KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fortieth day of the One Hundred Eighth Legislature, Second Session. Our chaplain for today is Eric Moser, youth pastor at Riverview Community Church in Ashland, a guest of Senator Bostelman. Please rise.

PASTOR MOSER: All right, let's pray. Lord, Jesus Christ, your word says in Psalm, Chapter 2, why do the nations rage and the peoples plot in vain? The kings of the earth set themselves, and the rulers take counsel together against the Lord and against his anointed, saying, let us burst their bonds apart and cast their cords away from us. But he who sits in the heavens laughs. The Lord holds them in derision. Then he will speak to them in his wrath, and he will terrify them in his fury, saying, as for me, I have set my king on Zion, my holy hill. I will tell of the decree that the Lord has said to me, you are my son, and today I have begotten you. Ask of me, and I will make the nations your heritage, and the ends of the earth, your possession. You shall break them with a rod of iron and dash them in pieces like the potter's vessel. Now therefore, O kings, be wise. Be warned, O rulers of the earth. Serve the Lord with fear, and rejoice with trembling. Kiss the son, lest he be angry, and you perish in the way. For his wrath is kindled quickly. Blessed are those who take refuge in him. And also, from Psalm 1:49. Praise the Lord. Sing to the Lord a new song, his praise in the assemble-- assembly of the godly. Let Israel be glad in his maker. Let the Lord-- or let the children of Zion rejoice in their king. Let them praise his name with dancing, making melody to him with the tambourine and lyre. For the Lord takes pleasure in his people, and he adorns the humble with salvation. Let the godly exult in glory. Let them sing for joy in-- on their beds. Let the high praises of God be in their throats and a 2-edged sword in their hand, to execute vengeance on the nations and punishment on the peoples, to bind their kings with chains, and their nobles with fetters of iron, and to execute, execute on them the judgment written. This is the honor for all his godly ones. Praise the Lord. Amen.

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

LOWE: Will you please join with 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: I call to order the fortieth 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: Are there any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

KELLY: Are there any messages, reports or announcements?

CLERK: There are, Mr. President. The notice of hearing from the Transportation and Telecommunications Committee. Additionally, report of registered lobbyists from March 6, 2024 will be found in the Journal. And agency reports electronically filed with the Nebraska Legislature can be found on the Nebraska Legislature's website. Finally, Mr. President, a notice that the Health and Human Services Committee will meet in Executive Session on-- today at 10:00, in room 2022. Health and Human Services, Executive Session, room 2022, 10:00 a.m. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator John Cavanaugh would like to recognize the doctor of the day, Dr. Sarah Hoffschneider of Omaha. Please stand and be recognized by your Nebraska Legislature. Senator Bostelman would like to announce a guest under the south balcony, Jeff Brayfield of Ashland. Please stand and be recognized by your Nebraska Legislature. Senator Aguilar, you're recognized for a message.

AGUILAR: Thank you, Mr. President. Good morning, members. Good morning, Nebraska. Yesterday, I had the pleasure of introducing a resolution to honor my son-in-law, Greg Wagner of Omaha. Greg has 45 years of service to Nebraska Games and Parks in the Fisheries, Parks and Communication Division in various capacities. Greg currently working as the commission's marketing and communications specialist. Greg helped proclaim and designate the National Hunting and Fishing Day in September. Greg has been recognized for many things: Manager of the year, outstanding person of the year from sportsman's assisting the nationals disabled sportsmen and women's organization, Long Spur Society Award and-- from Pheasants and Quail Forever, and many other awards. Greg is an outdoor ambassador who enjoys Nebraska, its people, history, natural and cultural resources. A great representative and supporter for Nebraska Games and Parks, Greg is an all-around great Nebraskan. He also has a successful radio program for the last 30

years. I offer my congratulations, Greg. I love you, man. Thank you, Mr. President.

KELLY: Thank you, Senator Aguilar. Mr. Clerk, please proceed to the first item on the agenda.

CLERK: Mr. President, first item on the agenda, LB685A, introduced by Senator Lowe. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of the provisions of LB685. The bill was read for the first time on March 6 of this year and placed directly on General File.

KELLY: Senator Lowe, you're recognized to open on the bill.

LOWE: Thank you, Lieutenant Governor. I'll be brief. This is the A bill that follows LB685, which we hope to gain control on the skill games in the state of Nebraska. With that--

KELLY: Thank you, Senator Lowe. Seeing no one in the queue, you're recognized-- and waive closing. Members, the question is the advancement of LB685A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB685A advances to E&R Initial. Mr. Clerk.

CLERK: Mr. President, next item, LB1087A, introduced by Senator Jacobson. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of the provisions of LB1087. The bill was read for the first time on March 6 of this year and placed directly on General File, Mr. President.

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

JACOBSON: Thank you, Mr. President. Well, as all of you know, LB1087 is the hospital assessment and quality assurance bill. This bill is, is really set up, as you know, to where we can access really almost up to $1.5 billion in federal Medicaid dollars to come to Nebraska, to be used for Medicaid purposes in hospitals. The way the bill is set up is the hospitals were required to, to pay in up to 6% of their patient billings. And I say patient billings because there would be other revenues, interest, income, contributions, and so on that they may get. This would just simply be 6% of their patient billings. That number they would pay into a-- this fund at the state, that would be

administered by DHHS. Then those dollars would be matched by the federal government 2.19 times. So the original estimate was going to be around $650 million a year that, that, that 6% would represent. We think now that number is probably going to be a little lower than that. But the Fiscal Office wanted a figure up to $650 million to be able to have a cushion. Again, that would then access upwards of $1.4 to $1.5 billion from the federal government. This money would come in quarterly, as the hospitals would report and pay-- and, and be prepared to pay in. These dollars would go into this fund. And then hospitals would report what their Medicaid billings were, and then they would receive money back. So you're asking, well, why are they paying in and then getting money back? Well, every hospital would pay in 6% of their patient billings, regardless of what their billings were for. So if you're a, a hospital that has far more Medicaid patients, hence far more Medicaid billings, then you would get a bigger percentage of the pool of money coming back. The beauty of this program is, is that every hospital in the state would end up a net ahead of what they paid in on the 6%. Some would do significantly better, and that would be based on the fact that they would have significantly higher Medicaid billings. This would do-- go a long ways by being able to get more providers to provide Medicaid, take Medicaid patients. Many of you that might be familiar with how hospitals operate, the Medicaid reimbursements could be as low as 38% of their costs. It never gets close to 100% of their costs. So what this money will do is help make hospitals whole. You've heard about the emergency hospitals. You've heard about the other hospitals that are struggling. This will be the lifeline that will keep hospitals open in rural Nebraska, but would also be significant for hospitals like Children's, which could get as much as $150 million, from this influx of dollars. The interesting thing, when you look at the fiscal note, I just want to point out it's showing a fiscal note of $650 million. Senator Clements, of course, doesn't miss a beat. So we've had some conversations about what that really means. Understand that what the-- the way the bill is designed is-- and what, what Fiscal has worked out with the admin-- with-- that the Fiscal Office has worked out with the Hospital Association, is that they would move money from the cash fund into this fund during the year, to, to provide the upfront dollars. And then the hospitals would come back and reimburse that, prior to the end of the fiscal year. So this would basically be a loan as, as opposed to an outright appropriation. But we've got to call it an appropriation. So they would loan the money into the fund. They would get the money back. So the net cost-- and if you look at the fiscal note, and the key words would be that the net fiscal note is zero. Actually, I would argue the net fiscal note is a negative number,

because there's also money coming out of the money that goes into this pool, to reimburse the state for their administrative costs. There are other percentages of dollars that go-- that stay with DHHS. So DHHS is more than whole when we're done. And then there's money going into other funds, as well, to really help provide to other programs. So, so that's why you're seeing a fiscal note of $650 million. Senator Clements and I have talked about, a little bit, just now, whether or not that could be reimbursed on a quarterly basis. And so, I'm going to probably get with the Hospital Association and probably with Fiscal, to see if there's some tweaks we maybe need to do there. Needless to say, this bill has had a lot of adjustments along the way, but it's of significant impact to hospitals. And so, we want to just make sure that this all flows as smoothly as it can. But I would encourage you to vote yes on 6-- 50--6-- LB1087A. And I believe the bill itself is now on Final Reading, so this is the A bill to try to catch up. Bottom line is it's a net zero, in terms of fiscal note. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I rise in support of LB1087A. When I looked at it, it looked like $650 million of spending. But checking into it, it is money that's going to come out of the state-- go out of the state and then get reimbursed. I'm under the understanding that it's quarterly our-- and it comes out of our Medicaid funds, which we receive-- no, excuse me. We appropriate state funds of over $900 million a year for Medicaid programs, and that's $229 million every 3 months, quarterly. This would require about $162 million upfront paid out, to start this program. And then it would be reimbursed, like he said, in over a 2 to 1 ratio back from the federal government and-- to, to the hospitals. And the state will receive the reimbursement of that first payment that they send in to the federal government. So I agree that there is no General Fund fiscal note effect on this. Since the number was so large, I just wanted to stand up and support it. And this is going to be a very good program for our hospitals, and bring in $1.5 billion or so of fed-- new federal dollars with a-- no effect-- net effect to the state's General Fund. So I ask for your green vote on LB1087A. Thank you.

KELLY: Thank you, Senator Clements. Seeing no one else in the queue, Senator Jacobson, you're recognized to close. And waive. Members, the question is the advancement of LB1087A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB1087A advances to E&R Initial. Mr. Clerk, items for the record.

CLERK: Mr. President, your Committee on Natural Resources, chaired by Senator Bostelman, reports LB1370 to General File with committee amendments. That's all I have at this time.

KELLY: Members, we will now start Final Reading. Please check in. Mr. Clerk, the first bill is LB139e.

CLERK: [Read LB139 on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB139 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB139 passes with the emergency clause. The next bill is LB144A. The first vote-- the next bill is LB144. 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. 40 ayes, 1 nay 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 LB144.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB144 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Ballard, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements,

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

KELLY: LB144 passes. Next bill is LB257. The first vote will be 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 LB257.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB257 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB257 passes. We will now proceed to LB569e.

CLERK: [Read LB569 on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB569 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht. Arch, Ballard, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson,

Halloran, Hansen, Hardin, Holdcroft, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: None. Not voting. Senators Armendariz, Blood, Hughes, Raybould, and Sanders. Vote is 44 ayes, 0 nays, 5 excused not voting, Mr. President.

KELLY: LB569 passes with the emergency clause. We'll now proceed to LB605. 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, 6 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 LB569.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB605 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: Thank you, Mr. Clerk. LB605 passes. We will now proceed to LB624.

CLERK: [Read LB624 on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB624 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Ballard, Bosn, Bostar, Bostelman, Brandt, Brewer, Cav-- John Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hunt, Ibach, Jacobson, Kauth,

Linehan, Lippincott, Lowe, McDonnell, Meyer, Moser, Murman, Riepe, Slama, Vargas, von Gillern, Walz, Wishart. Voting no: Senators Wayne. Not voting: Senators. Machaela Cavanaugh, McKinney, Armendariz, Blood, Hughes, Raybould, and Sanders. Vote is 41 ayes, 1 nay, 2 present not voting, 5 excused not voting, Mr. President.

KELLY: All provisions of law relative to procedure-- LB624 passes. The next bill is LB716.

CLERK: [Read LB716 on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB716 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Albrecht, Arch, Ballard, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Hansen, Hardin, Holdcroft, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Riepe, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: Senator Slama. Not voting: Senators Halloran, Meyer, Armendariz, Blood, Hughes, Raybould, and Sanders. Vote is 41 ayes, 1 nay, 2 present not voting, 5 excused not voting, Mr. President.

KELLY: LB716 passes. We'll now proceed to LB847.

CLERK: [Read LB847 on Final Reading.].

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB847 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB847 passes. We'll now proceed to LB848.

CLERK: [Read LB848 on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB848 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB848 passes. We'll now proceed to LB854.

CLERK: [Read LB854 on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB854 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB854 passes. We'll now proceed to LB908.

CLERK: [Read LB908 on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB908 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Ballard, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Slama, Vargas, von Gillern, Walz, Wishart. Voting no: None. Senator Wayne voting yes. Not voting: Senators Wayne, Armendariz,

Blood, Hughes, Raybould, and Sanders. Senator Wayne voting yes. The vote is 44 ayes, 0 nays, 5 excused not voting, Mr. President.

KELLY: LB908 passes. We'll now proceed to LB909e.

CLERK: [Read LB909 on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB909 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB909 passes, with the emergency clause. We'll now proceed to LB936.

CLERK: [Read LB936 on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB936 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB936 passes. We'll now proceed to LB940.

CLERK: [Read LB940 on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB940 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB940 passes. We'll now proceed to LB989. 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: 35 ayes, 4 nays to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB989.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB989 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB989 passes. We'll now proceed to LB992 with the emergency clause. 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, 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 LB992.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB992 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB992 passes with the emergency clause. The next bill is LB992A.

CLERK: [Read LB992A on Final Reading.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB992A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB992A passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB139e, LB144, LB257, LB569e, LB605, LB624, LB716, LB847, LB848, LB854, LB908, LB909e, LB936, LB940, LB989, LB992e, and LB992A. Mr. Clerk, next item on the agenda.

CLERK: Mr. President, General File, LB175, introduced by Senator Dungan. It's a bill for an act relating to civil actions; to adopt the

Residential Tenant Clean Slate Act; and to provide, provide an operative date. The bill was read for the first time on January 9 of last year and referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments, Mr. President. When the Legislature left the bill yesterday, the-- an amendment to the committee amendments had been adopted. Pending was an amendment from Senator Slama to the committee amendments.

KELLY: Senator Dungan, you're recognized for a 1-minute refresh.

DUNGAN: Thank you, Mr. President. Good morning, colleagues. As the Clerk just mentioned, this is LB175. As we had amended it yesterday, I do appreciate my colleagues who voted for that amendment. As I, I mentioned before, what this ultimately does is this allows clean slate relief, which is to say that an eviction does not follow you on your history moving forward, only for individuals who have actually not had an eviction completed or, or executed against them fully, so the eviction never went through. That clean slate relief is limited to 1 time, so that way we can still have on record bad actors who continue to do these things over and over. But 1-time clean slate relief for somebody who's made a mistake is all this is. It also incorporated with that amendment, a Senator Dover bill, that allows landlords and tenants to opt into utilizing E notice. So that way, summons and or documentation can be done electronically, essentially just bringing us into the 21st century with regards to the ability to communicate between landlords and tenants. And so, I would encourage your--

KELLY: That's your time, Senator.

DUNGAN: --green vote on LB175. Thank you, Mr. President.

KELLY: Senator Wayne, you're recognized for a 1-minute refresh on the amendment from the committee.

WAYNE: Thank you. Vote for Senator Dungan's amendment, or AM12-- AM2504. That's the 1 minute. Thank you.

KELLY: Thank you, Senator Wayne. Senator Slama, you're recognized for a 1-minute refresh on FA248.

SLAMA: Thank you, Mr. President. Good morning, colleagues. There's two hours, 21 minutes left on this. Senator Dungan and I were unable to come to an agreement over the evening hours. So I'm asking that you stand with me as a no vote on cloture for what is a big government bill, that I will spend the next two hours explaining why it should be stopped now, before we start the slippery slope and further erode

private property rights in the state of Nebraska. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. Colleagues, I, I was in Judiciary yesterday afternoon execing, so I wasn't able to be on the floor for a lot of this discussion. And I think something really got missed in the conversation. I was listening back to some of what was said, and I think there's a big piece of this whole thing that's missed. This clean slate provision, especially because it's only one time, is a tool for landlords to use to protect their property. See, here's how it goes. You file an eviction and then you meet with the person in the-- the, the tenant. The landlord meets with the tenant in the courthouse, and they can either continue the case-- they say, look, be out by Tuesday, pay me $500 bucks, and you know, that's good. So in that situation in most jurisdictions in the state, but not all and I'll talk about that in a second-- then what the court would do is issue a continuance. And in the time between the continuance you come back together, and hopefully the person is moved out. But they have no incentive at that point, under current law, not to just make a mess of the place or leave the place in disarray when they leave. If you add this clean slate provision, you can say as the landlord, hey, don't make a mess on your way out. Clean everything up, pay me $500 bucks, get out by Tuesday. And then, when the continuance comes back up, I'll dismiss the case and you have the opportunity to get a clean slate. You can get that eviction off of your record. The tenant now has an incentive to do what they're supposed to do and get out cleanly, nicely, and properly. Otherwise, they don't have any incentive to do that. Otherwise, they come together, they say, be out by Tuesday, you can leave the place a mess. But if you're trying to get your landlord to dismiss, the landlord can come back at the continuance and dismiss. The landlord can go forward. If you want the landlord to dismiss so you have this opportunity, we need this provision in place. This creates an incentive for the tenant to get out nicely. And look, it doesn't hurt anything for trying to get references from the previous landlord. If I am going to rent to somebody-- if I'm going to rent to Senator Brandt and I know that Senator Brandt used to rent from Senator Moser, I call up Senator Moser. I say, Senator Moser. I'm thinking about renting to this guy, Brandt. Tell me about him. All Moser has to do is tell me, oh, yeah, he was cooking meth. And I'm like, it doesn't matter at all about an eviction, because that's not the lede. The lede is he was cooking meth. I'm definitely not renting to him. Or Moser can say, oh, he was a terrible tenant. He messed the

place up. Not renting to him. Or he can say, yeah, he didn't pay me what he was supposed to pay me. He doesn't have to say the word evict. He can just tell me what was wrong with Brandt. Sorry, Brandt. This doesn't change that at all. It doesn't change that at all. So I don't understand why we think this is some sort of anti-landlord thing. This is a tool for the landlords to be able to use. This is a tool that the landlords are able to use, so that--

KELLY: One minute.

DeBOER: --there is an incentive for the tenant to get out cleanly, nicely, at the end of whatever agreement they have. And that's why I don't understand what the confusion is in all of this. This isn't anti-landlord. The landlord can still do absolutely everything they could do before this bill passed. Now the tenant might be able to, on onr occasion, remove the word "eviction" if it didn't finish, if you didn't go all the way to eviction. [INAUDIBLE]. That's it. The landlord can still call any other landlord, find out, hey, what do you think of this person? Well, that Brandt, he was messy. Well, that Brandt, he was cooking meth in my basement. It makes no difference to the ability of the landlord to say that. There's no problem with a landlord finding out who they're renting to.

KELLY: That's your time, Senator.

DeBOER: Thank you, Mr. President.

