senator DeKay voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Hughes voting yes. Senator Ibach voting yes. Senator Armendariz voting yes. Senator Walz voting yes. Senator Moser voting yes. Senator Jacobson voting yes. Senator Sanders voting yes.

KELLY: Record, Mr. Clerk.

CLERK: 29 ayes, 6 nays, Mr. President, on the adoption of the amendment.

KELLY: The amendment is adopted. Raise the call. Returning to debate on the bill. Seeing no one else in the queue, Senator Day, you're recognized to close.

DAY: Thank you, Mr. President. Thank you. To my colleagues who are supporting the amendment. I hope you will also support the underlying bill. Again, this is an extremely important piece of legislation that we need to get moving. If there are any further amendments, I would be happy to work with any interested parties between now and Select File. Encourage your green vote. Thank you.

KELLY: Thank you, Senator Day. Members, the question is the advancement of LB1288 to E&R Initial. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Request to place the house under call. There has been a request to place the house under call. The question is, shall the house go under

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call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 3 nays to place the house 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 unexcused, unauthorized personnel, please leave the floor. The house is under call. All unexcused members are present. Mr. Clerk, please call the roll. The question before the body is the advancement of LB1288 to E&R Initial. Mr. Clerk, please call the roll.

CLERK: Senator Aguilar voting yes. Senator Albrect voting no. Senator Arch not voting. Senator Armendariz not voting. Senator Ballard voting no. Senator Blood voting yes. Senator Bosn not voting. Senator Bostar voting yes. Senator Bostelman voting no. Senator Brandt voting yes. Senator Brewer voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn. Senator Dover. Senator Dungan voting yes. Senator Erdman. Senator Fredrickson voting yes. Senator Halloran. Senator Hansen not voting. Senator Hardin voting no. Senator Holdcroft not voting. Senator Hughes not voting. Senator Hunt voting yes. Senator Ibach not voting. Senator Jacobson not voting. Senator Kauth voting no. Senator Linehan. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting yes. Senator Sanders not voting. Senator Slama voting no. Senator Vargas, Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Senator Bosn voting yes. Senator Jacobson voting yes. Senator Machaela Cavanaugh voting yes. Senator Armendariz voting yes. Senator Moser voting yes.

KELLY: Record, Mr. Clerk.

CLERK: 25 ayes, 10 nays on advancement of the bill, Mr. President.

KELLY: The bill does advance. Raise the call. Mr. Clerk, next item.

CLERK: Mr. President, next item on the agenda, LB894 introduced by Senator Ibach. It's a bill for an act relating to county sheriffs; changes law enforcement officer certification requirements for candidates for sheriff as prescribed and repeals the original section.

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The bill was read for the first time on January 3 of this year and referred to the-- to the Judiciary Committee. That committee placed the bill on General File with committee amendments. There is an additional amendment, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Ibach, you're recognized to open.

IBACH: Thank you, Mr. President. Good morning again. Today I rise to introduce LB894 for your consideration. I'd also like to thank Speaker Arch for prioritizing this legislation today. LB894 simply requires that a candidate for the office of county sheriff be a certified law enforcement officer when the candidate files to run for that office. Currently, anyone can run for the office of county sheriff, regardless of whether or not they are certified law enforcement officer. If they are elected, they have 8 months to obtain that certification. If the elected sheriff has not received certification within that 8-month period, a fine shall be levied upon that sheriff, an amount equal to the sheriff's monthly salary for each month they are not certified. As you know, this provision in law came to light based upon a situation last year in Dundy County, which is in my district. In 2022, voters elected an individual to serve as sheriff who was not a certified law enforcement officer. In June of 2023, the sheriff was denied entry into the Nebraska Law Enforcement Training Center for 2 reasons: failure to demonstrate compliance with physical fitness standards, and for failing to pass a background investigation. In November 2023, a recall election occurred in Dundy County, and voters recalled the sheriff by a vote of 712 to 63, and the county board appointed a certified law enforcement officer to serve as interim sheriff while he relocated to live in the county. It is my hope that with the enactment of LB894 situations like this can be prevented in the future. I believe that it is in the best interest of the state, the county, and the citizens of Nebraska that a person serving as sheriff be a certified law enforcement officer prior to election. I believe that anyone serving as a law enforcement officer should be trained in proper police procedure, proper investigatory procedures, proper weapons handling, and be trained in how to properly interact with citizens during the course of their duty. AM2370, which is following, was an issue raised by Sheriff Neil Miller of Buffalo County. This language states that if no qualified candidate for sheriff is elected, the county board may appoint a law enforcement officer to serve as sheriff. This mirrors the language already in statute that is in place for a county board to appoint a qualified county attorney if-- by the qualified county attorney if one does not run for office, so that we are not reinventing the wheel here. LB894 advanced from the Judiciary Committee unanimously, and was supported by the Nebraska Sheriffs

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Association and the Nebraska Association of County Officials. With that, I thank you for your time, and I ask for your green light on LB894 and AM2370. Thank you, Mr. President.