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

SLAMA: Thank you, Mr. President. Good morning, colleagues. I won't spend too much time on that last statement on the mic because I did text attorneys who practice in this area of law. And the thought that this somehow helps landlords was kind of laughable to them. And they go, you don't need a bill to do this. This is already in the process of settlement agreements. You don't need a bill. LB175 is not helpful in any way, shape, or form to landlords, and to argue that it is, is just "gaslighty," and plays into the whole context of this debate, of first, we were gaslit to believe there was a constitutional crisis. Well, now we've removed that language. Apparently, it wasn't that big of a deal. And now we're coming back with an argument this morning that somehow this bill helps landlords. It doesn't. What it gives is tenants who are bad actors one freebie, one free shot, that so long as the sheriff does not have to come after you've illegally occupied a property for weeks, as long as he doesn't have to come and drag you

out after you've already had a notice to quit filed against you, a summons for a court date, shown up to the court date, and less than ten days have passed before the sheriff forcibly removes you from the property, you get one freebie, where that landlord cannot say that he evicted you. It's like this super secret process where we seal it, pretend it never happens, so you get one free shot to use and abuse the property you're renting. Now, this has been narrowed on the floor from unlimited free shots to use and abuse of property that you're renting. It's been narrowed down from unlimited free shots to even if you are forcibly removed and 3 years have passed, that's fine, too. So LB175 is the foot in the door. And next year, I can guarantee the next bill that will be introduced is either: unlimited bites at the apple, to misuse and abuse rental properties to further erode private property rights in the state of Nebraska; something to further seal records, whether it's if a misdemeanor or a felony is committed, criminal records that they're going to argue somehow limits an ability of a tenant to rent, which is what has been done in New York and California; or any other combination of bills that build on LB175. LB175 is a clear first step down the road of continuing to erode landlords' property rights, and there's no, there's no other way around it. It's a very simple bill. You're either in support of big government getting involved and forcing landlords to subsidize bad actors who rent from them, with one free shot for a renter to misuse and abuse property that they don't own, or you're a conservative, who supports small government and landlords being able to talk about the actions they had to take against a tenant. Creating this relationship where somebody is cooking meth, smoking meth-- Andrew Wegley wanted to point out that most meth is no longer homemade. And he's a journalist, so, you know, certain people would disagree with him. So we'll just say smoking meth. Smoking meth, human trafficking, destroying the property, any one of those things, yeah, that first landlord can tell the other landlord about. But when the second landlord goes, well, why didn't you evict them? Did it get to the point where you had to go to court to get rid of them? We're creating this super secret thing where that landlord can't even say, no, actually, I had to file a court action to get rid of them. Like the sheriff was an hour--

KELLY: One minute.

SLAMA: --out from having to-- thank you, Mr. President-- from having to forcibly remove them from the property. And they finally got out. They were the tenant from hell, and waited for that long. We're also hiding that information from banks, which Senator Clements and Senator Jacobson really aptly pointed that out yesterday, of this is kind of similar to not letting a bank do a credit check on a potential loan

client. We're saying that if this person was evicted for nonpayment of rent, not only can future landlords not ask about it, but other financial institutions can't ask about it, either. So it really does create problems and further erodes property rights. I'm encouraging a red vote when it does come to cloture here, in about two hours, on LB175. Thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President, and good morning. So listened to Senator DeBoer this morning, and she was detained in Judiciary Executive Committee. I understand what those executive committee meetings can involve. So, we are now talking in about the sixth or seventh hour on LB175. It is quite apparent to anybody who has made an observation of any kind that this bill is going absolutely nowhere. They don't have the votes. I don't think they even have the votes to pass it with 25, not alone stop the filibuster. So by removing the amendments yesterday, we have done away with what we supposedly think is a solution to fixing the constitutionality of this bill. And so this bill means absolutely nothing now, but it means that we have wasted 8 hours of our life that we'll never get back. So my suggestion is let's vote. Let's put up to see, on a cloture vote, to see if they have the 33. If they have the 33, they win. If they don't have 33, it's dead and done with. Let's move on. And so we'll continue to talk about this and waste another two hours, and then we'll come to the same conclusion that I just mentioned. So for those of you watching, go do something interesting for the next couple hours. And then tune in to the show later, and you'll see the same results as you see now. Absolutely nothing's going to happen. Thank you.

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

DOVER: Thank you. I think the bill is well-intentioned. But it amazes me the expertise that some senators here seem to have, when they've never owned rental property or never managed a property management company. Our family has managed property for over 50 years, and I'm proud of that. We have extensive experience in this. And it amazes me, some of the arguments that we're getting here. So number one, it seems as though somehow these people deserve a second chance, that they're pulled into court and it's not fair, etcetera, which is ridiculous. Because, I'll tell you one thing. I have never met a landlord that wants to go to court. I've never met a landlord that wants to spend the money to go to court, to hire an attorney to go to court. And just

the idea that they're taking this person who may or may not be innocent or whatever, to court and it's not fair is absolutely ridiculous. They are, they are going to court for a reason, because they have violated a contract. It also surprises me that someone might say that this becomes a tool for the landlord to negotiate a, a, a cleaner deal, a cleaner exit, and those kind of things, and it's a benefit to the landlord. I'll say there's an argument there, but I think that's actually backwards. Because what's going to happen is those persons representing that tenant are going to incorporate the clean slate provision into every, every, every case that they're involved in. And what's going to happen is, again, as I stated earlier, was they're going to end up in court. There's going to be-- I'm going to just use a hypothetical situation. So there's 6 months' back rent owed. There's $4-5,000 worth of damage, which believe me, today, that is probably where you start, as far as the cost to the landlord. So you have that damage and the attorney representing the tenant is going to come up and say, hey, how about we do this? How about we give you $500 and my tenant will get out in a week, and you agree to, to, to, to end the, the eviction process. And I'll tell you quite truthfully, most landlords, they, they have, they have to pay on their property, they have bills, they have expenses. And they're going to take the $500 because they know that $500 is better than nothing, not realizing, because they're not attorneys, and not realizing what's going to happen is-- they don't realize that by allowing, by agreeing to drop that, that that attorney, then, is going to use the clean slate provision and that, that record will not be of record. And I really believe that we should never do anything in the Legislature that doesn't give full disclosure. And I really, honestly believe that if you're entering into a contract, you're entering into a lease agreement, that both parties should get full disclosure. I really believe that that landlord deserves to know that that person was in court. And to be quite truthful, the situation is-- it's going to happen. It's going-- they're in court for a reason, but it's going to be-- it's going to be taken care of by this. And then their argument, of course, is-- well, originally, I think the bill wanted three, and now they're saying they want one. Listen, it amazes me here sometimes in this Chamber, that someone takes a bad idea and then reduces it by three, and then says, well, I'm going to go-- we're only going to do it once. And then somehow, that changes the ramifications of that decision. This is not a good thing. Full disclosure should be given, and we should never be allowed for a process where that, that isn't happening, especially in a situation where we have a business transaction, where you have a contract-- and it should be a fair contract. Now, I'll say, as far as clean slate provisions in some drug

cases and things like that, expunging a record, I-- I'm, I'm fully supportive of. But this is not fair. And what's going to happen is the next landlord, after this person gets their one shot, is going to more than likely-- my experience is, is that tenants who commit things such as damaging properties, not paying rent, they just go on. They just go from, from basically, rental to rental to rental. And really, it's the accountability that makes those people finally realize, you know, I need to make sure I pay rent.

KELLY: One minute.

DOVER: Thank you. I need to make sure that I don't destroy this property. I need to make sure I don't have parties here that [INAUDIBLE] ruin $4-5,000 worth of flooring. So again, I would, I would encourage my fellow senators to vote no on this bill. It's, it's, it's bad. Whether it's one or it's three, it's a bad idea. It's not fair to that next landlord. And I'll tell you one thing. The worst thing as a property manager is I had to sit down with an elderly woman, who this has happened to, who we would not know, moving a person into her property, and she doesn't have the money to fix her property, because she's on Social Security. Thank you, Mr. President.

KELLY: Thank you, Senator Dover. Seeing no one else in the queue, Senator Slama, you're recognized to close on your floor amendment.

SLAMA: Thank you, Mr. President. I, I do appreciate the start of the discussion we've had today. I think it really has set the table well for the debate that we are having right now, as to whether or not taking a chip away at private property rights is worth the time, worth the debate, and quite frankly, worth the vote on a Thursday. And I think one of the most valuable parts of the debate yesterday was discussing what the eviction process actually looks like in the state of Nebraska. Because I think one of the misconceptions, as we were actively working to, like, vilify all the landlords on the floor, was this concept that we have landlords who operate in this state, that when somebody is late for rent, by the time they wake up the next morning, they will have the locks changed and like, all of the stuff in their rental property out in the yard. I don't think that those who have not operated in this space quite knew just how many hoops landlords already have to jump through before they can actually evict a tenant, especially if that tenant is operating in bad faith, and trying to force the landlord's hand to take on extra expenses, to go to court hearings, basically to overstay their welcome on a property that they do not own. So I am going to reread what the eviction process looks like, from the Lancaster County webpage, because it is

really, really valuable insight into how the eviction process actually operates, and why a bill like LB175 is so harmful to the landlord-tenant relationship. So to quote from that webpage-- and I'm just going to read through the whole thing again. It takes about 10-15 minutes. So if I don't get through it, I am going to end up pulling this amendment at the end of my close. Like, I'm not going to do this thing where I do a lazy filibuster, where I do a vote and a call of the house, and like, we all sit here for 10 minutes in silence. Like, if I'm going to filibuster something, I'm going to put in the work and take it 8 hours, and not make everybody suffer in silence by coming out of their Exec Sessions, coming out of their side discussions on the floor, side negotiations on other bills, to come back and vote and help me take 8 hours. It's either you support private property rights or you don't. It's simple as that when it comes to LB175. So here's, from Lancaster County's webpage, their information on how the eviction process works for landlords. One of the most frequently asked about civil procedures is the eviction process. The information contained on this page is for informational use only. For detailed information or legal advice, please contact an attorney or research the references provided at the end of this article. Legal eviction in Nebraska must be accomplished through a civil court lawsuit of forcible entry and detainer filed by the plaintiff or landlord, versus the tenant that is to be evicted. The Sheriff's Office role in the lawsuit is through the service of 3 different types of civil process generated by the procedure.

KELLY: One minute.

SLAMA: Thank you, Mr. President. Services the Sheriff's Office provides in the eviction process are listed below in their respective order. First, we've got the notice to quit. So that's that first shot across the bow of you need to get out. So this is not a court order. This is just the landlord throwing up the notice on somebody's door. So first, we've got the notice to quit. The first step is for a plaintiff/landlord to provide a written notice demanding the tenants vacate the property. So before you can even file in court, you've got to provide the tenant notice. The plaintiff will prepare a document, referred to as a notice to quit, and may choose to have the Sheriff's office serve this writ. There are no statutes to dictate a particular type of service or a return day for a notice to quit. The Sheriff's Office policy is to attempt service as soon as practical, and service can either be personal, residential, or may be accomplished by posting the notice--

KELLY: That's time.

SLAMA: Thank you, Mr. President. I withdraw FA248.

KELLY: Without objection, it is withdrawn. Senator Clements, you're recognized for an announcement.

CLEMENTS: Thank you, Mr. President. Just a little while ago, the Appropriations Committee introduced the budget bills. And LB1412 will be the mainline budget. LB1413 is a funds transfer bill. There are 2 budget bills. And the Clerk will be passing out the budget book, which I'm told is shamrock green this year. And you'll have over the weekend to review that. The-- my understanding is that the budget bills will be debated starting next week, and we'll be convening back on Tuesday at 10:00. But at 9:00 Tuesday morning, in room 1525, we will be doing a briefing on the budget before we convene at 10:00. So I invite you to come and be able to ask questions about the budget on Tuesday morning, and the budget books will be passed out now. Thank you, Mr. President.

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

CLERK: Thank you, Mr. President. Your Committee on Appropriations, chaired by Senator Clements, reports LB1412, LB1413 to General File, both having committee amendments. Additionally, your Committee on the Executive Board, chaired by Senator Aguilar, reports LB1285 to General File, with committee amendments. Notice of committee hearing from the Education Committee, and motion to be printed from Senator Conrad. Mr. President, turning back to the agenda-- to the agenda, General File, LB175. Senator Slama would move to amend the committee amendment with a-- FA249.

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

SLAMA: Thank you, Mr. President. And this is the next floor amendment. If we run out of time on this amendment, we'll go to another floor amendment or a motion to bracket, whatever we need to do to get it to 2 hours. Before I hop back into the eviction process, I, I do want to make something totally clear, in that-- one of my favorite quotes on the floor in the time that I've been here, was from Speaker Scheer, of when it comes to things on the floor, don't take it personal, don't make it personal. I have nothing but good things personally to say about Senators DeBoer, Dungan, Wayne, everybody involved in this bill. I have nothing personally against anybody. If anybody's under the impression this is personal, it's not. But when it comes to private property rights, especially in relationships that are already being

attacked by advocacy groups, like the landlord tenant relationship, I am going to take the time to stop those bills. So when I'm talking about if debate's been "gaslighty," I don't see that as a personal attack. I see that as the other side has tried to go down different avenues, the ends to which we haven't actually gotten to, and seemed to be about stirring emotions about the debate. So I don't want anybody to be under the impression I'm taking this personally or I'm making it personal. I have, again, nothing but good things to say about everybody involved in this bill. This is simply about protecting private property rights for me, which is like one of my core beliefs as a conservative. And I hope that there are enough private prop-- pro-private property conservatives on the floor to help me block LB175's advancement at the time we have cloture, here, probably a little bit after lunchtime. So don't take it personal. Don't make it personal. There are things I take personally, but, like, it's not this. So, back to the eviction process from Lancaster County. So first up, we've got this notice to quit. So say somebody is actively destroying the property, in violation of their lease, not paying rent, whatever. Before you even go to court, you have to give that tenant a first shot across the bow; give them notice to quit. The Sheriff's Office can provide that for you. You can either provide that in person, at their residence, you can stick it up on the door. It's not a legal court filing. It's just a hey, get off my-- like, this is your notice. You are evicted. You need to get off the property. So the notice to quit is not a court document and does not order removal of the occupants. It is simply a notice for the tenant to vacate the property by a specific date, or the case will be taken to court for eviction. So like I said, shot across the bow. It's not a court filing, not a, like, legal order for anything. After the service of a notice to quit, should the tenant fail to move, the plaintiff must then commence suit in a court with jurisdiction in order to proceed. So if you, as a landlord, haven't hired a lawyer at this point in order to provide that notice to quit, you're definitely hiring a lawyer with all the expenses that come with it at the next step, which is the summons of forcible entry. A summons, a notice of the suit, may be sent to the Sheriff's Civil Division for service. The summons contains a time and a date for trial, and must be returned to the court within 3 days of its issuance. Service of the summons may be personal or residential. So the next step after this-- so in the intermediate time we've had the notice to quit. The landlord has decided enough is enough. Like, this tenant needs to leave the property. They've been-- the tenant has been served with this notice to quit, of hey, you need to get off the property. Days have passed. The tenant has not moved, has not communicated a date that they're

going to vacate. So the next step is we've got a court filing, summons of forcible entry. So that's just your notice for the court hearing, that you need to be at court on this certain date. You still have this holdover tenant that is occupying your property, not paying rent, destroying the premises, whatever reason that you have given that they need to vacate the property. After all of this, after the court hearing happens, the tenant shows up to the court hearing, gets ruled against, we have this thing called a writ of restitution. And that's described by the Lancaster County web page as: If the landlord prevails at trial and is awarded judgment, a writ of restitution may be issued. The writ of restitution orders the sheriff to remove the defendant and restore the premises to, to the plaintiff in the procedure described below. A writ of restitution must be executed and returned to court within 10 days of issuance. So you have another 10 days. You go through the court hearing process. You get a ruling in your favor as a landlord, you've got up to another 10 days before this writ of restitution can be issued. Because of this relatively narrow window, it will be executed without delay. To expedite this process, the plaintiff should provide a contact name and phone number for their representative. So the representative can either be the landlord, their attorney, or some other personal rep that they've assigned. So the LSO policy on the writ of restitution service when it comes to eviction procedures is: Unless some other type of action is specified in the writ of restitution, service will be executed as follows: Deputies will contact the plaintiff, plaintiff's attorney, or authorized agent to set up a time or date-- time and date for restoring the premises to the plaintiff. The Sheriff's Office requires the plaintiff or their authorized agent to take possession of the premises at the time of the eviction, should the plaintiff choose to change the locks on the residence, the Sheriff's Office is not obligated to stand by while the residence is being secured. Deputies will serve the defendant's copy by personal, residential, or posting. An additional notice from the Sheriff's Office will be served and posted, indicating that the residents have a specific time frame to vacate the property. By Sheriff's Office policy, 3 days' notice is given, whenever reasonably possible, to allow the defendant time to voluntarily vacate the premises and remove their personal property. This time frame also aids the plaintiff from having to dispose of property under the Disposition of Personal Property Landlord and Tenant act. Generally, the Sheriff's Office will not execute writs of restitution at night or on weekends or holidays. At the time of the eviction, the deputy will arrive at the location and remove any occupants from the premises if necessary. Occupants will be advised of trespassing violations they could be subject to if they return.

Tenants with personal property remaining in the residence must contact the plaintiff to arrange for removal. Provisions for such are set out in the Disposition of Personal Property Landlord and Tenant Act. Deputies will not take part in the disposal or removal of personal property unless specifically ordered by the court. Whenever deputies have removed occupants from a premises, they shall supply the occupant with a short period of time to obtain vital personal effects or obtain such effects for the occupant, occupant. Deputies will take action to protect the person removed if necessary, due to age, infirmity, mental or emotional condition, illness or disability as provided by the law. So we have specific protections in place already, if this tenant is elderly, very upset, going through a mental health crisis, has disabilities when it comes to movement, or otherwise. If the premises involved are rental properties such as a house or an apartment, the premises have been turned over to the plaintiff, the deputy has no further obligation. If the writ of restitution is for a mobile home owned by the defendant, the mobile home--

KELLY: One minute.

SLAMA: --may be levied-- thank you, Mr. President-- and set for Sheriff's auction. Keys, if available, for the mobile home will remain with the land-- owner, in the event that emergency entry need to be made during the time prior to the sale. In the auction sale of mobile homes, a bill of sale, as issued by the Sheriff, only reflects a transfer of the defendant's interest in the property, and is not an implied or actual title to the property. So I'll come back to this later and we'll continue to have this discussion. But I do want to frame this, again, as respectfully as I can, of not all landlords are bad. Not all tenants facing eviction are acting maliciously, either. We have spectrums on both sides. And I think LB175 is a step in the wrong direction, and is a government intrusion on the landlord-tenant relationship and private property rights. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Senator Lowe has some guests in the north balcony, sex fourth graders from Faith Christian Elementary in Kearney. Please stand and be recognized by your Nebraska Legislature. Senator Dover, you're recognized to speak.

DOVER: Thank you. For those senators that are considering supporting this bill, I just want to give some examples, because I don't think that those supporting it fully understand the ramifications of their vote. So, again, we've managed property for quite a few years. And I'll tell you one thing is a lot of trust is given to our management company, and I take that very, very seriously. And there are times-- I

mean, we can't be in that, obviously, rental property for obvious reasons, watching, watching out all the time 24/7 making sure that some tenant doesn't de-- de-- actually destroy, destroy the rental or whatever it could be. I mean, recently we, we had a garage burnt down because there was someone who had a history with a child with fire and found out later that there's actually-- they-- that was not disclosed to us, but there's a-- there's a-- there's a multitude of things that can happen to those properties. And I'll tell you one thing, I take-- I think those of you know me take-- know that I take my job very, very seriously. And the worst thing that can happen to me is we have an elderly-- because what happens is-- I'm sure across-- in the communities you're involved in, too, there's families that they work-- you know, they do their work 40 hours a week and their, their plan-- their retirement is 1 or 2 homes, if they're lucky. And the husband goes and fixes the air conditioner and fixes the windows, does all the handyman stuff himself. And I think actually Senator Lowe has expressed that that's what he does also. This is their dream retirement. They don't have-- they don't really have a retirement. There's obviously-- as, as people get older and more sophisticated and work for companies that have 401s accept in retirement. But there's families who have worked, who had-- maybe had their, their own business and those kind of things that just didn't have the extra money to do those things, that 1 or 2 rentals is their retirement. And then eventually what happens, obviously, in most cases, and not always, but women usually live, live, live longer than their husbands. And so in many, many cases once the husband passes and sometimes even when-- and the husband is still alone and elderly, they come to our management company to ask us to look after their, their retirement-- their retirement. And so what happens then is we do our best. We do a credit check, we do a criminal background check. And, and we also call up the people where they have-- they have rented before. And, and just be [INAUDIBLE]-- I mean, I hear people on the floor saying, well, you can still call the people up where they rented before and ask for how-- you know, were they good renters, etcetera. There's many, many cases that we don't-- we can't get through to that, that previous landlord or even at times where that previous landlord doesn't want to say anything. They, they were just happy to get rid of that person. They will not say anything. They just want that person to move and get into your rental so, so their problem is now your problem. And I'll tell you, there's nothing worse-- and, and be quite truthful, here, recently, probably about 60, 60 days or so ago, there is a woman who we're taking care of her property in Norfolk, and she lives here in Lincoln, now. Her only income is Social Security and this rental property and unluckily, even though we do our due diligence as far as

with the tenants getting into-- we rented to someone who basically caused between-- I think it's probably somewhere around $7,000 worth of damage. Now, this woman has Social Security and the income of this rental property. Where is she going to get $7,000? And, and, and, and that's a problem with this. What this does is this bill takes away the notification that this person has a history of problems. And, and someone may say, well, you know, they, they-- it didn't go through, they weren't-- it wasn't-- they weren't evicted, etcetera. That, that could be, as it was pointed out earlier, that could be negotiated, and that will be negotiated. It isn't fair not only to that young couple who took their la-- I mean, looked at what their income was and what the rent they could charge and bought that first investment property. And I think that some of you are probably aware of this, sometimes young couples, they overextend, and they, they--

KELLY: One minute.

DOVER: --they have dreams-- thank you-- they have dreams about starting their retirement with this first rental property. They have no, no excess cash, just as the elderly woman had no excess cash. And I don't know how anyone can vote for a bill that allows them to hide a proceeding in court. I mean, I, I, I don't-- I don't get it. Why, why are we allowing a process that someone having been taken to court for evictions to have that erased, call it sealed, call it whatever you want, but why, why don't we have full disclosure? Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President, and good morning, colleagues, again. I would continue to urge you to support LB175. I don't really think that I have much more that I need to say. I haven't been in the queue very much, but I want to respond to a couple of things that have been said on the mic this morning. I'm, frankly, a little bit confused as to some of the issues that have come up. With the amendment-- well, first of all, let's take a step back even further because there's a lot of confusion about the jury trial portion and LB175 and which was which. And somebody made the comment to me that they thought this bill originally was a jury trial bill. Why are we even talking about clean slate? Let me be clear, LB175 has always been eviction clean slate. That was the bill that we originally had. In addition to that, the Judiciary Committee voted 8-0 to incorporate into LB175 an amendment that also incorporated the jury trial portion. Then that together as a package came out of the Judiciary Committee 8-0. Unfortunately, there

were some mistakes or, I guess, accidents that happened with regards to some of the amendments and that's why the board looked a little bit confusing yesterday but, but what we were voting on was a committee amendment to have those connected. The votes were not there for the jury trial portion. We ran a card. We did not have the votes. And so, ultimately, we talked with the groups that had opposed the bill as a whole and we reached an agreement to take out the jury trial portion which we're going to have to come back and address later. I'm very concerned about it, but we didn't have the votes for it. And so we wound up then with LB175, which we then pared down even further to only apply to people who had not actually been evicted and to provide them this clean slate relief one time. One time. So in the event that there is a bad actor who continues to have evictions brought against them and they work those out and then they, ultimately, get dismissed but it happens time and time again, even twice, three times, that's going to stay on your record. You run a background check, you're going to see that. If you're a landlord and you're trying to figure out whether or not somebody is a good tenant or has a good history, if they've had 2, 3, 4 evictions brought against them, even if they've been dismissed, that's going to stay on their record. So the only population that LB175, in its current status, affects are people who have had an eviction notice filed against them or an eviction filed against them, worked it out with the landlord-- and Senator Dover is absolutely right, a lot of times they do get worked out. They work it out with the landlord because nobody really wants to go to trial, so nobody wants to drag it out, and that's absolutely true. They work it out. Everybody's made whole, everything's fine, and they then dismiss or vacate or reverse that eviction. That one time because of maybe a mistake that happened or a miscommunication, or even if somebody messed up one time, that's what comes off your record. Every single time after that, stays on. And so landlords absolutely still have the ability to see background checks and see if people are bad actors. I don't understand what about that hand ties landlords or property management companies. If somebody has a history of evictions being brought against them, evictions plural, that will show up. They'll be able to see that. So in the event that somebody continues to be a, quote unquote, bad actor, it's going to be captured. You're going be able to see it. It's going to be on their record. All LB175 does in its current iteration is allow for clean slate relief one time for an individual who never even actually got evicted. If you do get evicted, you don't get clean slate relief. If the eviction goes through, even one time, that stays on your record. And so as Senator DeBoer was pointing out, this is actually encouraging individuals to make sure those records are accurate. So if a landlord does want to follow

through with that eviction, it'll stay on the record. The only people we're talking about are where an eviction was dismissed--

KELLY: One minute.

DUNGAN: --or vacated. Thank you, Mr. President. And so I'm, I'm repeating myself because I've actually had a number of conversations around this room where, unfortunately, during these filibusters people start to tune out and then they get confused. And then people stand up on the mic and talk about certain things and concerns. They have legitimate concerns, but it gets-- people get lost a little bit along the way. And the fact that we're coming up on a vote, maybe, in an hour and a half or so and I'm still explaining to people what this does despite the fact that I've gotten on the mic now multiple times and explained what this does is a little bit frustrating so I apologize for my tone. But if people have questions, come talk to me. I would have liked to have been talked to before this filibuster happened. I could have probably answered some of these questions. Thank you, Mr. President.

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

MOSER: Thank you, Mr. President, and good morning, colleagues. Good, good morning, Nebraskans. This bill affects the balance of power, I think, between landlords and tenants. And while I was looking through-- doing a little bit of research on the subject, Nebraska is, according to Google, is about 24th in landlord rights. And so we're somewhere in the middle of the pack of 50 as it is. And if I had a tenant who had an eviction, I would talk to him about it and ask him to explain what happened. A lot of times there are-- there is a story that goes with it that kind of explains, you know, how things turned out the way they turned out. And if they have other good references, you know, I might rent to them. I've had tenants that didn't pay me. I've had tenants that degraded my rental. I've had tenants that lied to me. You know, they all had some kind of a problem and I wound up working them all out. And in most cases, I got-- the, the rental was paid. And in some cases I-- well, I had to put all new carpet in one once, that, that one was a loser transaction. But I don't think this bill is necessary. You know, we, we wouldn't hide what anybody else does and is found in court. Well, in some cases, I guess, for juveniles and-- we do. But nonetheless, I don't think juveniles are going to be taken to court for eviction. Yeah, I just don't think the bill is necessary. I think it clutters up the landlord-tenant law with more requirements. I talked to a landlord that's got a couple hundred

rentals and I asked him how many evictions he files in a year, and he said on average probably two. And most of those were settled before they went to court, or straightened out before they went to court. And most of those were because the tenant was not following the lease, occasionally for unpaid rent, but usually it was annoying their neighbors or trashing the space or not following the lease agreement. And so, again, I just don't think this bill is necessary. I think tenants have rights and the landlords have rights and the balance of what we have is good at the moment and I think we should leave it at that. Thank you, Mr. President.

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

SLAMA: Yeah. Good morning again, colleagues. And, gosh, the perspective of both the landlords and the tenants on the floor has been really helpful, because it helps personify this debate. It is easy to get caught up in language and start reading what the eviction process is. But when you add a face to both sides of it, it is really helpful in understanding how this policy, and how this clean slate, one-freebie rule will impact real people. And I say that as from the perspective of somebody who has been a tenant in various situations. When I was in college, I lived in probably a premises with-- that, that wasn't suitable for habitation in Connecticut. Like, I've been there. I've lived that story. I've had landlords that have been not great on that front. And we also have an experience in my family of being landlords, and I really wouldn't wish that upon anyone either, because it was when my grandpa passed away in Lincoln, relatively unexpectedly, our family was left with this townhouse. And, look, this was the house that my sisters and I have wonderful memories of, and my parents had never had that experience of being residential landlords before. And they thought, you know what, let's rent it out. Let's give some family a chance to rent this out. Let's have our own approach to this to where we can keep this townhouse in the family. But we do have to have some income from-- coming from it. It can't just sit vacant. And we had to watch as a bad actor tenant kind of destroyed the premises on their way out. So this townhouse that my grandpa had worked very, very hard to afford, something that my sisters and I had really wonderful childhood memories of, we're cleaning up damage to the floors, the walls, cleaning up trash that's been left in the yard. Like, cleaning up damage from a pet that wasn't even supposed to be in there per the lease. All of these things we had to watch, and this settled, like, we didn't have to go through the entire court process. Like Senator Dover mentioned, the overwhelming majority of these cases get settled before there's a final writ of restitution issued and

followed through with, which any of these cases, short of the sheriff dragging you from the property, will be sealed under LB175. And it's so important to talk about that because we're sitting here as a Legislature pretending that you can only have a history if you've had multiple times where you were a bad actor as a tenant. Like, if you kill somebody one time, does that make your action any less bad? If you destroy a premises on your way out and you leave your elderly landlord with $25,000 worth of damage to her one source of income besides Social Security income, but it's, like, your first time doing it as a-- as a tenant, is that fine? Who are we as a Legislature to go, yeah, OK, so, landlord, you need to deal with this. It's sealed. It was sealed before the final court order was followed through with, like, you can't ask about it. They get one freebie, like, you get one free shot at the rental property to misuse and abuse it.

KELLY: One minute.

SLAMA: Thank you, Mr. President. It's only when they come back the second time and whatever landlord they're stuck with the next time with no knowledge of the court experience that you had to go through, it's only on that second time that we say it's worthy of disclosing to the next landlords that they're going to have. So that's the real problem in LB175 is we're saying see no evil, speak no evil, hear no evil for the first time. And then after that we're saying, OK, yeah, fine, build up that history. It's just like, if you're convicted of a crime, we go, OK, like, you were convicted of abusing that one kid. Like, we don't want that to be held against you. It doesn't count. It's only when you get to that second one that it counts. Like, I'm trying to make this as approachable of an issue as possible.

KELLY: That's your time, Senator.

SLAMA: Thank you, Mr. President.

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

DOVER: Thank you. Just listening. I want to, I guess, first of all, say I think the, the bill is well-intended. But I think it's-- I, I think it lacks the experience of being in the industry. I keep hearing this is a one time-- one time. Why is it one time? If this is a good idea, let's do it three times. Let's do it four times. Let's do it five times. But you know what? It was three times, and that wasn't acceptable. So the funny thing-- I'm, I'm learning, I'm new here. You know, I'm-- I usually don't get up to the mic and talk very often

because I'm just trying to learn the process and those kind of things. But I, I watch this process on this bill and it amazes me because-- and I understand the bills weren't tied together in those kind of things, but I, I, I thought-- a lot of us thought we had to deal with this jury issue and that kind of stuff and, and that got attached, I understand that. And the clean slate was always LB175, Senator Holdcroft explained to me. But now we're dealing with just LB175, and I don't understand why it's a good idea. People, there's a reason that we have a court system. You know, there's a reason that, that gets recorded down. There's a reason that as a property management company, I can go into the justice system and look at the criminal background of an individual. There's a reason that I can find out if this person has a history of going to court for evictions because trust me, again, it's been stated 1,000 times, I'll say it 1,001 times, there is-- no one wants to go to court. No landlord wants to go to court. It costs to go to court. It takes time to go to court. And I'll be quite truthful, there are a lot of times that they should-- people should be taken to court. They don't go to court because it's a hassle and it takes money. And they just figure, let's get this thing over with, let's just get rid of it. But when you go to court, it's serious. People don't haphazardly go to court over evictions. And so when that does happen, we need to make sure that there isn't some kind of negotiation that then allows it to be sealed. And I'll say, this is-- why, why, why give someone a get out jail free card? Why give someone a free ride the first time? It is my experience working with tenants because being in the business for 40 years, I've watched-- I've watched kids going to community college made some bad mistakes, had a party, and I've watched them evolve into a very good renter and eventually get married and purchase a home. But I'll tell you this one thing, a, a person does not learn when the first time they get in trouble they're given-- they're given a free ride. It's very, very important that when someone trashes, trashes a rental, doesn't pay rent, and those kinds-- that there is actually a price to pay for that. And, and, and, again, more important-- not necessarily more importantly, but as important, it is important that, that next landlord has the right to know when they enter into a contract between the two parties if that person has a history of evictions or whatever it may be. Again, people do not get better right away, people get better over time. People mature, people learn. And, and luckily in, in-- today in society, some people only learn through accountability, and I don't want to say pain or anything, but really through inconvenience or whatever, whatever, whatever term you want to describe that with, but people learn by having to go to court. People learn by having a judgment, people learn by having their wages

garnished, etcetera. And I realize that this doesn't-- this doesn't really address that, this just gives them when they negotiate a deal that then it can be sealed and then the next landlord will never be aware that this person was evicted. So, again, I would just encourage a red vote on this bill, LB75 [SIC--LB175], the clean slate. It's attempting to give something to someone who has caused damage. And I'll, I'll guarantee you it's, it's not just causing damage, but they have violated--

KELLY: One minute.

DOVER: --thank you-- they have violated an agreement. I will guarantee you that in that-- in that contract, in that tenant-- in that tenant lease agreement, it says that they have to take care of their property. And if they're in court, I will guarantee you they violated the contract. That violation of the contract should not be swept under the rug, should not be hidden from the public, should not be hidden from the next person. And all we're doing-- I really believe all that we're doing is really hiding a problem so that it can happen a second time and then the second person is going to pay for it, along with the first person that paid for it, because we hid it. It needs to be open for everyone to know and a public record. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. Well, I know-- I've listened to Senator Dover a couple of times on the mic, and really can agree wholeheartedly, with what he's had to say in both cases. I want to talk about something a little different here, and that is when we look at this bill, and I think it was touched on by Senator Moser earlier, is we're in a housing shortage in Nebraska, a, a significant housing shortage. We need to find more people willing to build housing, and we need a tremendous amount of rental housing. I think about out in North Platte with the new Sustainable Beef plant, we've got 875 workers that will be in that plant, we've got-- we are severely short on available housing. So we're making a significant push to build new apartment complexes, to build new single-family homes, and try to make them affordable. I don't want to see any new reasons for people to say I'm not touching that segment of the market. I don't want to build rental housing because I don't want to mess with the problems that I'm going to deal with, and they exist today. Trust me, they do. And I'm sure many of you have gotten some emails from people saying why are we defending landlords and, you know, I'm a tenant and I need to do this. OK. Well, then go out and buy a house and rent it to somebody and then

you see how it works when you're on the other side of the fence. OK? It's a little different when you live it. It's a little different when you live it. It's a little different also when you're a tenant, when your own landlord who-- who's borrowed money from the bank who has to make payments who's relying upon those, those tenants to make their payments and make them on time and they end up not only getting paid, but then they find that they've trashed the, the, the apartment. And then on top of it, they file bankruptcy and then you get nothing. You get nothing and you got to go fix it on your own. That's a problem. And that's a deterrent for people to build affordable housing because of those risks. This just adds another risk to it. Now I'm going to tell you up front, I've, I've talked to Senator Dungan early on. He asked for my support on this bill. I initially told him I would give him a General File vote and I'm going to honor that I will vote for cloture. I'm going to vote against the bill. I would encourage others to vote against the bill. But I am a man of my word and I told him I would vote for cloture and I will vote for cloture. I'm hoping I don't have to vote against cloture then on Select because I'm going to be against this bill. But I will-- I will do him the favor of a cloture vote on, on this round and vote against the bill. So with that said, I just want to remind everyone that I get it, it came out of committee 8-0. I can also tell you that a few of the committee members don't ever remember making that vote. And when you look at the volume of bills that they looked at, I'm not sure how many could tell you why they voted for it. And as they're looking at it today, are questioning why they voted for it. I'm also going to get back to what Senator Slama brought up earlier, is if we think the real issue here is trying to fix some issue at jury trials, we've cut all that out so that makes this original bill really unnecessary. I'm, I'm-- Senator Dover nailed it when he said we're hiding truthful information from that second landlord. So we get two people that get, get worked over by a tenant and it's the third one that gets to know about this information. I'd also tell you there's a section in there where we say we can call them, but it also says, as I read the bill, that you can't disclose to them that you did-- that you did evict them and, and stop the process. You can't tell them that according to what's in the bill. It's just a bad bill. I, I think it's unnecessary, quite frankly, if somebody is going to be evicted and gets pulled--

KELLY: One minute.

JACOBSON: --back, they can work their deal with the landlord and-- or if they're a few, few days late on the rent, I can tell-- I don't know a landlord out there that wouldn't take the rent a few days late and keep them in place and not have to change tenants. But you go tear up

their property or have a meth lab or do some crazy stuff in there, they're going to want you out. And if you owned the property, you would too. So with that said, I don't like the bill. I'm going to vote for cloture, but I'm going to vote against the bill. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I've been listening to the debate, colleagues. And I apologize, I haven't told anybody I was going to ask them a question, but I've heard a lot of things said. So I probably want to ask a few folks who have this particular experience because as Senator Jacobson just said-- actually, would Senator Jacobson yield to a question?

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

J. CAVANAUGH: Sen-- I apologize I didn't tell you I was going to ask you, but you, you said something that made me wonder for some inside-- I'm, I'm looking for some inside information.

JACOBSON: Yes, I will respond to questions.

J. CAVANAUGH: Thank you, Senator Jacobson. So you were just talking about-- you said, you know, it hits different when you're in, right, when it, it affects you differently if you're somebody who's actually gone through this. And so, I guess, by-- with saying that, have you ever filed an eviction against somebody?

JACOBSON: Personally,--

J. CAVANAUGH: Well--

JACOBSON: --I haven't had to. No.

J. CAVANAUGH: Or been party, I guess, but--

JACOBSON: I've, I've, I've got a number of clients who have had to do so.

J. CAVANAUGH: OK. And we've heard a lot of folks talking about these situations where you just said if somebody tears up your place and does all this damage you would want to evict them, right? I'm-- I would. You would want to evict somebody if they're doing damage to your property?

JACOBSON: I would-- that'd be yes.

J. CAVANAUGH: Yeah. OK. And we've heard that from other folks who've talked about this. I guess my reading of this bill would say if you file that eviction and that eviction goes forward, that stays on the person's record. Is that your understanding of the bill as well?

JACOBSON: But my understanding is also that if it doesn't go forward and you work a deal and so the eviction gets pulled, I can't report what they did up to that point for that first time it happens.

J. CAVANAUGH: OK. So that-- excellent point and thank you for raising that. You got to my next part of the question. So if somebody does this kind of damage, if they're cooking meth in your property and you file an eviction to get them out, are-- would you think that you would dismiss that eviction?

JACOBSON: Well, my guess is, is that they could very well be arrested and I won't have to follow through with the eviction because they may be in jail depending on the prosecutor because today, who knows? But hopefully they would be in jail and I wouldn't have to consent-- go forward because they would have arrested them and I don't need to do the conviction. Which means if it's their first time, I can't tell anybody they were cooking meth in the apartment because this is their first time, they get-- they, they get to expunge that.

J. CAVANAUGH: And so-- OK. Excellent point, and I'm glad you raised that as well. So are you aware that if-- once you file the eviction, even if they get arrested, if they fail to show up and contest it, it's what we call a default judgment and it would be issued against them?

JACOBSON: It depends on the circumstances, I think. Yes. But I think that-- I, I could-- yeah, generally, if you don't show up for your trial date you could get a default or it could be continued and you have another opportunity to show up. So there's, there's weird things that happens in the court system.

J. CAVANAUGH: Don't I know it.

JACOBSON: Yeah, you of all people should know that part.

J. CAVANAUGH: Yes. We, we like to say in county court, in particular, it's not about the law, it's about the personalities. So, OK-- so I guess your concern is that there are potentially one-off situations where there are these really bad actors who have an eviction dismissed

either through the vicissitudes of the county court system or that the landlord themself has agreed to dismiss the action. Is that my understanding?