KELLY: Thank you, Senator Ibach. As stated, there is a committee amendment. Senator Wayne, you're recognized to open.

WAYNE: Thank you, Mr. President. Colleagues, AM2370 would add a new section and amend Section 23-1701 to provide that a county sheriff appointed by the county board would also be required to have a law enforcement officer certificate or diploma. The committee voted 8-0 to adopt this AM2370 and advance the bill to General File. I will also note for Judiciary Committee, we are going to Exec at 11:45 on LB441, Senator Albrecht's priority bill, underneath the balcony. So thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Mr. Clerk, for an amendment.

CLERK: Thank you, Mr. President. Senator McKinney would move to amend AM2370 with FA232.

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

McKINNEY: Thank you, Mr. President. I did vote LB894 out of committee. And I believe I voted on AM2370 and I brought floor amendment 20--23--232 because I think it's also important that, you know, sheriffs, especially sheriffs in big counties, in Douglas, Lancaster and Sarpy are required to have college degrees. And I know people are probably asking why. To me, there's 5 important reasons. The first is there are less officers with law-- with college degrees are less likely-- less likely to use violence. Research shows that overall college educated law enforcement officials generate fewer citizen, citizen complaints. They're also terminated less frequently for misconduct and less likely to use force. Regarding the use of force, officers who've graduated from college are almost 40% less likely to use force. Use of force is defined as actions that range from verbal threats to using force to actually you-- to using force that could cause physical harm. College educated officers are also less likely to shoot their guns. A study of officer involved shootings from 1990 to 2004 found that college educated police officers were almost 30% less likely to fire their weapons in the line of duty. Additionally, one study found that police departments that required at least a 2-year degree of officers had lower rates of officers assaulted by civilians compared to departments that did not require college degrees. I've, I've received feedback

about this last year when I introduced it in a bill. And, you know, some have said that this is sensible and some have said it's not. You know, and I just strongly believe that, you know, they should have degrees. A second reason is "communiting" police-- community policing and problem-oriented policing. We should require problem solving and creative thinking skills that come with experience in college. It helps develop these skills. For example, internships and service learning opportunities in college provide future police officers or sheriffs a chance to develop civic engagement skills and allows them to get to know the communities they will be policing or serving. Amongst students, students who participated in a criminal justice serving-- service learning course with young people in the community, 80% reported a change from stereotypical assumptions that all of them would be criminals to a better understanding of them as individuals with goals and potential, some not so different from the students' own streams-- own dreams. Almost 90% said they had to understand the community, which they believed they would serve in their criminal justice careers. The third reason for this, it enables officers to better relate to the community. Higher education has been shown to enhance the technical training police get in the academy or on the job, for instance, as college students, aspiring or current sheriffs or police officers participate in internships, do community service, or study abroad. All of these things have been shown to increase critical thinking, moral reasoning, and openness to diversity, which is definitely important in Douglas County, Lancaster County and Sarpy County, the 2 biggest and most diverse-- the 3 biggest and most diverse counties in the state, although there are other diverse counties across the state. College also leads to a more intercultural awareness. Taken together, all of these skills are essential for successful work in the community. Number 4, it helps officers identify best practices. A college education helps officers or sheriffs become better at-- better at identifying quality information and scientific evidence. This, in turn, enables them to more rigorously and regularly evaluate policies and practices adopted by their departments. For example, many departments employ de-escalation tactics that aim to reduce the use of force, a critical step in knowing whether an approach is achieving its intended goal and evaluating its impact. Officers who understand scientific methods as taught in college are better positioned to adjust the department's policies. And the last and 5th, I think college in some cases builds better leaders. I'm not saying college is the end-all, be-all, but I think it is definitely helpful for people going into law enforcement, whether you're a police officer or sheriff. Bringing out meaningful, you know, measures to transform leadership, higher education, including graduate degrees,

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can enhance the leadership potential of criminal justice professionals and support their promotion through the ranks. I think this is very important considering all the things that have occurred over the past 3, 4 or 5 years. I think it's a good measure. I think we should require our sheriffs in the biggest counties to have a 4-year college degree in criminal justice and law enforcement. And that's why I brought this bill. I know there's been issues across the state with certifications and some sheriffs not being really qualified, but still being sheriffs, and I'm open to the discussion. Thank you.