JACOBSON: Well, let me-- let me be clear on this. In my mind, I think that the one-off is the one that goes all the way to conviction to the point to where the courts have to see to it that they're removed. I think in many, many, many, many cases they will reach a settlement prior to that happening. OK? And I would also say that in, in some cases they move out on their own. OK? So-- but, but there are those cases where they're going to have to be forcibly removed.

J. CAVANAUGH: And-- right, you are correct about that. However, you understand that this bill does not require forcible removal for an eviction to be completed so that the clean slate applies when an eviction has either been dismissed by the court or dismissed by the landlord or reversed or vacated.

JACOBSON: Which would be, I think, the lion's share of the evictions that take place.

J. CAVANAUGH: Well, I--

KELLY: One minute.

J. CAVANAUGH: --thank you, Mr. President-- I would certainly welcome you to join me in coming to, to courtroom 20 in Douglas County. Thank you, Senator Jacobson, I appreciate the, the conversation.

JACOBSON: I, I enjoyed-- I enjoyed the banter. Thank you.

J. CAVANAUGH: So-- and I-- and I'll push my light again because this is an interesting conversation. I'm trying to wrap my head around people's opposition and I-- and I, genuinely, think there's a, a bit of a misunderstanding of how we think this will play out. Most of these cases that get filed get a writ of restitution issued. The plea agreement, as it is formed in these sorts of cases, is about when that writ is going to be executed and how much time the person is going to get to stay there. In the cases where it does get dismissed or does not get filed, it's because the landlord has found it in their best interest to do that. So when we're talking about landlord rights, you guys are talking about taking away an option a landlord has to get what they want out of an eviction. So we're giving people an option here for something that gives them an opportunity to get more of their back due rent or repairs. And I think that the thought-- and I probably shouldn't start this thought at this point because I'm going

to run out of time. But the thought that these-- most of these cases get dismissed or do not get executed or do not get to the-- we'll finish this conversation later-- well, the restitution is never executed. There, there is some confusion about what that actually means and what form it takes. So I'll push my light and talk again.

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

SLAMA: Thank you, Mr. President. And I do appreciate the conversation and I'm grateful Senator Cavanaugh is engaging and we're having a thoughtful discussion about what the consequences of this bill would be. So when we are talking about the situations that would be sealed under LB175, Senator Cavanaugh is dead-on accurate in his discussion with Senator Jacobson, is if the sheriff comes, executes the writ of restitution and removes you from the property, if that writ of restitution is executed by the sheriff removing you from the property, that does not get sealed. That is the one exception throughout this entire eviction process that does not get sealed is if after the weeks, potentially months, that you've been trying to get this tenant off your property, if they show up to the court hearing and have a writ of restitution filed against them and have the sheriff have to drag them away from your property, yes, it's still shows up. However, if you are a landlord, have to hire a lawyer to try to get rid of a tenant, have to file a notice to quit, let them know, hey, I need you off my property. Like, I'm-- we are beyond fixing this relationship via the terms of the lease. Like, I have to try to evict you now peaceably. You give that notice, you pay the sheriff's office $25 or $50 to post that on the door. You hire a lawyer. He's probably going to be $150 an hour at least, unless you have some sort of flat fee retainer agreement with them to do this for you, file the language so that it's legal. Then if they still say, no, nice try. I'm not going anywhere. They're either still not paying rent, they're destroying the property, or they're doing things that are in clear violation of your lease. You're still paying your lawyer. You ask your lawyer, OK, like, they're not moving, I have to take this to court. You pay the court filing fee. You pay the lawyer to go through this process for you, get ready for your hearing date. The tenant shows up, makes their case, you're unable to come to settlement terms. You're even potentially negotiating settlement terms. You're paying a lawyer to come discuss settlement terms for you. The court rules in your favor as a landlord. So another 10 days pass, potentially, up to, and so long as the sheriff doesn't show up with the person still being there, you don't get to talk about it as a landlord. You have now incurred, potentially, thousands of dollars worth of expenses. And so long as

that person leaves your rental property before the sheriff shows up, after the court orders them to, you don't get to talk about it as a landlord. That's called a freebie. And Senator Jacobson talked about what the consequences financially could be, how they could hide their assets, make it impossible for you to collect damages. That's a risk that landlords run every day. So a majority of eviction actions don't get to the point that Senator Dungan has excluded under LB175. So, yes, the one really bad, awful thing that can happen of the sheriff forcibly removing that person from the property almost never happens. Anything short of that, that first landlord doesn't get to disclose to the next landlord. That landlord is left holding the bag and cannot talk about it. And we're deciding as a Legislature that that one freebie, it just doesn't count. You don't get a say I had to file an eviction action in court. They stayed-- overstayed their welcome by literal weeks even after I had reached out to them, was like, hey, this is not working out. I need you to stop smoking--

KELLY: One minute.

SLAMA: --meth in my rental property. Thank you, Mr. President. I had to hire the sheriff's department to come deliver this notice to quit, that I had to hire a lawyer to write up because I've never had to deal with this before. I've never had a tenant that's been smoking meth or causing damage to the premises or has been so late on their rent that I have to incur the extra costs to try to get rid of this person. You go up through the court proceedings, you have a summons of forcible entry notice filed, that court hearing date passes, the court rules in your favor, you're still incurring costs trying to get rid of this person. We are saying as a Legislature that unless a sheriff drags that person from the property, that they get one freebie that you just don't get to talk about. It's a super secret, nondisclosed, one-time deal. Like, do you not think that next year the bill is going to give you unlimited bites of the apple so long as that's not filed?

KELLY: That's your time, Senator Slama.

SLAMA: Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. All right, so where were we? I was talking about what really happens in these courtrooms. I-- as far as I know, unless somebody else is willing to disprove me, I may be the only one who's been in one of these courtrooms and participated in

one of these hearings so I've got a little bit of experience. First off, we'll just start-- we'll start at the end and work our way backwards. Execution. We had this conversation yesterday, following the eviction proceeding a writ of restitution is never executed. So what that means is that the court has not entered a judgment. It does not mean the sheriff shows up, knocks on your door, and removes somebody. Most of these cases do not require the sheriff to show up because, yes, people, when they are evicted, they grab their stuff and get out. Because they-- what happens to them-- and I told you guys this example yesterday of the person I represented, the reason they came to court was just asked that they not have the locks changed tonight. That was what they were looking for in this court proceeding. They knew that they had been unable to pay their rent and they weren't going to be able to make it whole and all they wanted was to be able to go to work, come home and get their dog and their clothes and then go find another place. They-- in that instance, they knew that the writ of restitution was going to be executed and they were going to lose their right to that property. Because we've had this whole conversation and it has gone unsaid, there are property rights. And, of course, I respect and appreciate property rights. I brought an eminent domain bill this year that upset everyone because I was interested in protecting private property rights. But when you sign a lease, you also have a property interest, right? So those people that have property interest, the restitution of premises eviction hearing is about terminating that property interest and restoring it to the landlord. The execution of that is the completion of that restoration of property rights. Meaning the court has a hearing, and either when the, the tenant does not show up, it is a default judgment is entered restoring the property rights to the owner of the property from the lessee. Right? And if they have a contested hearing and the landlord wins, again, the issue-- the, the writ is issued and the property rights are returned to the landlord, property owner, whether the sheriff shows up or not. And if you have a contested hearing and the landlord loses for some reason, which is maybe a, a faultily filed eviction based off of wrong facts or wrong person, then that writ is not issued and not executed and the tenant gets to remain in that property. So those are kind of the scenarios we're talking about. There are the other scenarios that we talked about with Senator-- I talked with Senator Jacobson about where there is a meritorious eviction is filed. And as part of a negotiated settlement, the landlord agrees not to ask for an issuance of the writ of restitution. And in those cases, that would allow for that one-time seal. So, again, this is at, in most cases, the discretion of the landlord, they're the one who gets to choose whether or not this case is sealed.

And that is part of a negotiation. And, again, I can tell you from experience in these courtrooms having these negotiations, it factors in whether how much time someone gets to stay, whether the writ is executed or issued. In most of these cases, what happens is they ask for the writ to be issued and the person gets to stay. They say we will not execute it. We will not come and--

KELLY: One minute.

J. CAVANAUGH: --thank you, Mr. President-- we will not come and remove you forcibly until a date certain. However, it has already been issued and under this statute would not allow for a clean slate. So that's what we're talking about here. So we're talking about property rights, yes, we're talking about discretion of landlords to engage in contract freely how they so choose. And there is some confusion as well as to what happens after someone's had clean slate on their record. And there is some-- I'd say maybe unnecessary conversation about what might happen-- might happen in the future, right, about what future Legislatures would do as it pertains to clean slate. But when we're having this conversation, it is important to maybe stick to reality and we have gotten a little bit far afield from that. And so I will push my light and talk a little bit more about that issue as well. Thank you, Mr. President.

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

DOVER: Thank you. Just listening to Senator Cavanaugh in his example where there was a person, they were in court, and all they were asking for is to stay 1 or 2 nights. And, also, he kind of referenced toward the end of his, his, his time at the mic was, he says it's time to talk about reality. And, and, and I would be glad to talk about reality. And I'm sure that given his experience that he, he does have insight into situations that I don't have. And probably there are probably some talking points on both sides of this discussion, but I would like to talk about when he brought up that there was this, this tenant that simply wanted to stay 1 or 2 nights. For those of you that, that haven't rented for a while or perhaps don't own a rental property, most people know when rent is due. I mean, I think most people know when rent, rent is due. And there are times-- and I do-- I have attended classes down here, actually, in Lincoln and Omaha to keep up my CE credits for property management, talking to property managers of across the state and, of course, the Realtors Association. I have a number of friends in Lincoln and Omaha and across the state, also they're property managers and we do share our, you know, kind of

our group knowledge together and our situations that we're encountering and things like that. So I think I, I do have a, a pretty good understanding of situations across the state. But in most cases, everyone should know when the rent is due. And I would also say that, in most cases, no landlord wants to evict a tenant. And having said that, there are numerous times, and some tenants more than other tenants, that come in and say, you know, hey-- to our companies, just simply saying, hey, I can't come up with rent, can we work something out? And we-- and, and there has never been a situation-- of course, it isn't our, our, our decision, but it's, actually, the landlord's decision that we approach the landlord. But I cannot remember one case-- one case in 40 years where that landlord was not willing to work with that tenant, not one time in 40 years. And so not only does everyone know when rent is due, but there's notices that go out and, and I can't speak to everybody's situation, but I can speak to mine. So they're going to get-- they're going to get two late notices that their rent is not due-- that they need to, to pay their rent. And in some situations we, we actually will do where you can pay rent-- half rent 2 weeks and half rent 2 weeks later. In most cases, again, the landlord always wants to work. Because the last thing-- we've, we've got someone-- there's, there's a cost of doing business in rentals. And so between tenants, what you have to do is you have to go back in. OK? And you're going to-- the standard is we're going to-- we're going to clean, we're going to shampoo all the carpets. We're going to touch up the paint. We're going to fix things a little bit, maybe the toilet roll holder has been knocked off or whatever. We're going to fix those things, tighten those things. We're going to clean the oven. So it is not-- it is not inexpensive to get a prop-- a property ready to rent. And, and then you're-- in our case, someone's paying us to find someone so we're doing a credit check, we do a background check which they pay for, the tenant, tenant does. And then when that's done we finally-- we have a credit rating, everybody needs to have some mechanism that they treat everyone fairly, which I-- we believe we employ. And if they get a certain rating on that process that-- then we allow them to move in. And then once they're in the last thing that we want to do as property managers or the landlord wants to do is to evict that person because--

KELLY: One minute.

DOVER: --thank you-- because there's a cost involved and they have to get the property ready. So I would say that really this person-- last ditch thing wanted to stay 1 or 2 nights would have been in most cases worked out. The reason this wasn't because there probably was a history of it. And I'll say this is-- I, I think of the clean slate

provision, but with them hiding the facts the first time, I think this bill would be better named the repeat offender provision. Thank you.

KELLY: Thank you, Senator Dover, and that was your final time on this floor amendment. Senator John Cavanaugh, this is your third time and you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. I'm a little surprised by that because I'm pretty sure I only talked the one time. Would Senator Dover yield to a question before you walk away? Sorry, Senator Dover, I was going to ask a question.

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

DOVER: Yes.

J. CAVANAUGH: Thank you, Senator Dover. I-- and I appreciate what you were saying there. And, and I honestly do not know that, that woman's history in that case but you're right. And one of the reasons she came to court was because she learned that there was options going forward. But, previously, she didn't expect that. But I wanted to revisit your conversation you were saying about landlords always are working with folks before they get to this point. Is that-- you're saying that from personal experience?

DOVER: Yes.

J. CAVANAUGH: OK. So in those cases, you're talking about somebody, maybe, didn't pay rent for a couple months. The landlord went to them and said, you know, hey, let's get you on a payment plan and work that out.

DOVER: I would say usually they're going to be talking about that, not after 2 months.

J. CAVANAUGH: Well--

DOVER: They're going to be talking-- they're going to be talking about how can we work this out? How can we make sure we get rent paid upfront? And they're going to do that within, I would say, the first 2 weeks of not receiving rent.

J. CAVANAUGH: OK. But so they don't engage in the court system, but they do engage in a conversation about how to remedy the situation. That's what you're saying?

DOVER: Correct.

J. CAVANAUGH: OK. So I guess my question is-- you're saying landlords have a right to know somebody's payment history. So in those instances, should we require landlords to report that someone's been late on their rent and that they had previously worked with somebody on that?

DOVER: I would say there's probably some kind of threshold where perhaps-- well, I would say-- well, I guess, I would approach that a couple different ways. Number one, I think there's probably a threshold as far as to when something reaches a certain level that that then should be disclosed, such as when you finally end up-- when, when a landlord through-- and we could go-- there's a variety of reasons-- finally feels, though, they need to spend the extra money, spend the extra time and go to court. That probably rises above the threshold that that should be disclosed. I think there's numerous things where there's noise, late on rent, and those kind of things that really-- that's, that's a small thing and I don't think we need to go above that threshold to do that.

J. CAVANAUGH: OK. I, I get you, I agree with you that there's a gradations to levels and when information should be available and we-- the state should be engaged in making sure that everybody has that information. That's what you're saying, right? So there's a spectrum of problems and you reach-- you cross a certain threshold and then people have a right to know about those problems is what you're saying.

DOVER: Yeah. Because in most cases, I would say that in the process of property management or rentals, there's agreement to, you know, everyone has a right to enjoy their property, quiet, you know, enjoyment and those kind of things. So what happens is when there all of a sudden is a, a loud stereo, a party, then they're given a notice. And so slowly that's elevated, right, through behavior and, and, and a reoccurrence of violation of the, the, the lease agreement that eventually gets to a point where, you know, this person is, is, is, is, is not making it enjoyable for everyone at this apartment. They've been given three notices. It time we probably need to go to court and evict them.

J. CAVANAUGH: So let, let me pose kind of a, a bounds to the question. We, we all agree an eviction has been filed, issued, person has been evicted. That, that goes on their record. Under this bill, that stays

on the record and a future landlord has a right to know about that. We all agree that that should be the way it is, right?

DOVER: Correct.

J. CAVANAUGH: And you're saying if an eviction hasn't been filed but you do have problems with the person, that shouldn't go on their record that doesn't rise to the level, right?

DOVER: Could you repeat that, please?

J. CAVANAUGH: If, if a person doesn't pay their rent or has some noise problems that the landlord has to deal with but it doesn't-- the landlord does not choose to go through the court system, that does not rise to the level of subsequent landlords needing to know about it.

DOVER: Well, I would say there's probably two situations I, I think you might be addressing. One, is if a landlord chooses never to go to court and those kind of things, then that would probably, I'm guessing, may or may not come up when we check references.

J. CAVANAUGH: OK. You're talking about-- that's a different conversation that probably need to have at a different time, you're talking about if you call your previous landlord and talk about it. I'm talking about--

KELLY: One minute.

J. CAVANAUGH: --if you never file-- if the landlord never files an eviction, you don't think the state should require that landlord to disclose that to future landlords.

DOVER: No, I think-- I'd, I'd be quite truthful if someone calls up and someone has information that would be negatively affected on a future--

J. CAVANAUGH: We're talking about--

DOVER: --contract and I think they should disclose. I think-- I, I believe in this--

J. CAVANAUGH: OK.

DOVER: --in real estate we're taught this: disclose, disclose, disclose.

J. CAVANAUGH: OK. But I'm talking about the state requiring you to do it affirmatively.

DOVER: I don't know how that we can require the state to make someone volunteer and give notice. Once it enters into the court system, I'll say that then has risen to where you already have a process. You have, you know, a recording. And, and, and so once it gets to that level, I, I, I think that-- yes, I think that should be public information.

J. CAVANAUGH: So when-- OK. So here's-- this is the distinction-- we're going to run out of time, but I think Senator McKinney would yield me some time. I think he's in the queue if that's all right. Could we--

KELLY: That's your time, Senator Cavanaugh.

J. CAVANAUGH: Thank you, Mr. President.

KELLY: Thank you.

WAYNE: Call of the house.

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

CLERK: 10 ayes, 4 nays to place the house under-- excuse me. 11 ayes, 4 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.

ARCH: Senator Vargas, Senator Halloran, Senator McDonnell, Senator von Gillern, please return to the Chamber. The house is under call. All unexcused members are now present. Senator Wayne, you are recognized to speak.

WAYNE: Thank you, Mr. President. So people are getting pulled out into the hallway and being told by the lobby that for somehow Judiciary never actually voted on this or they don't recall ever voting on this and, and this didn't happen. So, you know, I don't really get mad about a whole thing, but when you lie on my staff it's a problem. For those who remember when me and the former Clerk used to get into it is usually when he told my staff to be quiet in a storm-- strong voice.

You just don't-- you don't do that in my staff. And so February 15, we were underneath that balcony. Actually, on February 14, we were underneath that balcony, had a whole conversation where Senator DeBoer wanted to make sure this package came out about all of these bills, came back with an amendment. The next day on February 15, we Execed again, LB175 came out 8-0. Tell you how we got there, AM2504, motion to adopt by Bosn, second by DeBoer, 8-0. Motion to adopt AMXX, that's to make it so. That was my original one to LB15 [SIC] that we've already pulled. Motion by Wayne, second by DeBoer, 8-0. That was for LB1115. LB1115 to advance because I advance all my bills so the committee can-- the public can actually see what happened to the bill without having to click and click on all these different bills to go into different bills. They can actually just see what happened to that bill. So if you're in a committee package, I advance it out in my committee so the public can actually read it clearly on what happens. Motion to advance LB1115 as amended, motion by Wayne, second by Blood, 8-0. LB75 [SIC] to advance as amended. LB1115 to advance as amended into LB175 as amended, motion by Wayne, second by DeBoer, 8-0. Last year, I dealt with the most underhanded, unethical negotiations on this floor and in the lobby. I don't think it's a mistake that it happened in my committee that way. I don't think it's a mistake that somebody gets on the floor and say they don't trust the committee statement. I don't think it's a mistake that now members of the committee are saying they didn't vote on this. That's not OK. That's not OK at all. We have every record vote, and now we are going to publish every vote that we took this year in the Journal. Everyone. We're going to do it to a committee report and we're going to submit it to the Clerk for publication. It's OK to play games. It's OK to change your vote. It's OK to say I no longer support something for whatever reason, whether I think it's a valid reason or not. Whether it's the Governor influencing somebody and we don't have three separate branches of government, that's fine. It's your decision. But when you implicate my staff who don't get paid a whole lot to say that we're making up stuff that you don't recall, that is outrageous and disrespectful and it undermines the entire body. When you say you don't trust a committee statement, you undermine the entire process. Because it hasn't been this committee who's been having problems with committee statements. I don't want to get up and lecture. I don't want to get up here and be mad. But I have people down there, we, we Execed on over 50 bills. I have over 50 bills that I'm going to sign that I've been signing. Senator Holdcroft-- I said where's this bill at, we Execed on it last week?

ARCH: One minute.

WAYNE: Waiting on Bill Drafting to send down the final thing. If you don't know, there's, like, four bills you have to sign in this stapled thing to even get it up to the Clerk. We're pushing out more bills in Judiciary that's been pushed out in the last 7 years that I've been down here, and now you want to question my staff, the integrity of a vote. I thought we were better than this. I thought it was going to be different this year. But I see these last 20 days might be very long and maybe Senator Slama is just starting it. No, Judiciary, we are not Execing because I can't trust that we can say we voted on stuff anymore. Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I do support LB175 and I voted it out of committee when we did it 8-0 multiple times, and I yield my time to Senator Cavanaugh.

ARCH: Senator John Cavanaugh, you're yielded 4 minutes 45.

J. CAVANAUGH: Thank you, Mr. President. Well, I would share Senator Wayne's frustration on that. I'm not a member of Judiciary no matter how hard I try. But, yeah, I, I, I agree, there's no problem with changing your mind. I've had several conversations when people said, well, how can I change my vote? Well, you present it with different information. But, you know, I-- and I don't know the internal politics of what's going on there, but I'm more concerned about people's misunderstandings of what we're trying to do here and so those of you who are all under call now so you get to listen to me. I'm not sure how long the call lasts, but I appreciate Senator McKinney's time. I support the bill as amended. I'm opposed to FA249. But Senator Dover and I were having a, a great conversation about how this actually works. So if you're all here for it, I'd love for Senator Dover if he wanted to continue the conversation with me, if he'd answer some questions. Would Senator Dover yield for a question?

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

DOVER: Yes.

J. CAVANAUGH: Thank you, Senator Dover. And thank you, Senator Wayne and Senator McKinney for the conversation. And I was actually looking up, trying to find some stipulated judgment. So we were talking about the landlords-- future landlords' right to know and you had said when-- we all agree, when an eviction has been finalized, someone's been evicted, that a future landlord has a right to know. And you had

said that when somebody has not come to court yet, then we do not-- the state does not need to be involved in compelling landlords to inform future landlords. You did, however, stipulate that if somebody calls you, you should be honest with them about your experience with somebody. And so we were on this journey, a gradation of where is the appropriate place to make-- to draw the line and say when are we going to allow someone some privacy, we'll say? And after a judgment has been issued against them, no more privacy. Before they get to court, still privacy. My question is we're fundamentally talking about here a right to contract. We're talking about a right for two individuals to make an agreement and then have the result of that agreement honored. Would you agree that the, the laws of the state should facilitate two individuals making an agreement and then that being honored?

DOVER: Yes.

J. CAVANAUGH: OK. So when it comes to these stipulated agreements, when there's a lease between a landlord and a tenant before it comes to court, we should honor that and allow them to freely engage in that contract how they see fit. Does that sound right?

DOVER: Correct.

J. CAVANAUGH: OK. So when they get to court and for whatever reason they have gone to court, whether it is damage to property, whether it is violation of law, whether it is nonpayment of rent or just general being a bad tenant and they get there and the landlord says I filed it, we have all of these problems, whatever they are, but I'm willing if you do X, Y, and Z to dismiss this case. Do you think we should allow the landlord to choose to dismiss the case?

DOVER: I believe they should be able to agree to whatever they do agree and to the-- my main concern is I, I can-- I think I vocalized earlier was that a landlord is going to be likely to take $500 because $500 is better than nothing and then agree to dismiss the case, I think. And then at that point, what happens is that did not take away from the fact that-- and I'll, I'll make up something-- so that there was 6-- they didn't pay for 6 months of rent, that they vandalized their property, that they had a dog and did $6,000 worth of damage. That's why I don't want that to be-- if this bill--

ARCH: One minute.

DOVER: --doesn't pass, it won't disappear. Right?

J. CAVANAUGH: OK. I-- so I, I hear you and let me summarize what you're saying there, that you don't believe that a landlord has a right to agree to dismiss a case in the context where a future landlord would not find out about it.

DOVER: Correct.

J. CAVANAUGH: So you are saying landlords do not have the right to contract as they see fit when it pertains to pursuing an eviction?

DOVER: No.

J. CAVANAUGH: OK.

DOVER: I mean, my main concern with this bill is that the ability to give a one-- a one shot-- a one time to basically I consider is to bury that-- bury what happened in court.

J. CAVANAUGH: But you would agree-- I'm sorry, Senator Dover, I'm going to run out of time. You would agree that this is in the landlord's court of to dismiss or not, they get to decide.

DOVER: Correct.

J. CAVANAUGH: And so they, ultimately, control whether or not the result of this is a dismissal and a seal or not.

DOVER: Yes.

J. CAVANAUGH: OK. That's what I was trying to get to.

DOVER: OK.

J. CAVANAUGH: Thank you.

DOVER: Sorry.

J. CAVANAUGH: Thank you, Senator Dover. And do I have any time left? No. Thank you, Mr. President. Thank you, Senator McKinney.

ARCH: I raise the call. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Senator John Cavanaugh, don't go too far because I'll yield you my time. The staff is the backbone of, of this building and there have been comments made about staff work that-- on the mic that was not appropriate yesterday. And there have been comments about

votes in committee that are disingenuous today. It used to be if you told a senator how you were going to vote, you would tell the senator if you changed your vote. And if you didn't, you became a pariah to everyone. Everyone would say you can't trust Senator X because they flipped their vote and they didn't tell somebody. Somehow we are losing our collegiality and just our common decency in this place. If you have changed how you're going to vote, you should tell Senator Dungan and Senator DeBoer. If you are going to change how you voted out of committee, you should get on the mic and explain yourself. I have changed how I voted out of committee once, once, and it was the hardest thing I ever did. And I talked to Senator Murman, it was Senator Murman's bill out of HHS, and all of us decided that we couldn't move the bill forward on the floor, and we went to him, apologized profusely. I don't even know if he remembers, but I remember because I changed my vote and I felt horrible about it. But if I vote something out, I vote something out and I stand by that vote and so should everybody else. There needs to be integrity in this place. I'd like to yield the remainder of my time to Senator John Cavanaugh.

ARCH: Senator John Cavanaugh, 3 minutes.

J. CAVANAUGH: Thank you, Mr. President, and thank you, colleagues, for your attention on this. This is an interesting conversation because this is a bill that was worked on, did come out of committee 8-0, and I think a lot of people have legitimate concerns and some that I consider less legitimate. And that's what I'm-- why I started talking is because of the things I was hearing about this are not the things I would interpret as the actual-- what I would be concerned about. And so I appreciate Senator Dover talking with me about this and Senator Jacobson before him. But here's the bottom line, folks, when we're talking about the clean slate portion of this bill, if a landlord gets to the point where they file an eviction and then, subsequently, decides not to pursue it to a writ of restitution, they have a right to do that, right? And what this is saying, when going forward, after this bill would go into effect, the landlords would factor into that decision the fact that a person could ask for clean slate relief. So it actually gives the landlords one more sort of piece of leverage to get to an agreement in that and they-- but they are under no obligation to dismiss it and they have no, no responsibility to the tenant to do that. Right? They have-- as I think Senator Dover was talking about or Senator Jacobson before him-- being a landlord is-- you know, people have lots of feelings about it for different reasons. But fundamentally, yeah, it's-- there are parts of it that are hard, taking care of cleaning up the property, taking care of it, fixing

carpet, steaming. And, and we all want those things, those are things-- really burdens we put on them because we want to make sure the property is habitable. And what this does--

ARCH: One minute.

J. CAVANAUGH: --thank you, Mr. President-- is allows a landlord in that negotiation-- I'm trying to print off-- I've got a proposed settlement here. But the settlements go through and describe-- or the proposed settlements go through and describe what will happen. It says if a person vacates voluntarily by X date, the plaintiff shall timely dismiss. So that's an agreement where they will dismiss. Right? But that still allows the landlord to say, well, they didn't do it the way I wanted them to. They didn't do it in a timely fashion. They have that hanging out there as a tool. So it's still on the landlord to dismiss-- affirmatively, go in and dismiss. Right? So they're agreeing to that as part of the settlement or there's part where if they pay X number of dollars, will dismiss. Right? So all of those things. But if the writ is issued and executed at that point, it can be vacated by the decision of the landlord. We're talking about landlords' rights,--

ARCH: Time, Senator.

J. CAVANAUGH: --we're talking about property rights. Thank you, Mr. President.

ARCH: Senator Kauth, you are recognized to speak.

KAUTH: Thank you, Mr. President. I rise in opposition to the underlying bill. I think private property rights are being eroded by this and I would prefer that it not happen. And I would like to surrender the rest of my time to Senator Slama.

ARCH: Senator Slama, 4 minutes, 40 seconds.

SLAMA: Thank you, Mr. President. Good afternoon now, colleagues. I knew we'd get into silly season with some of this discussion once the vote card came out and proponents of this bill realized they didn't have 33 votes for cloture. I know Senator Wayne is not involved in that. And I want to make perfectly clear there is one rule you follow on this floor if you want my respect. I put up with a lot of crap, but if you go after staff, you're going to be the first person I call out on the floor. So credit to Senator Wayne for doing that. Also, if you are going to give Senator Wayne credit for doing that, you had damn well better not be a person who has mistreated staff, even if they're not your own staff on the floor before. So if you are going to get up

and pretend to be offended at what happened, you had better have a really good record for yourself of treatment of staff. Now to reset onto LB175, because we're going off again into this world where we're pretending like sealing attendance record is going to somehow empower landlords, expand their rights. That's not what LB175 does. What it does is hide information from future landlords and sets up a situation in which landlords are forced to follow through. They're not incentivized to settle with their tenants. They're incentivized to take it all the way through to court and get the sheriff's office to kick the person to the curb so that it does show up on their record, because otherwise it becomes a super secret first-time eviction that doesn't count. So to pretend like this is some sort of magical clean slate-- I love giving bills fun names to make me feel better about them: clean slate, save the puppies, feed the kids. This is not what that is. This is hide information from the next landlord so that they don't know what they're getting into when it comes to the next tenant. The next landlord is going to suffer because of this. The tenants next door to the tenants that are smoking meth again in the property are going to suffer. I'm not taking 8 hours on this for giggles. And if I had known I was going to take it 8 hours, I'd have given Senator Dungan the heads up. I was hoping to come to a conclusion on what we thought was going to be a constitutional crisis yesterday but that disappeared. For whatever reason, over a lunch hour that disappeared. So, yeah, I gave everyone full transparency of this needs to happen. I'm open to negotiating this issue, otherwise we're going the full 8 hours. But to argue that somehow we have to give fair warning and hugs before we filibuster a bill, it's incredulous. It doesn't-- like, you can't rewrite history of this place. Back in the day, 10 years ago-- I have former senators texting me laughing about the pearl clutching of filibusters, because back in the day, it was 12 hours. And, like, senators would filibuster for so much less than what we're doing here. Like, 8 hours to protect private property rights? Yeah, I'm going to do it. I'm going to be transparent about what it will take for me to stop if we don't get there. I'm going to follow through. I know we have last year's history of everything got filibustered so that threw off--

ARCH: One minute.

SLAMA: --our perception of what was good and what wasn't. And we have before then the 2 years after Chambers was gone to where everybody was trying to get along and there were-- like, it was COVID. We've just been in a weird period of time to where now we're doing revisionist history on how this place is traditionally operated. A filibuster is a fair way in the rules. I've had my bills be filibustered before. I've

had them die. I've had bills that come to cloture that I thought had the votes, didn't. Like, operating within the rules to filibuster what you think is a bad bill is OK. Changing your mind on a bill is OK. Like, you can operate as a senator how you see fit, save for within the rules. Also, if you go after the staff, you are going to be the first person you hear it from me about, because you don't go after staff. And I'll conclude the way I started, I hold nothing against Senator Wayne for calling that out.

ARCH: Time, Senator.

SLAMA: Thank you, Mr. President.

ARCH: Senator Dungan, you're recognized.

DUNGAN: Thank you, Mr. President. Senator Slama, I actually agree with everything you just said, honestly. Last session was bizarre. The word that I use for it often when talking about it was that it was a kerfuffle, but it did, I think, make our incoming class anxious with regards to filibusters. And I've had this exact same thing happen where this year I may punch in on a bill and immediately talking about it one time, I have somebody come up to me and say are you filibustering this? And, no, I have things I want to say. And so I actually completely agree. We should be able to have debates and talk about bills and not be afraid to have a conversation. And what I was saying earlier, if that's what this is a reference to, was certainly not that I don't think we can filibuster. If you disagree with the bill and you want to take it 8 hours, I think that's a perfectly fine way to handle it. I just thought, based on my interactions with people out in the Rotunda and other senators, it was a little bit surprising because these bills had been voted on. And, again, they came out 8-0, and Senator DeBoer had made these her priority bills. And when they got scheduled, everyone seemed very surprised. And it seemed like in that moment, people sort of had this reaction of, oh, you're serious? We are serious about LB175 being an incredibly important thing for tenants to ensure they don't have one potential eviction action that's ultimately dismissed follow them. The jury trial portion of LB1115 is also very serious. And so when I said that I would be-- I would appreciate a heads up with regards to some of the concerns and questions, it just felt as though-- and this is not Senator Slama's fault-- but it felt as though a number of people just sort of realized this was an issue right away. So I, I completely agree. You should be able to get up, talk about things, have debates. We don't need to skate through everything incredibly quickly. We can take our time. So I would encourage people to have these debates and have these

conversations. I think what's, what's, what's problematic here is there were a number of things that we negotiated with interested parties with regards to the amendment that was added onto LB175 to make it more palatable to the actual individuals this affects. And I understand not every landlord answers to a landlord organization or a group, and everybody can have their own feelings and, and thoughts about it, and not everybody has to agree, but the people that we were negotiating with were the representatives for the individuals that came in and opposed LB175. And at the conclusion of those conversations in negotiations the amendment that we ended up-- that we added on yesterday to LB175 was not just them saying they were neutral, they were saying they supported it. And so to then say that it's not supported by those organizations is, I think, unintentionally disingenuous. And so that's, I think, where some of my frustration came up is that we did work in good faith to get to an agreement. Obviously, it's not the amendment or the change that Senator Slama wanted, but as I said before, (a) I do think the jury trial issue is a constitutional crisis that's coming down the pipeline, but (b) we talked to people and we didn't have the votes for it. So we, ultimately, had to make a decision as to what part of the bill would continue forward and I was very disappointed that we didn't get a chance to continue talking about the jury trial portion as well. So I just want to make sure I, I highlight those couple of things. I have no issue with the debate. I have no issue with the filibuster. At the end of the day, it's, it's well within the rules. But I just-- I, I think that there could have been conversations that happened ahead of time to address some of these concerns. In addition to that, I just want to also highlight in circumstances where there are bad actors with LB175, it would be captured. You'd be able to see that in documentation. And so the circumstances that Senator Dover and Senator Jacobson or Senator Slama have highlighted of their concerns with somebody trashing a residence, with somebody violating the lease-- the lease provisions, if you execute that eviction, it will stay on the record. So, really, this could potentially incentivize the following through of that. And that's not going to require some contested hearing or some--

ARCH: One minute.

DUNGAN: --trial-- thank you, Mr. President-- in the vast majority of cases. As we've talked about, if somebody doesn't even show up, then this eviction is, is ultimately disposed of and, and they have the eviction on their record. So in any circumstance where somebody is actually evicted, this will follow them. All we're talking about in LB175 is a one-time opportunity in the event that the landlord makes

the decision to dismiss that eviction, that it would not follow them. So, colleagues, please understand what we're talking about. This doesn't take away anybody's rights. This doesn't make it difficult for anybody to call and do a background, reference check or anything like that, we're just saying that it should not follow you on your record. Thank you, Mr. President.

ARCH: Senator Kauth and Senator Linehan would like to recognize some guests seated in the north balcony. It is Kody and Mack and Noah Schrader and Eric Oliver and Josephine Lyons, all constituents here for the state basketball game. Please stand and be recognized. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. Again, I support LB175 and the committee amendment. I would like to say that the staff in the-- in the Judiciary Committee and even the pages are, are some great people and do great work. They are on probably the most overworked committee there is in this body, honestly speaking, because of all the bills that come before them. So I commend all the work that they do and put in for this body. And also on the topic of committee statements, you can't even just put out a committee statement now. It gets approved. So any committee statement that anybody is putting out is being approved by somebody. You can't even just put them out. But, you know, people are fudging them, I guess, if people think that. But that's not true. Also, the whole thing about people needing to see records and those type of things is very interesting. If that's the case, somebody should bring an amendment to basically get rid of the Pardons Board. Because if we want records to follow people, why do we have a Board of Pardons? Why do we have a Board of Pardons? Why can somebody apply to the state and get a pardon and that record is cleared? If that's the case, if we want records to be followed, we should just abolish the, the Pardons Board and, and erase it out of the constitution. But nobody would support that. And it's, it's just true. They're not arguing that these individuals shouldn't be held accountable or anything like that, it's just saying stuff happens and it's that simple. And life happens and many things happen. It's just not a balanced system or society that we live in. And a lot of this conversation lacks that empathy or that understanding or that humanity. And that's what's been missing in this conversation. It's not saying that property owners' property should be destroyed and they shouldn't have rights or none of those things. Nobody has said any of that and nobody is trying to take away their property or take away their rights. We just understand that our system in our society doesn't have a lot of things in place for when stuff happens. And that's-- it's just, frankly, that simple. This bill came out of a

committee that we spent the last 2 days voting on, like 60-plus bills, and most of those bills didn't come out and when we took votes it was 4-4, literally. Most of-- most of all the votes was 4-4. So if a bill comes out 8-0, I believe that should tell the body that the committee fully trust the process in the bill and, and, and what's going on within the bill. And to question that is very interesting. So any other bill that comes out of another committee that was voted out-- voted out 8-0, we would be wrong if we stood up and started questioning those bills. They would say-- somebody would say we should trust the committee. The committee voted it out 8-0. Why are we putting up such a fight? That would happen, I guarantee it would happen. But it's only-- but it's happening on this bill. Any other committee, if a bill comes out 8-0 and people stood up and tried to fight it, the argument would be trust the committee from a lot of the same people who were fighting this bill. And that is a very-- and that is a fact. We got a budget today--

ARCH: One minute.

McKINNEY: --that I've been looking through and I got some questions on some things, but I'm sure they're-- I'm not sure how the votes went, but if it goes how it usually goes, the Appropriations voted unanimously probably. And if we stand up and say something is wrong, we're going to be told to trust the Appropriations Committee, trust the process, trust the committee. We're just asking for the same thing. Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, it's me. I'm the problem. It's me. I'm the person that stood up and defended the Judiciary Committee staff. And I am the same person who yelled at a staffer about 5 years ago. I apologized profusely. It is one of the most embarrassing things I've ever done in my life. And I will continue to apologize until the day that I die because it was inappropriate. So the mystery is solved. It was, in fact, me. Anybody can filibuster. People should filibuster. It creates a robust debate. If I implied to the contrary, I apologize. And people you can, in fact, change your votes. I simply think you should tell people and not let them find out when it comes to the vote. If we can't trust each other to be straight with each other on a vote, then we can't trust each other for anything. And if you can't stand by your vote, then what are you doing here? With that, I would happily yield my time to Senator DeBoer if she would like it. Senator DeBoer, would you like time? I'll yield my time to Senator DeBoer.

ARCH: Senator DeBoer, 3 minutes, 30 seconds.