KELLY: Thank you, Senator McKinney. Senator Ibach has some guests in the north balcony, 4th graders from Pershing Elementary in Lexington, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB894, AM2370, and I was just looking over FA232 and I think I will be supporting that as well. I actually signed on to cosponsor this bill with Senator Ibach. Thank you, Senator Ibach, for allowing me to cosponsor it. I think it's a really good governance bill, and addresses a problem. I am dismayed by what happened on the last bill, Senator Raybould's bill. And I wasn't going to raise to speak on this, but I think it's important to illustrate to the people watching at home that there is an opportunity for bipartisan work in this body, that we can collaborate and have good governance. That's not what you saw on the last round of debate. Unfortunately, you saw a very what I would describe as a low moment for the Legislature this year. But I hope that moving forward LB894 can be a higher moment. So thank you to Senator Ibach for bringing this and the Judiciary Committee. I yield the remainder of my time.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator McKinney, you're recognized to close on your floor amendment. Oh, and you're in the--

McKINNEY: Oh, my bad. Getting back on the mic. I know people might have concerns or don't want to get on the mic because they're just going to vote no on this because I think this is a wild idea or that, you know, we can't, you know, it's, it's not possible. But if you oppose this idea, can-- why not get up and tell me why you oppose this idea if it's so bad? You know, I mean, we got 15 minutes left, which means we have some time to have a decent conversation about why this is a bad idea. The people of Nebraska is watching, and we could have this discussion about why you're voting no, or why you don't fully support this idea, or why maybe I need to adjust this amendment.

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That's how I think we could better craft policy in this place. But seems like nobody wants to get on the-- on the mic and kind of have a, you know, a more substantive debate about this amendment. But I do strongly believe that sheriffs and even law enforcement officers should have college degrees, whether it's 2 years or 4 years, because I do think, especially those that patrol very diverse communities where you don't have those experiences and you don't interact with communities of diverse backgrounds, and you're just thrown into, into those communities, you're not going to have the greatest relationships because you have to understand those cultural backgrounds. You have to understand the nuances of the cultures. And it wouldn't matter if I--- I would never be a cop. But if I was to be a cop in a hypothetical and I was sent out in a-- in an area where I was never from, I would have to have some type of cultural understanding to interact with those people, which I believe having that type of experience and being on a college campus and interacting with different people, you could get that type of experience and the research shows it. So just voting no because Terrell introduced this amendment or you don't like the idea I don't really think is-- I don't think it's valid because, well, people don't care about research around here because we got a lot of studies on research and make this place better and make our criminal justice system better, but we ignore tho-- that research all the time. So I guess I shouldn't make that argument. But even so, research has shown law enforcement officers with college education are better, whether you like it or not. And with that, I'll yield the rest of my time. Thank you.

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

J. CAVANAUGH: Thank you, Mr. President. Thank you, Senator McKinney, for bringing this amendment. I think it's an interesting conversation. And I'll take you up on the challenge of not voting against it just because Terrell brought it. But I, I support LB894 and AM2370, and I think I support FA232. I would be curious to hear other folks' thoughts on it because, you know, we have other requirements. I was actually a little surprised when Senator McKinney told me he brought-- about this amendment, because I was a little surprised that there wasn't already a requirement that sheriffs have any kind of degree. I understand that Senator Ibach's bill, you know, requires that they get the certification. But we had in Douglas County, I don't know how-- what other counties that we have the county assessor/register of deeds is one office. And I remember about 2 years ago there was an election for the Register of Deeds, and there was almost no one eligible to run because you had to have a specific assessor certification. There were

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like 4 people in Douglas County who met this requirement. So, you know that-- that's like one kind of extreme, I guess, example of overrequirements for positions. But on the flip side, there's, you know, generally available, a lot of people have, especially in, in Douglas County, a lot of people have criminal justice degrees from University of Nebraska-Omaha, which has a great program and located in District 9. A lot of people go there and get that college degree. And a lot of folks who work, particularly in law enforcement in Douglas County have that degree. So I'm not sure it would be a, a burden necessarily or would unduly limit the folks who are available to this job. And Senator McKinney did make some really great points about the net benefits that are derived from having our law enforcement officials or members have this particular type of experience and background and training. So I, I definitely see the benefits that Senator McKinney is proposing here. But I would be interested to hear other people's thoughts on it. Right now I'm leaning towards voting for the amendment. But I'd be curious what other folks think. Thank you, Mr. President.