DeBOER: Thank you, Mr. President. So Senator Slama is absolutely right about you can filibuster. You don't need to tell anyone you're going to filibuster. The idea that you need to tell someone that you're going to filibuster their bill is silly to me. Like, maybe you do. I mean, I guess, it's probably 50/50 if I've done that, told someone ahead of time. I don't think that's a hard and fast rule and why would it be? So I think that's-- I think what Senator Slama is doing is entirely within the rules. I don't like it, it's my priority bill. But it happens. It happens when we disagree. That's OK. Changing your mind on a bill is OK. Some people don't like that and some people won't do it and I get it, but I think it's OK. I think you come up with new information, it's OK. I think what happened here was a little game of telephone where one person said something and then it got a little switched and a little switched and a little switched and a little switched and then we're hearing on the floor, oh, people in Judiciary didn't even vote on this. They didn't mean to vote on this. And when we sort of get down to the root of it all, it turns out that isn't what those people said. And I think that, you know, it's unfortunate that telephone games happen, but there's a lot of people out in that lobby and it goes through a lot of different people and it ends up that way. So my concern here is just that the sort of-- the, the, the Judiciary Committee staff, as Senator McKinney said, are some of the hardest working, some of the greatest staff in this entire place. And I will have a raging rhetorical battle with anyone who would like to say otherwise on that. I'll also say that I remember that Exec because it's my priority bill. So, you know, it's in my head. I remember having that conversation and everybody at that day, at that moment-- doesn't mean they have to be now, that's fine-- but at that day, at that moment, they were there. And so it's--

ARCH: One minute.

DeBOER: --it's just a little frustrating to hear folks that are not them. They have not said that to me. They have not said that to me. So I want to uphold their honor to have other people saying, oh, well, they didn't know what they were voting on. That's condescending to them. They knew what they were voting on. It's saying they didn't do a good job. Anyone in here who implies that anybody took a vote and didn't know what they were voting on is maligning them. And I will stand up for my committee members. They can change their mind. They've heard a whole bunch of debate on this. They might change their mind. That's fine. But they voted for it, and they did, and let's not say any more that they didn't, because that's, that's putting a lot of

people's honor in question and that really bugs me. So I will stand up for each and every one of my fellow committee members.

ARCH: Time, Senator.

DeBOER: Thank you, Mr. President.

ARCH: And, and you are next in the queue.

DeBOER: Thank you, Mr. President. I will stand up for each and every one of my fellow committee members. They didn't do anything wrong. They took a vote. They knew they took the vote. They did it with all the honor and integrity that they have. And somehow, somewhere outside of this room, somehow things got misunderstood. And I don't even malign anyone out there. Somehow things got misunderstood and then it got to be this other whole thing. So I remember that Exec, people took the vote. It's totally understandable if they change their mind, that's fine. I hope they don't, because I think this is a good bill, but it's understandable if they do. And several of you have changed your minds on things before. That's fine, too. The committee did spend time talking about this bill. It's a good bill. As for the part about we no longer care about the constitutional issue, I care a lot about the constitutional issue. I'm very concerned about what happens when the cases go up that are going up and what's going to happen with the jury trial provisions. I think we'll be back here having to deal with that for a special session. I hope we won't. I hope we won't. I'm worried we will. It's part of the reason I prioritized this bill. And you can like or dislike-- and, I mean, I think the, the clean slate portion has been discussed sideways, upside down, around, through. I'm not even sure I understand what it is anymore, although of course I do, but that's what happens sometimes in debate. We've had a long debate. It's been a long week and now folks are tired and I get it. This is a good bill. This bill was not intended to question property rights or begin a slippery slope. Understand, and it is the right of other people to think that that's what it is. That's their right. It's their right to say it. I'm glad they do. We become better people when we have this discussion, when we have any discussion. It's a good bill. Thank you, Mr. President.

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

CLERK: 15 ayes, 3 nays to place the house under call, Mr. President.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Hansen, McDonnell, Wayne, Conrad, please check in. The house is under call. Senators Conrad, McDonnell, Hansen, please check in. The house is under call. Senator Hansen, please return to the Chamber. The house is under call. Senator Hansen, please return to the Chamber. The house is under call. All unexcused members are now present. Senator Hunt, you are recognized to speak.

HUNT: Thank you, Mr. President. I will yield my time to Senator Dungan.

ARCH: Senator Dungan, 4 minutes, 50 seconds.

DUNGAN: Thank you, Mr. President. Colleagues, I just wanted to take a couple of minutes here to, I guess, finish up and kind of bring us back down to what we're actually talking about. I know during a filibuster, we can kind of get off on different tangents from time to time. And so I want to take a minute here to recenter us on what LB175 and what AM2504 actually do. So what you're voting on here, colleagues, is-- well, it'll be the floor amendment which I would ask you to vote against when we get to that point. But AM2504 is a committee amendment that ultimately we have amended throughout this whole process to be a pared down, very small version of Residential Clean Slate Tenant Act [SIC], which was what LB175 was as well. What this does is it makes it so that if an individual has an eviction action brought against them, but that eviction action is ultimately dismissed at the request of the landlord or reversed and vacated by the courts or is never fully executed by virtue of actually getting a writ of restitution to actually take the property from them because the landlord didn't seek that, meaning all of that to be said, the eviction is never actually completed and the decision was made by the landlord to not go forward with it. In that circumstance, that would not be on the individual, the tenant's record moving forward one time. I say one time because that is a major change, a major compromise change that was made throughout this whole process. Originally, the bill made it so that if you had an action dismissed against you or ultimately had it reversed or vacated so the eviction never happened, it would not stay on your record. But in talking with interested parties and in talking with a number of representatives for landlord groups, we wanted to do everything we possibly could to make sure that this was a fair and equitable way of balancing tenants' rights and landlord rights, ensuring that somebody doesn't have something

following them into the future for maybe a mistake that was made or an accident that was made one time. But in the event of continuous bad actors who have actions brought against them even just twice or three times or consistently, those would then remain on the tenant's record. So in all of our conversations with, again, those representatives from the landlords, it was agreed upon that this was a compromise amendment. Now I understand not every landlord thinks the same, nothing's a monolith and everybody has differing opinions, but I, I highlight that to say that a lot of the conversation we've done around LB175 and then the amendment that we ultimately put in it was done with all of the stakeholders and the people at the table. None of these decisions were made willy-nilly. None of these decisions were made without consulting experts. I did talk with people who are landlords and major companies, also small landlords. We talked with attorneys who represent landlords. We talked with attorneys who represent tenants. So we really did our due diligence over months in crafting LB175 to try to make it as equitable and fair as possible, while recognizing that somebody should not have this follow them. So that's really what got us to here today. In addition to that, in the amendment that we put into AM2504, we also added in a, a bill that was brought originally by Senator Dover that allows for e-notice. So electronic notice for leases and communication between the tenant and the landlord to sort of bring that into the 21st century, to allow for landlords to do summons or other communication electronically. And that is something else that the landlords had asked us to do. Because they thought that would make it easier generally for everybody to communicate. And, of course, we thought that made sense. So, yet again, a, a number of, I don't want to say concessions because it wasn't really giving anything up, but agreements were meant to make this just work better. And I appreciated all of the efforts along the way from individuals to try to make this bill a good bill, to try to make it a workable bill. And I really do think that we wound up here at the end with an amendment on AM2504 that does not deprive anybody of property rights or doesn't deprive anybody of the opportunity to conduct background checks or to do references to other landlords. All it does is say that in the event that an eviction was brought against you, and ultimately the landlord chose--

ARCH: One minute.

DUNGAN: --to dismiss it. Thank you, Mr. President. Again, the landlord made that decision to not pursue that action, it will not follow you on your record just one time. In the event that the eviction is perfected and goes on, it follows you. It's on the record. Everyone can see it. So we figured that that was a good and equitable way to

solve this. Colleagues, I would encourage your green vote on cloture. I would encourage your green vote on AM2504 and, ultimately, your support of LB175. If we need to make further changes or have conversations between now and Select, come to me, talk to me, tell me what that might be. But please let this conversation continue, because this has been a long effort with all of the stakeholders at the table and I would appreciate your support moving forward. Thank you, Mr. President.

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

CLERK: I do, Mr. President. Senator Dungan would move to invoke cloture pursuant to Rule 7, Section 10 on LB175.

ARCH: Members, the first vote is the motion to invoke cloture. All those in favor vote aye; all those opposed vote nay. There has been a request for a roll call. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting no. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting no. Senator Brandt voting yes. Senator Brewer voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting no. Senator Linehan voting yes. 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 voting yes. Senator Riepe voting yes. Senator Sanders. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 30 ayes, 16 nays, Mr. President, on adoption of the cloture motion.

ARCH: The motion to invoke cloture fails. Raise the call. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Urban Affairs, chaired by Senator McKinney, reports LB840 to General File with

committee amendments. Additionally, your Committee on Judiciary, chaired by Senator Wayne, reports LB549, LB553, LB923, LB928, LB977, LB978, LB1089, LB1159, LB87, LB902, LB967, LB1051, LB1167 to General File, some having committee amendments. Motion to be printed from Senator Wayne to LB917, and amendments to be printed from Senator Albrecht to LB441. Committee report from the Health and Human Services Committee concerning the gubernatorial appointment of Steven L. Corsi as Chief Executive Officer of the Department of Health and Human Services. Mr. President, bills read this morning were presented to the Governor at 11:10 a.m.

ARCH: Mr. Clerk, next item please.

CLERK: Mr. President, next item on the agenda, Select File, LB685. First of all, Senator, I have E&R amendments.

ARCH: Senator Ballard, for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB685 be adopted.

ARCH: You have heard the motion. All those in favor say aye. All those opposed, nay. E&R amendment is adopted.

CLERK: I, I have additional amendments, Mr. President. Senator Lowe would move to amend LB685 with AM2753.

ARCH: Senator Lowe, you're recognized to open on AM2753.

LOWE: Thank you, Mr. President. Good afternoon, colleagues. Today, I'm introducing AM2753 to LB685. This amendment makes two, two small changes to two of the definitions in this bill. First, we updated the definition of distributor to mean any person who places and who either directly or indirectly controls or manages a mechanical amusement device within the state of Nebraska. Second, we updated the definition of operator, so it now means any person who operates a place of business in which a mechanical advice-- amusement device owned by him or his-- or her is physically located. Both of these changes were brought to us by folks who work in this industry and who told us that our current definitions don't match up with the way the industry uses these terms. All of these changes-- all the changes after these two definitions are a direct result of making these changes to the definition. We had to clarify in statute whether it was a distributor or an operator who is now responsible for what is being required in each section of the act. We didn't give anyone any new surprising duties or responsibilities. We just had several sections of statute where it stated things like the owner or operator of a cash device is

responsible for payment of the occupation tax or checking the ID of someone who wants to play a game. And the amendment is specifying that based on either an operator who actually owns the machine or a distributor who places the machine in a retail location, one of them has to fulfill what is required by statute, and the details can be worked out between the distributor and a manager of a retail location through a lease or revenue sharing agreement. Thank you, Mr. President.

ARCH: Mr. Clerk for an amendment.

CLERK: Mr. President, Senator Lowe would offer FA250 to AM2753.

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

LOWE: Thank you, Mr. President. It is just a very short amendment on page 5 of AM2753, line 3, after the word "device" or, excuse me, of the bill, the word-- after the word "device" insert the phrase "within a retail establishment" and that is the floor amendment.

ARCH: Seeing no one in the queue, Senator Lowe, you're recognized to close on FA250. Senator Lowe waives close. Colleagues, the motion before the body is the adoption of FA250. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of FA250.

ARCH: FA250 is adopted. Senator Lowe, you're recognized to close on AM2753. Senator Lowe waives close. Colleagues, the question before the body is the adoption of AM2753. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

CLERK: 29 ayes, 0 nays on adoption of AM2753, Mr. President.

ARCH: AM2753 is adopted.

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

ARCH: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB685 be advanced to E&R for engrossing.

ARCH: Colleagues, you have heard the motion. All those in favor say aye. All those opposed, nay. LB685 is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB857. First of all, Senator, I have E&R amendments.

ARCH: Senator Ballard, for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB857 be adopted.

ARCH: Colleagues, you've heard the motion of the adoption of ER66. All those in favor say aye. All those opposed, nay. Enrollment and Review is adopted.

CLERK: Mr. President, Senator Bosn would move to amend LB857 with AM2761.

ARCH: Senator Bosn, you're recognized to open on AM2761.

BOSN: Thank you, Mr. President. Today, I rise asking for individuals to support AM2761 onto LB857 from Senator Dungan. This is a friendly request. We had lots of conversations about this both before session began, while these bills were being heard, and tried to figure out the best path forward for each of these. I appreciate his willingness to allow me to add it to his bill. This was originally LB933 for those who would like to know where it started. It improves Medicaid coverage for continuous glucose monitors, which are lifesaving devices for individuals with diabetes. This legislation would provide coverage for pregnant mothers experiencing gestational diabetes, as well as match Nebraska coverage to federal policy allowing for continuous glucose monitors for Medicaid patients on insulin therapy, not just those patients receiving three or more shots per day. The bill was supported with testimony from the Nebraska Hospital Association, the Nebraska Medical Association, and the AARP. The bill also had no opponents. There are tremendous benefits to patients using continuous glucose monitors, which are even more profound for pregnant moms, reducing risks for hypoglycemia, pre-eclampsia, C-sections, NICU stays, and even stillbirths. The fiscal note for LB933 was, in my conversations with several individuals, overestimated, and it overestimated the utilization rate of continuous glucose monitors, predicting that 75% utilization for the newly eligible population. However, based on utilization data, the true cost is estimated to be no more than $600,000, which is what is provided for in the amendment. So it's a cap at $600,000 through the Medicaid Managed Care Excess Profit Fund in this amendment. So I am asking for a green light on this amendment to LB857 and would be happy to answer any questions that you may have. Thank you.

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

DUNGAN: Thank you, Mr. President. Good afternoon now, colleagues. So I just wanted to rise in support of Senator Bosn's AM2761. This was a, a thing that she and I have worked together on for quite some time. I was a cosponsor as well of her underlying bill that's being incorporated in as AM2761. It does fit into what the Prenatal Plus Program is, which is my original bill, LB857, given that it is providing that additional access to the continuous glucose monitors for Medicaid moms. So we're looking at the same targeted population. We're looking at the same small group of people who this will actually make a very large impact for, and given the support that we saw that was across the spectrum, nonpartisan support for LB57, I would hope we'd have the same support for Senator Bosn's AM2761, given it achieves the same goal, which is once again healthy moms, healthy babies. We need to do our best in this state to ensure that all of our children have the best chance to succeed possible, and this reaches that goal. So again, colleagues, I would encourage you to vote yes on AM2761 and your aye vote on LB857. Thank you, Mr. President.

ARCH: Senator Clements, you are recognized to speak.

CLEMENTS: Thank you, Mr. President. I was also-- a question about the fiscal note on this. Would Senator Bosn yield to a question?

ARCH: Senator Bosn, will you yield?

BOSN: Yes.

CLEMENTS: I was looking at the-- your bill. It was General Funds. Did you say that this is going to-- how is this going to be funded?

BOSN: So the amendment provides for funding through the Medicaid Managed Care Excess Profit Fund. And the basis for that is, certainly the fiscal note is large, and I don't want to upset the applecart on budget week. So the other thing I will tell you with regard to why that number was so high and why I disagree with that number, in the committee hearing, it was interesting and I thought funny because I have experience having been pregnant. And Senator Cavanaugh, Machaela Cavanaugh said, have you ever been pregnant for 12 consecutive months, which is what they base this dollar figure on? And even though it feels like 12 consecutive years when you're pregnant, it is in fact only 9 months. So there was also a lot of factors that I think--

CLEMENTS: Does the amendment have a limitation as to the amount of spending?

BOSN: It is a $600,000 cap. And then it goes to another part of Medicaid managed excess something within that. So it still doesn't go back to General Funds.

CLEMENTS: OK, does not revert to General Funds.

BOSN: Correct.

CLEMENTS: And is there some savings overall to the Medicaid program from using this? Was there testimony to that effect?

BOSN: There was testimony to that effect. So the savings would come in the form of reduced hospital stays. The cost of a hospital stay for a mother who's experiencing an issue with her gestational diabetes and has to be hospitalized is significant. Certainly, if she's on the glucose monitor, that's easier-- more easily monitored and has a better chance of being able to be treated before and without having to be hospitalized. Additionally, statistically, continuous glucose monitors do have an impact on the number of days that a child, a newborn would have to stay in the NICU if the mom has been on a continuous glucose monitor. So we had positive numbers there as well. Ultimately, I firmly believe, genuinely, that there will be a cost savings to the taxpayers through this program.

CLEMENTS: Thank you, Senator Bosn. Because of the switch from General Funds to this Excess Profit Fund, I support AM2761 and the bill. Thank you, Mr. President.

ARCH: Senator Wayne, you are recognized to speak.

WAYNE: Will Senator Dungan, Dungan yield to a question?

ARCH: Senator Dungan, will you please yield?

DUNGAN: Yes.

WAYNE: Can you explain how this is germane to your underlining bill?

DUNGAN: Yes. My understanding is they both-- so they're both Medicaid populations they affect. So LB857 is the Prenatal Plus Program that specifically focuses on Medicaid moms or moms who are on Medicaid that have at-risk pregnancies. My understanding from speaking with Senator Bosn is that it also affects the same population of people that is a Medicaid program. In addition to that, I believe the funding mechanism both comes out of the same MCO Profit Fund for both this bill and my

bill, meaning there's a $0 General Fund impact. And they also both came out of the same committee, I believe.

WAYNE: Do you believe that if it-- if it just deals with the same population, you think that's a big enough "annexus" or nexus to make it germane just because it deals with the same population? Now, I'm gonna preface that by saying I want you to think about inmates and corrections.

DUNGAN: I have not studied all of the case law pertaining to germaneness. I know that I've looked at a little bit of the case law and it tends to be fairly broad. But I also know it's common practice and procedure that they need to come out of the same committee, generally speaking, or at least that's what we've done in the past. So I don't want to dive too deep into that and put my foot in my mouth. But I believe them coming out of the same committee and affecting the same population creates a nexus between the two.

WAYNE: Well, thank you. Will Senator Bosn yield to a question?

ARCH: Senator Bosn, will you yield?

BOSN: Sorry, I didn't hear the question.

WAYNE: I haven't asked the question yet. What's-- what-- what's the-- what's this bill number, your bill number that you're attaching it? OK.

BOSN: LB933.

WAYNE: And I'm sorry if I missed this. What's the fiscal note on it?

BOSN: The initial fiscal note on it is 4.891740.

WAYNE: Senator Clements just pulled it up to me to the right of me. And it's 1.7 fund of state funds, 300 something or 3 million and something for, for federal funds. Senator Clements, will you yield to a question?

ARCH: Senator Clements, will you yield?

CLEMENTS: Yes.

WAYNE: Has this-- how much money do we have coming to the floor on your preliminary budget?

CLEMENTS: A maximum of $23 million of new spending.

WAYNE: Maximum of $23 million in new spending--

CLEMENTS: General Funds.

WAYNE: --of General Funds.

CLEMENTS: Yes.

WAYNE: Was this-- is this bill or anything like this bill been contemplated in your current appropriations?

CLEMENTS: No, this would have an A-- well, they're using the Medicaid Excess Profit Fund. That's a cash fund. So the amendment changes it from General Funds to a cash fund. So it does not affect the General Funds the way the amendment's written.

WAYNE: The way the amendment's written. You know, I've always just wanted to stand here with you for a little bit and have a conversation. This is bipartisan right here. He actually attends a church in my district. We've got to know each other pretty well. So I just wanted to take a moment to crystallize this. Thank you.

CLEMENTS: Thank you.

ARCH: Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I was hoping Senator Bosn would yield to some questions?

ARCH: Senator Bosn, will you yield?