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

WAYNE: Thank you, Mr. President. Colleagues, it's unusual for me to do this. Usually the Clerk does, but at 11:53, we'll meet underneath the balcony to Exec on Senator Albrecht's priority bill. But here's why I'm leaning towards being in favor of this bill. So if you take Lancaster County, Lancaster County Sheriffs investigate or the State Patrol an issue-- let's say there's a car accident. Somebody-- a violation could be city of Lincoln police. They would call the sheriff or State Patrol to investigate and do the investigation just for-- to be clear and not to have any conflicts. I do find it ironic that the potential person who could be in charge of-- ultimately in charge of that investigation would have less of an education requirement than the captain or the lieutenant of the city of Lincoln. Just the city of Lincoln requires a bachelor's degree in some areas, or Omaha or Bellevue. I do find it ironic that we don't have some of those same limitations on the people who are in charge of the entire county. Just kind of makes sense. If you couldn't get a city of Lincoln captain job or lieutenant job, how, how should you be able to run for Lancaster County Sheriff if you don't have those basic requirements to move up in the city? So I think it's an interesting discussion. I look forward to having more conversation. And with that, I yield the rest of my time to Senator McKinney.

KELLY: Senator McKinney, you have 3 minutes and 10 seconds.

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McKINNEY: Thank you, Mr. President. Again, I think this is a valid discussion that we should have in this body, especially as we talk about law enforcement. Because although we passed LB51, I think in my first year or second year, I don't think it went far enough. I don't think we've held law enforcement accountable. I don't think this country has done all we should have done after 2020, after the death of George Floyd at all levels. Federally they haven't passed anything, honestly, that-- of significance. And in this state, I don't think we've done enough. And I think this is a part of a way to do more things to try to improve policing. It's not to demonize anybody. It's not to make anybody feel bad. It's just to improve policing so our communities can be better served so we can make-- so we could try. I don't think it can prevent. I don't think it would completely eliminate a lot of things, but I think it could possibly decrease negative interactions between police and community if we put better things in place. And that's why I brought this amendment. And with that, I yield the rest of my time. Thank you.

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

CLERK: Thank you, Mr. President. Announcement: The Judiciary Committee will be meeting under the south balcony now for an Executive Session; Judiciary, south balcony, now for an Executive Session. Additional items, Mr. President. Your Committee on Enrollment and Review reports LB844, LB1394, LB1394A and LB856 to Select File. Additionally, your Committee on Judiciary, chaired by Senator Wayne, reports LB914, LB945, LB1202 and LB1268 to gen-- to General File. Bills read this morning on Final Reading were presented to the Governor (Re LB16, LB16A, LB51, LB83, LB102, LB102A, LB147, LB152, LB184, LB190, LB303, LB307, LB317, and LB731). Additionally, amendments to be printed: Senator Hardin to LB1120; Senator Bosn to LB137;. Senator Bostelman to LB61; Senator John Cavanaugh to LB541; Senator Jacobson, LB1087; McDonnell, LB1017; Senator Wayne, LB894. Additionally, report from the Judiciary Committee concerning gubernatorial appointments to the Crime Victim's Reparations Committee, as well as the Nebraska Crime Commission and the Board of Parole. Explanation of vote from Senator Wishart concerning bills read this morning on Final Reading: Had I been present, I would have voted aye on the final passage of LB16, LB16A, LB 51, LB83, LB102, LB102A, LB147, LB152, LB184, LB190, LB303, LB307, LB317 and LB731. That's all I have at this time, Mr. President.

KELLY: Senator Hansen, you are recognized for a message.

HANSEN: Thank you, Mr. President. Some of you might remember that we read across the floor a briefing that's going to be held today at 1:00

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by the HHS Committee pertaining to a briefing from Dr. Timothy Tesmer updating us on some of the-- and some of the review of rules and regulations pertaining to LB574. There was a-- we-- there was an error on putting it on the public calendar. So I just want to mention it, publicly, since we were a little late getting on the calendar. So that's the majority of the message. Thank you, Mr. President.

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

CLERK: Mr. President, few additional items: Senator Hunt name adds to LB2; Senator Wayne, LB16, LB51, LB52, LB83, LB102, LB130, LB147, LB152, LB184; Senator Dungan and Bosn to LB184 as well. Senator Wayne name added to LB190, LB218, LB303, LB307, LB317, LB358, LB600, LB829; Senator Conrad name added to LB1166. Notice that the Appropriations Committee will be holding an Executive Session in Room 1003 today at 1:30; Appropriations Exec Session, 1003 today at 1:30. The Health and Human Services Committee will be having an Executive Session today in Room 1510 immediately following their hearing; Health and Human Services, Room 1510 immediately following the hearing, Exec Session. Finally, Mr. President, a priority motion. Senator Armendariz would move to adjourn the body until Monday, March 4, 2024, at 10:00 a.m.

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