BOSN: Sure.

CONRAD: Thank you, Senator Bosn. Can you tell me why isn't the Department of Health and Human Services already doing this or providing this kind of program?

BOSN: That's a great question. So my understanding from the history of when we-- I'm trying to find it here-- continuous glucose monitors were added at some point in time to Medicaid coverage for specifically Type 1 and Type 2 only. And it's my belief that gestational diabetes was inadvertently left out in my opinion, but was not included. And so what this bill does is it closes that loophole of those who would not otherwise qualify for a continuous glucose monitor.

CONRAD: OK. Thank you. And do you know when they made that initial policy decision, did that happen through internal decision making, federal waiver, or plan amendment, or was it via legislative bill?

BOSN: I want-- can I have a second here? I,I believe I have that written down, and I just am not finding it. So it looks like it was in 2022, LB698, which was introduced by Senator Kolterman that required the department to provide coverage for continuous glucose monitors under the Medicaid program. So that would have been about 2 years ago.

CONRAD: Thank you so much, Senator. Thank you. I yield my time.

ARCH: Senator Machaela Cavanaugh would like to recognize a guest in the north balcony, Jaelyn Uehling. Please rise and be recognized by your Legislature. Seeing no one in the queue, Senator Bosn, you are recognized to close on AM2761. Senator Bosn waives close. Colleagues, the question before the body is the adoption of AM2761. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

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

ARCH: AM2761 is adopted.

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

ARCH: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB857 be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. All those opposed, nay. LB857 is advanced. Mr. Clerk.

CLERK: Mr. President, Select File engross-- Select File, LB1035. I have nothing on the bill, Senator.

ARCH: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB1035 be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. All those opposed, nay. It is advanced for E&R. Mr. Clerk, next bill.

CLERK: Mr. President, Select File engross-- excuse me. Select File, LB844. There are no E&R amendments. Senator Ibach would move to amend with AM2891

ARCH: Senator Ibach, you're welcome to open on AM2891.

IBACH: Thank you, Mr. President, very much. Today I rise to offer AM289 to LB844, which is Senator Erdman's bill. It's a compromise amendment to address the concerns of seed companies located in Nebraska, both large and small. As drafted, LB844, which is Senator Erdman's bill, requires each Nebraska seed company to report the number of acres of hybrid seed corn produced to the Department of Agriculture, and for the Department to publish this data for each company publicly. AM2891 is designed to protect proprietary information by clarifying that this identifying information that is required to be provided to the Nebraska Department of Agriculture is not a public record. Without this language, important private information of seed companies will be provided to competitors, including competitors from other states, that will then use this information in order to pursue customers. AM2891 instead would require the Department of Agriculture to report on the aggregate seed acres produced in Nebraska and provide a breakdown of acres that are detasseled by exempt youth crews and acres by nonexempt contractors. As we know, our seed companies are facing declining numbers of youth for detangling for a number of reasons. We have fewer youth of appropriate age in greater Nebraska, other more desirable jobs are available, and competition for school and sports activities in the fall make it challenging. AM2891 seeks to gather information about the available workforce by collecting the aggregate data of total numbers-- total acres of seed corn planted, the total number of acres for which certified exempt contractors were utilized to detassel or rogue, and the number of acres for which noncertified exempt contractors were utilized, and the total number of acres for which seed corn producers did not utilize roguing or detasseling contractors. I've handed out a letter written by Sherry Gangwish which helps explain the need for this amendment, but I would like to highlight a paragraph on the back of the letter where Ms. Gangwish states: In our operation, I have been the driving force in what I have fondly labeled the American Way by trying to utilize our area teens for our workforce versus H-2A workers. The above-stated issues are compounded by the earlier start-up of school in August over the years, and that pushing the start-up of fall conditioning for fall sports, football and volleyball, cross-country, softball and the leadership team of coaches could not finish the work. Detasseling is a very time-sensitive process, thus forcing us to mitigate the H-2A program this last 2 years in order to get our detasseling jobs completed. We will continue to try to recruit teens, but the numbers have dropped dramatically. For example, in our own community of Shelton, we could

historically employ 40 to 50 youth. Last summer we had 3 and they were all employees' children, thus forcing us to hire H-2As to supplement the workforce. I have a chart at my desk that if anyone would like, I'm happy to share with you that talks about the decline in numbers of crews, and I know they are available out there. I know there are students. I was a detasseler. I know there are students that want to detassel, and our goal is not to prohibit that. It's to encourage those kids to detassel. AM2891 simply protects proprietary identifying information for seed companies in Nebraska by having the Nebraska Department of Agriculture report the aggregate statewide data, not the individual company data, and seeks to help collect more information on the types of crews used to do these activities. With that, I appreciate Senator Erdman working with me on this amendment, and I ask for your support of AM2891. Thank you.

ARCH: Mr. Clerk, for an amendment.

CLERK: Mr. President, Senator Jacobson would move to amend with FA252.

ARCH: Senator Jacobson, you are recognized to open.

JACOBSON: Thank you, Mr. President. My amendment is really pretty simple. Basically what it would do, it would strike the language that would, would result in the producer himself from being charged with a misdemeanor if the detasseling company that might be on a contract basis comes in and doesn't file the process. So it doesn't impact the misdemeanor for the company doing the detasseling. But it does eliminate that liability by the producer, who in many cases is contracting for that detasseling company to come in. I don't know why we would want them to be liable for it. So I generally don't like the bill itself. I do know Randy Gangwish fairly well. I do think there is a problem in finding local kids to do detasseling. This is creating another roadblock, but I particularly can't support the bill without this amendment, FA252. Thank you, Mr. President.

ARCH: Senator Erdman, you are recognized to speak.

ERDMAN: Thank you, Mr. President. I appreciate Senator Jacobson's comments about the misdemeanor. I'm going to conclude that his FA252 is a friendly amendment, as well as Senator Ibach. Senator Ibach have been working-- and I have been working on this for a couple of weeks. It was disappointing to me that no one came to the hearing to testify or share their information and waited until after we got it past General File to make a comment about what it might do to them. After a conversation with these smaller seed producers and the conversation

I've had with Senator Ibach, I agreed that it was a good idea to make sure that we protect what they perceive to be proprietary information. Not sure that it's as proprietary as they think it is, because I believe all these seed companies know exactly how many acres they're producing. The original goal, the original intent, and why we did this bill in the first place two years ago was because local young people had been prohibited from detasseling. And Governor Ricketts, back in 2000 I believe it was, had written a letter to the Labor Department about them enforcing the federal regulation that said you must use local workers before you can hire H-2A workers. And so this was just an opportunity for us to try to bring some accountability to those people who are hiring H-2A workers before they check to see if there are local workers. So, as I said in my opening in the hearing, we've lost 9 locally detas-- detasseling seed companies in the last 3 or 4 years. And so the reason is, is because they're hiring H-2A without trying to hire local people. So what we're trying to do today is we're trying to bring some accountability to understanding are the local people getting all the acres that they need-- that they need to supply to these young people so they can do detasseling? And I understand that there is an issue with some of these young people being affected by school starting that early. And I was asked this morning by someone, why don't we start school later? And I said, I tried that. I tried to start school after Labor Day a couple of times and never got out of committee. So that's, that's an issue for somebody else to deal with because I'm going to be gone. But I would-- I would conclude that both of these amendments are friendly. I would ask you to vote for those and then vote for LB844. And let's make sure young people can get the jobs they need and the seed companies and the seed producers can also get the help that they need. Thank you for your support.

ARCH: Seeing no one in the queue, Senator Jacobson, you are recognized to close on FA252. Senator Jacobson waives close. Colleagues, the question before the body is the adoption of FA252. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the floor amendment.

ARCH: FA252 is adopted. Seeing no one in the queue, Senator Ibach, you're recognized to close on AM2891.

IBACH: I waive.

ARCH: Senator Ibach waives close. Colleagues, the question before the body is the adoption of AM2891. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the amendment.

ARCH: AM2891 is adopted.

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

ARCH: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB844 be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. LB844 is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB1394. Senator, I have nothing on the bill.

ARCH: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB1394 be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. LB1394 is advanced. Mr. Clerk.

CLERK: Mr. President, LB1394A. Senator, I have nothing on the bill.

ARCH: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB1394A be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. LB1394A is advanced. Mr. Clerk, next item.

CLERK: Mr. President, next item on the agenda, General File, LB867, introduced by Senator Bostelman. It's a bill for an act relating to game law; amends Section 37-201; defines terms; provides for a voluntary hunting and fishing guide and outfitter database; provides powers and duties for the Game and Parks Commission; provides for a fee; provides for applicability; harmonizes provisions; and repeals the original sections. The bill was read for the first time on January 3 of this year and referred to the Natural Resources Committee. That

committee placed the bill on General File with committee amendments, Mr. President.

ARCH: Senator Bostelman, you are recognized to open on LB867.

BOSTELMAN: Thank you, Mr. Speaker, and good afternoon, colleagues. LB867 is the Natural Resource Committee's first priority bill. I'll be speaking to the current bill, LB867 and then to the bill as included in the amendment. LB867 creates a voluntary database of hunting and fishing guides and outfitters created by the Nebraska Game of Parks. Qualified applicants may be placed on a database for a period of 3 years at a time. The purpose of this bill is to provide, provide the public with a database listing hunting and fishing guides and outfitters with trusted businesses providing a level of assurance that the guide and/or outfitter knows and complies with state and federal laws. Anyone interested in hiring a guide or outfitter could simply search the database located at the Game and Parks website and find a guide or outfitter that has met certain criteria. Similarly, guides and outfitters may also advertise that they are in the Game and Parks database. In the past few years, there, there have been a few high-profile cases in Nebraska involving guides or outfitters who have been indicted for or convicted of several violations of state and federal laws. Similar-- similarly, their customers have also been indicted on for charges similar to the guides that misled them. The bill provides some assurances that the guide or outfitter-- that up to the guide-- that the guide or outfitter that a person hires has met several requirements. First, to, to qualify, they have never been convicted of a felony, violated any state or federal game laws within the last 3 years, and have never violated the Interstate Wildlife Violator Compact. Next, they must provide proof of adequate liability insurance or a similar bond security. They must give a registered business-- they must be a registered business in the state, and agree to comply with any other requirements established on the game laws by the commission. Finally, any hunting guide must complete a commission sponsored hunter education program or similar program approved by the commission. This database provides individuals interested in hiring a guide or outfitter in Nebraska that the individual has been in compliance with all federal and state laws, is a registered business, and has completed certain safety courses. The commission is not responsible for any guide or outfit-- fitter-- outfitter who fails to comply with this act. This voluntary program will be self-funded through fees received with the program. I would like to now move to the committee amendment, AM2767.

von GILLERN: As the Clerk stated, there are amendments from the Natural Resources Committee. Senator Bostelman, you are welcome to open.

BOSTELMAN: Thank you, Mr. President. AM2767 contains the provisions of five Natural Resources bills, all of which had no opposition and were voted out of committee unanimously. They are LB971. LB1001, LB1406, LB868 and LB866. I will provide a brief introduction to each bill, and then ask each senator to provide additional information regarding their bill after this introduction. First, LB971 was introduced by Senator Lippincott. The bill provides for a free hunting permit for veterans to hunt on Veterans Day. Next, LB1001, introduced by Senator Conrad, provides a migratory waterfowl hunting season for veterans. LB1406 was introduced by Senator Sanders, which provides for a $5 state park entry permit to active duty military stationed in Nebraska. LB866 and LB868 were both introduced by myself, and I will explain them in more detail now. LB866 was brought to me by the Nebraska Power Review Board. The board is an agency with primary jurisdiction over the electric utilities in the state of Nebraska. The board believes the proposed changes are needed to address concerns over succession planning for the one board member designated to represent the board and the state of Nebraska on the Southwest Power Pool State Regulators Committee to alleviate-- to alleviate recruitment difficulties for the board's required accountant position and to preserve continuity and technical expertise on the board. The board is currently made up of five members: one engineer, one accountant, one attorney, and two laypersons. The bill would make the following four changes to current law. First, it eliminates the requirement that one board-- one of the members of the board must be an accountant. It will allow for three members to be additional persons. It also-- it allows a person at any one time to be appointed to the board, even though the person had been an employee, officer or director of an electric utility within the last-- within the four years prior to his or her appointment. In doing so, this person would not be able to vote on any issues involving their former employer for four years. Third, it increases the term limit for board members from two to three consecutive terms, and finally increases a per diem for four of the board members from $60 to $100. Next, LB868 extends a sunset date for the Petroleum Release Remedial Action Cash Fund from June 30, 2024, to June 30, 2028. It strikes a provisions that allows-- it strikes a provision and allows the Legislature to make cash transfers out of the fund and ensures that interest accrued by the fund remains in the fund. The funds are used to help clean up petroleum storage tank contamination resulting from leaking aboveground and underground storage tanks, and to provide

financial assistance to the individuals responsible for investigating petroleum releases. The fund is financed through a yearly fee of $90 on petroleum tank owners, as well as through a minimum motor fuel excise tax. Next, I would like to speak to LB1406, which is Senator Sanders' bill. And since Senator Sanders is not here today, she gave me permission to speak to it. LB1406 develops a special active duty military nonresident with the option to buy a park permit at the same cost of an active-duty military resident. For example, if an active-duty military member was a resident of a state, state other than Nebraska yet they were stationed here in the state, that service member has the option to buy a park permit at the same cost as an active-duty military resident. LB1406 is one simple way in which we as a state can honor our active-duty military, ensuring that during their time in Nebraska they are provided the same benefits of a resident in the state of which they serve. Again, all of these bills received no opposition at their hearing and have been voted out of committee 8-0. I would now ask that each introducing senator to speak on their bill included in the amendments. Thank you, Mr. President.

von GILLERN: Thank you, Senator Bostelman. Turning to the queue, Senator Lippincott, you're recognized.

LIPPINCOTT: LB971 has been included in LB867 via committee amendment, AM2767. And my portion is on page 4 of the amendment and is very simple in nature. It creates a one-day free hunting permit for our military veterans to be able to hunt without cost on November 11 every year, which is Veterans Day. This removes about $60 in fees for permits and stamps. These are-- some of these are federal fees. And if you want to hunt duck, this removes all except the Nebraska fees. It's only one day, so the agency does not expect the cost to be anything. So my portion of this bill does not add anything to the fiscal note. The fiscal breakdown, which has been waived, is $18 for small game hunting permit fee. This license would be only for small game, including squirrel, pheasant, doves, snipe, crow and other webless migratory birds and waterfowl. The Nebraska habitat stamp, which would be $25, would be waived. Also, the Nebraska Waterfowl stamp, $10, would be waived. The federal duck stamp, $30, would not be waived. The exact language on page 4 of the amendment would state as follows: The commission shall issue a one-day hunting permit, habitat stamp and Nebraska migratory waterfowl stamp upon application and without payment of any fee to any veteran who is a Nebraska resident who was discharged or separated with a characterization of an honorable or general under honorable conditions for use on Veterans Day. A permit and stamps issued under this subsection shall only be valid on

November 11, Veterans Day, in the year in which the permit and stamps are issued. That is all, sir.

von GILLERN: Thank you, Senator Lippincott. Senator McKinney has guests in the north balcony, members of the group I Be Black Girl. Please stand and be recognized by your Nebraska Legislature. Senator Hughes has some guests under the south balcony Sam Van Gonple from York, Dan Goodwin from York and Tyce Good-- Tyce Goodwin, who is celebrating his 11th birthday today. Please stand and be recognized. Turning back to the queue, Senator Conrad, you're recognized.

CONRAD: Thank you, Mr. President. Good morning, well, good afternoon, colleagues. I want to thank Senator Bostelman and the members of the Natural Resources Committee for including what was originally LB1001 into the Natural Resources Committee package. This measure was a product of a couple of important conversations that happened over the interim period. My friend, Senator Day, had introduced an interim study that was held before the Government, Military and Veterans Affairs Committee this interim period to figure out what we could do to update our laws and policies to make Nebraska more friendly for veterans and for military families. And that generated a lot of good ideas, I know, many of which have resulted in legislation this session. Around that same time, I had received some outreach from some dear friends who are part of the Nebraska National Guard. And they had brought forward the idea to myself and Senator Brewer, who I'm grateful to have his cosponsorship on this measure that we should work together to develop a veterans waterfowl hunting season, as many of our sister states had already done. So we started to pull together the research and talk to all of the different stakeholders, including the Game and Parks. And I had the very distinct pleasure and opportunity to join Dustin McKenna, who serves as the chapter lead of the Nebraska Armed Forces Initiative and Backcountry Hunters and Anglers Group, in December to be a part of one of their hunting events. They had incredible fellowship and incredible commitment to conservation. They had educational components with Game and Parks there as well. And I would be remiss if I did not note they also had delicious food, including teal poppers, which hopefully once this reaches the finish line, we'll be celebrating with together. So it was an honor to work with Dustin and other members of the Nebraska Armed Forces Initiative and Backcountry Hunters and Anglers, as well as many Nebraska National Guards people and military families and veterans to bring forward LB1001. I particularly want to give a well-deserved shout out to Senator Bostelman and his staff, committee counsel, Cyndi Lamm, for working with our group very diligently to make sure that we were able to move forward LB1001 in compliance with federal law when there were

some technical issues in the initial measure. That was invaluable and I am deeply appreciative of the collaboration and expertise. So, friends, this measure, this component of the committee package would follow what about 34 of our sister states have already established in regards to a veteran waterfowl hunting season. And many of our surrounding states have already established a program like this, including Kansas, Wyoming and Colorado. So basically, this would provide an opportunity for the Nebraska Game and Parks Commission to create a special migra-- migratory waterfowl hunting season for Nebraska veterans. And then it has some additional considerations for how that would happen. This has $0 fiscal note. It had no opponents. And it was, I think, one of perhaps, maybe one of the coolest bills that I've had a chance to work on here in 10 years.

von GILLERN: One minute.

CONRAD: Thank you, Mr. President. And would definitely be happy to answer questions and would urge your favorable support. I think that this is perhaps the very least that we can do to thank our veterans for their incredible service to community, state and country. Thank you, Mr. President.

von GILLERN: Thank you, Senator Conrad. Seeing no one else in the queue, Senator Bostelman, you're recognized to close on the committee amendments.

BOSTELMAN: Thank you, Mr. President. Again, the amendment includes bills from Senator Lippincott, Senator Conrad, Senator Sanders and myself. As Senator Conrad was saying, it was a very interesting and productive hearing that we had there. I think this bill-- this committee package comes together very nicely and, and reflects a lot of good things that happened within the committee this year. So I would ask, again, there was no opposition to any of these bills. All these bills come out 8-0. I would ask for your green vote on AM2767 and the underlying bill, LB867. Thank you, Mr. Speaker, or Mr. President.

von GILLERN: The question before the body is, shall AM2767 be amended to LB867? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays on adoption of the committee amendment, Mr. President.

von GILLERN: The amendment is adopted. Seeing no one in the queue, Senator Bostelman, you're recognized to close on LB867.

BOSTELMAN: Yes. Thank you, Mr. President. Please come vote green on LB867. Thank you.

von GILLERN: The question before the body is the advancement of LB867 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays on advancement of the bill, Mr. President.

von GILLERN: The bill is advanced. Next item, Mr. Clerk.

CLERK: Mr. President, General File, LB1108 introduced by Senator Dorn. It's a bill for an act relating to motor vehicles; changes a fee in the Motor Vehicle Registration Act; provides an operative date; and repeals the original section. The bill was read for the first time on January 10 of this year and referred to the Transportation Telecommunications Committee. That committee placed the bill on General File. There are committee amendments. There are additional amendments, Mr. President.

von GILLERN: Senator Dorn, you're recognized to open.

DORN: Thank you. Thank you, Mr. President. Good afternoon, colleagues. Introduced LB1108. Originally we introduced it with a 50 cents on-- an additional 50 cents on every car license that's licensed in the state of Nebraska. What that would accomplish is an increase of $1.275 million into the current Emergency Medical Services Practice Act, that fund. However, there's an amendment that we'll talk about a little later that's coming back up that we have now a different funding source so we'll talk about that. We're not going to have the 50 cents on each car license in the state of Nebraska. The fee would provide a vital service-- this, this funding would provide a vital source of revenue for a vital program. The Emergency Medical Service Practice Act and the Statewide Trauma System Act use money, this money to help aid the reimbursement of initial and reinstatement testing for emergical-- emergency medical technicians. It is also used to pay for-- pay for continuing education and so many other vital services put forward under this act. This act started in 2001 with a 50 cent original fee on every car license, which brings in one point-- approximately $1.275 million a year. They spend all of that money. It goes out to help with additional training, additional recruitment, all those types of things. It also, as many of you know, I've been an EMT

for 38 years. I understand the importance of it, I call it, in especially the rural areas, but it's where we have to renew our license through all the time. That funding amount for that agency has not increased since 2001. Over the interim, I've had many people visit with me about bringing a bill of some kind. The governor's office had originally proposed that we increase that fee to $1, from 50 cents to $1. We had gone through the committee. We're going to have that as a source of funding. But pretty soon we'll talk about an amendment that I added that now has that as another source of funding out of the Game and Parks. This fund also helps with every one of the squads. We do our filing-- we do our filing of when we have a run by e-NARSIS. Everyone has a laptop. Most of those e-NARSIS are 15 years old. This fund will also help provide some support to start to replace those. Part of what we also were hoping to get out of that and out of those e-NARSIS reports are more critical information about what happened on the run and those types of things. Nebraska can pride itself on the volunteerism of people across our state. People are willing to take time for extensive training, rigorous testing, and answering calls for emergency services, which interrupt their workday and their family gatherings and their sleep at night. In the rural areas, we are really starting to struggle with having enough members on many of these squads. It's become such a challenge to recruit new members. We also have loss of population and other things. That's why increasing this fee or increasing the funding amount into that program, basically doubling it, will help very much as we work-- as a bunch of people are working in the next year or 2 to reverse the trend of what we're having is a decrease in EMTs, that we can reverse that trend and get more people on more of these squads so that we're not having some of the burnout we are. So I will at that time, I will pause. And when we have the amendment, I will talk about that funding.

von GILLERN: Mr. Clerk. As the Clerk mentioned, there are committee amendments from the Transportation Committee. Senator Moser, you're recognized to open.

MOSER: Thank you, Mr. President. The Transportation and Telecommunications Committee amendment makes the following changes to LB1108. Section 71-51,103 is added to the bill. This section outlines the purpose of the Nebraska Emergency Medical Service System Operations Cash Fund. The section is amended by adding 2 new purposes for which the fund may be used. Number 1, financial support for the statewide patient care reporting system and trauma registry. And number 2, financial support for the recruitment, retention, and training of emergency medical responders. The amendment also requires the Department of Health and Human Services to file with the

Legislature an annual report on the amount of money that was appropriated to the fund, what was not spent with an explanation of why it was not spent, and an explanation of the funds that were spent and how they were expended. Mr. President, I would ask for the adoption of the committee amendment.

von GILLERN: Thank you, Senator Moser. Mr. Clerk, for items.

CLERK: Mr. President, Senator Dorn would move to amend with AM2569.

von GILLERN: Senator Dorn to open on the amendment.

DORN: Thank you. Thank you again, Mr. President. As I talked a little bit earlier, part of what we've gone through in the last 2 or 3 weeks-- Senator Moser, I thank him for everything he helped work with-- was we-- and up here, we've always looked for another, I call it, source of funding. I will give Senator Bostelman a lot of credit visiting with Director McCoy from the Game and Parks. Excuse me. AM2569 would redirect $1,275,000, which matches the current amount we get from the 50 cents, so it's basically doubling that, from the Game and Parks Capital Maintenance Fund to the EMS Practice Act. LB1108 would then-- would not be using that motor vehicle registration? That will not be a part of this. This will replace that funding source. The Capital Maintenance Fund is used by the Game and Parks to help with extensive deferred maintenance projects for the state parks across the state, such as ADA compliant restrooms, water line repair and gate construction at Calamus Hatchery, cabin upgrades at different state parks, fort-- the wall-- fort wall log replacement at Fort Atkinson. So many of these projects, that's what it's used for. Now, with the help of Game and Parks and this staff, this fund can help support EMS across the state. State parks rely very much on local EMS services when emergencies occur at state parks, and they are very supportive. Director McCoy, visited with him personally twice about this, they are very supportive of this. Part of the reason they are supportive of this, the amendment that-- the amendment removes a sunset clause. That Capital Maintenance Fund has a sunset clause that sunsets out here at the end of '26. Part of them agreeing to replacing this funding or having this funding shift over is that now that sunset clause is removed, so there will be no sunset clause in there. This then-- these funds will help for our essential need to help fund the Emergency Medical Practice Acts and the associated programs that support EMS services and reporting. So that's why this amendment has been brought forward, AM2569. Like I said, Senator Bostelman and Senator [SIC] McCoy, they were the main part of coming up with this source of funding. We have visited with the Governor, with his staff. They are

supportive of this. They all have agreed very much to this. Senator-- Director McCoy says he's 100% behind this, very supportive of this. That's why this part of the funding now is going to come with this amendment. Thank you.

von GILLERN: Thank you, Senator Dorn. Turning to the queue, Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. I won't take all my time, colleagues, but I just wanted to say that I fullheartedly support this bill and the amendments, and I want to thank Senator Dorn for bringing them to the Transportation and Telecommunications Committee. It was a really interesting hearing. It was great to see the folks who do this work. We really need to give a lot of credit to folks like Senator Dorn, who volunteer their time to do-- to keep us safe on the most basic level. So I want to thank Senator Dorn for all of his years of service and for all of the rest of the folks out in our state who are volunteering their time. And I wanted to vehemently urge your support for this bill to help them do their work. Thank you, Mr. President.

von GILLERN: Thank you, Senator DeBoer. Seeing no one else in the queue, Senator Dorn, you're recognized to close on the amendment. Senator Dorn waives. Question before the body is, shall AM2569 to LB1108 be adopted? All those in favor vote aye; all opposed vote nay. Record, Mr. Clerk.

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

von GILLERN: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, I have AM2877 from Senator Machaela Cavanaugh with a note she wishes to withdraw. I have nothing further on the bill, Mr. President.

von GILLERN: The amendment is withdrawn. Seeing no one else in the queue, Senator Moser, you're recognized to close on AM2482. Senator Moser waives closing. The question before the body is, shall AM2482 be amended into LB1108? All those in favor vote aye; all opposed vote nay. Mr. Clerk.

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

von GILLERN: The amendment is adopted. Seeing no one else in the queue, Senator Dorn, you're recognized to close. Senator Dorn waives.

Question before the body is shall LB1108 be advanced to E&R Initial? All those in favor vote aye; all opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays on advancement of the bill, Mr. President.

von GILLERN: LB1108 advances. Next bill, Mr. Clerk.

CLERK: Mr. President, General File, LB62 introduced by Senator Machaela Cavanaugh. It's a bill for an act relating to the Medical Assistance Program; provides for coverage of translation, interpretation services; and repeals the original section. The bill was read for the first time on January 5 of last year and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments, Mr. President.

von GILLERN: Senator Cavanaugh, you're recognized to open.

M. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. LB62 is my priority bill. This bill improves language access in Medicaid by requiring the coverage of interpretation and translation services. It is a needed step to ensure everyone is able to receive the healthcare they need, even if English is not their first language. Language access improves outcomes and ultimately reduces healthcare costs. Language barriers harm patients and their families. Without language services, people with language access needs may suffer from more medical errors, reduced quality of care, unnecessary testing, misdiagnosis, and increased incidences of hospitalization. Children are sometimes tasked with interpreting for their families on medical appointments, which can be particularly challenging and stressful for a child. Not only is it detrimental to health outcomes, all of this leads to increased payer costs. However, evidence indicates that increased access to interpretation services improves pacent-- patient satisfaction adherence, shortens admission and reduces the likelihood, likelihood of adverse events. Recent policy changes in our Medicaid-- our state Medicaid program have demonstrated a need to specifically require that language access services be covered. Interpretation services were once reimbursed, but a 2017 coding change made it an allowable expense, which means the mandate was removed, but the state could still choose to pay for this expense. In 2022, an abrupt change was made to at least one managed care organization that left providers and patients in a scramble. This bill will require coverage and ensure stability and consistency across managed care organization practices, which is really important for both patients and providers. The bill is necessary as it provides necessary support to our state Medicaid providers, which can help address our Medicaid workforce shortage. It

also directs DHHS to maximize federal Medicaid funding, which is available to cover many costs associated with the changes required by this bill. Enhanced federal funding may be available for language services provided to specific Medicaid populations, like children in the Medicaid expansion group. Additionally, other states provide Medicaid coverage for language services in a variety of ways. For example, Iowa and Minnesota have reimbursement models where providers seek reimbursement from managed care organizations or the state Medicaid program directly. Understanding that language access is a critical part of healthcare continues to gain traction across the country. There is a committee amendment that specifies the providers are reimbursed for the service. There was some confusion about the language, so the committee amendment clarifies the intention of the bill. I have also filed an amendment to LB62 to change the funding mechanism. We've heard about this a lot, especially today, to the Medicaid Managed Care Excess Profit Fund. And I will be talking about that more later. And I yield the remainder of my time to the Chair.

von GILLERN: Thank you, Senator Cavanaugh. As the Clerk mentioned, there are committee amendments. Senator Hansen, you're recognized to open on them.

HANSEN: Thank you, Mr. President. The standing committee amendment is a line and page amendment that adds clarifying language to the underlying bill. AM644 was brought to the committee on behalf of the introducer to address operational concerns in order to properly implement the intent of LB62. The amendment makes clear that providers are also eligible for reimbursement of translation services under the State Medical Assistance Act. As amended, LB62 was advanced to General File by the Health and Human Services Committee with 7 yes votes. Thank you, Mr. President.

von GILLERN: Thank you, Senator Hansen. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to amend the committee amendments with AM2762.

von GILLERN: Senator Cavanaugh, to open on the amendment.

M. CAVANAUGH: Thank you, Mr. President. AM-- sorry. I have 2 amendments. AM2762, I believe is the TANF amendment. I apologize. I am looking over to my right. Margaret. Margaret. Is this the TANF or is this the Medicaid? I have 2 amendments. Oh, thank you so much, Carol. OK. AM2762 is the Medicaid, great, the Medicaid one. I introduced 2 bills that were requiring reports. And so that's what these next 2

amendments are. OK. Sorry about that, friends, colleagues. AM2762 requires data from the Nebraska Medicaid in an annual report. We're particularly interested in the redetermination process that happened when the COVID-19 pandemic continuous coverage mandate ended. The large number of redeterminations took place-- that took place within a short amount of time will show the strengths and weaknesses of our current process. However, this report will be an annual report. And whether it's the end of a pandemic or just normal year, this data can be used to identify areas of concern where the department needs to improve their efficiency and accuracy. Data to be includedL number and percentages of applications approved; number and percentage of applications denied; number of eligibility determinations, including the data on continued enrollment, terminations and other determinations; number of case closures both in Nebraska Medicaid and CHIP and the categorical reasons for closure; the number and percentage of redeterminations or renewals processed on an emergency basis; the average number of days for processing the rate of reenrollment within 90 days of termination, and within 12 months of termination; the average time for client call; call abandonment rate; number of requests for hearing; information on hearing decisions with identifying information redacted. That is the sum of the report. Thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh. Turn to the queue, Senator Arch, you're recognized.

ARCH: Thank you, Mr. President. I want to talk about LB62 for a second, and I want to talk about the interpreter services. First of all, this is a little bit reminiscent of, of our debate earlier this morning where you've got a committee report as amended with the health amendment. I'm-- I have to learn more about AM2762, but as amended with the Health Committee amendment, it comes out 7-0. And as I read the committee report, I see no opposition in, in that-- in that hearing. And, and so it leads me to believe that the committee has, has done their work. I want to talk about the Excess Medicaid Fund as a component of this as well, because this was something several years ago when Senator Stinner was here, that he and I worked together. Originally, this Excess Fund from the MCOs was, was really at the discretion of DHHS, and we felt that it needed to come over to the Legislature. Since the funds originally to the MCOs had been appropriated by the Legislature, that if there was excess funds, they would need to come back to the Legislature to be appropriated. So we moved that back to the Legislature. And that was the origin of this excess fund. And I've seen a number of bills come through attempting to then put into statute that, that this would be money that would be

used. Similar to the Health Care Cash Fund that is also-- there are-- there are things in the Health Care Cash Fund that are in statute, and then there are things in the Health Care Cash Fund that is appropriated by the Appropriations Committee on an annual basis. So we have a-- we have a similar fund here, but this is where-- this is where the, the funds are identified here. But underlying all of this is, is this issue of cost shifting. And this, this is a, a, I say, a behind-the-scenes issue that has plagued the healthcare industry and healthcare costs as long as the government has been involved in the provision of healthcare services. And, and here's how it works. When you have-- when you have a purchaser of healthcare services the size of the government and I'm-- and I'm using that now in general terms, not state, not federal, but federal Medicare, state Medicaid, federal providing Medicaid dollars, all of that, they-- when they-- when they went beyond 50% of provision of, of these benefits to individuals, their purchasing power became very significant. And so when the government decides that they're just not going to carry-- that they're just not going to cover the cost, that it's the providers' responsibility to cover these additional costs, then, then the provider then is left with the dilemma of, well, OK, and Medicaid, I'm at I'm going to use a rough number here, but Medicaid paying approximately 70% of cost. And I'm not-- I don't say charges. I don't say prices. It's cost. The cost to provide that service, Medicaid would reimburse at approximately 70%; Medicare, similar, less than 100%. So where do you make up that difference as a provider? Well, you cost shift. And so there is a hidden tax buried in all healthcare premiums to cover this portion that is not being paid for by other purchasers, in this particular case, the government. So here we have a cost of interpreter services. And this has been, of course, increasing over time because as languages increase in the United States and all of this, this, this requirement to provide this, but then without that ability to pay for it, is, is a burden to the provider. And, and the hidden costs then becomes--

von GILLERN: One minute.

ARCH: --going to the commercial payer and asking for higher reimbursement from the commercial, which then increases premiums to the private-- the private purchaser. So here we have a cost. And when I take a look at this committee statement, not, not including this last amendment here, but, but the committee statement itself, I find myself in support of LB62 because I believe that it, it is unfair to continue to burden the provider with additional costs not being recognized. Thank you, Mr. President.

von GILLERN: Thank you, Senator Arch. Seeing no one else in the queue, Senator Cavanaugh, to close on the amendment.

M. CAVANAUGH: Thank you, Mr. President. My apologies, colleagues. I got my amendments switched up. This is the funding mechanism for the Medicaid Excess Fund that Speaker Arch was just talking about. And we will get to the reports next. And just please vote green on AM2762. Thank you.

von GILLERN: Thank you, Senator Cavanaugh. The question before the body is, shall amendment AM2762 be amended into LB62? All those in favor vote aye; all opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all opposed vote nay. Mr. Clerk.

CLERK: 22 ayes, 5 nays to place the house under call, Mr. President.

von GILLERN: 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. The house is under call. Senators Raybould, Day, Vargas, Bostar, Wayne, Dungan, Hunt, please check in. The house is under call. The house is under call. Senator Wayne, please check in. The house is under call. Senator Cavanaugh, we're missing Senators Raybould and Hunt. May we proceed?

M. CAVANAUGH: Yes.

von GILLERN: Senator, we have a vote open. Will you accept call-in votes?

M. CAVANAUGH: Yes.

von GILLERN: We're now accepting call-in votes.

CLERK: Senator Wayne voting yes. Senator Dungan voting yes. Senator Brandt voting yes. Senator Bostar voting yes. Senator Linehan voting yes. Senator Vargas voting yes. Senator Day voting yes. Senator John Cavanaugh voting yes. Vote is--

von GILLERN: Record, Mr. Clerk.

CLERK: Vote is 31 ayes, 0 nays, Mr. President, on adoption of the amendment.

von GILLERN: The amendment is adopted. We raise the call. Turning to the queue, Senator Kauth, you're recognized.

KAUTH: Thank you, Mr. President. Can I ask Senator Machaela Cavanaugh a couple of questions?

von GILLERN: Senator Cavanaugh, will you yield to a few questions?

M. CAVANAUGH: Yes.

KAUTH: Thank you. So this bill is going to require DHHS to now pay for the translation and interpretation services for the Medicaid patients. Correct?

M. CAVANAUGH: Yes.

KAUTH: So currently, and that's, that's something they've always had to pay for, that healthcare providers have always had to do translation interpretation services under Title VI of the Civil Rights Act?

M. CAVANAUGH: There's a long history of it being required, not required, reimbursed and not reimbursed, but they are currently required. Yes.

KAUTH: OK. So currently Nebraska's Medicaid managed care entities do that as part of their administrative costs. They already are doing this.

M. CAVANAUGH: The managed care organizations are that we con-- the state contracts with theoretically offer this. But in practice that is not what has happened. And our healthcare providers who are providing services to Medicare, Medicaid patients are paying for translation services out of pocket.

KAUTH: So-- but, but they're supposed to pay for them. That's part of the contract that they have with us that they will pay for those services. My concern is that we're already-- that's already supposed to be taken care of. So now we're going to shift that cost to the state because we're not enforcing it being done by the people who said they would be.

M. CAVANAUGH: Well, I appreciate that, that question and that line of thinking, because, yes, they should be providing for it. And since they are, are not, the funding mechanism for this is the Medicaid Excess Funds, which are funds that they would have utilized to pay for

this if they were doing their job appropriately, which they are not doing their job appropriately. Therefore, we, as the state, can then take those funds that they have returned back to us because they have not done their job. And we can draw down federal funds and we can reimburse for the services that they should have been providing in the first place. Yes.

KAUTH: Wouldn't it make more sense for us to enforce the contract and have them provide those services rather than adding another burden?

M. CAVANAUGH: It absolutely-- it absolutely would. And I would love for DHHS to do that. However, I introduced this bill a year ago, and that was after a year of this happening and DHHS has not done anything to rectify the situation.

KAUTH: And when they came and testified, were they in opposition orin support?

M. CAVANAUGH: They were not. They actually just sent a letter in neutral.

KAUTH: In neutral. OK. Thank you very much.

M. CAVANAUGH: You're welcome. Thank you.

von GILLERN: Thank you, Senators Kauth and Cavanaugh. Seeing no one else in the queue. Senator Arch, you're recognized.

ARCH: Thank you, Mr. President. Senator Cavanaugh, would you yield to a question, please?

M. CAVANAUGH: Yes.

ARCH: That was an interesting discussion--

M. CAVANAUGH: Yes.

ARCH: --with Senator Kauth. If-- would you be willing between here and Select if, if we sat down with the department and, and and asked this question of-- I mean, is this--

M. CAVANAUGH: Oh, yes. I would love that.

ARCH: Yeah, I would too.

M. CAVANAUGH: Yeah.

ARCH: Let's do that.

M. CAVANAUGH: Let's do good government.

ARCH: Yeah. Let's do good government.

M. CAVANAUGH: I like it. Thank you.

ARCH: I mean, if, if DHHS is obligated to do this, perhaps this bill isn't necessary, but that conversation sounds like it may be necessary.

M. CAVANAUGH: The conversation I think is, is worth having. You know, they-- they've made their choice on how to conduct their business. And as always, when we maybe have a different view on it, we can take action ourselves to enforce a different approach.

ARCH: OK.

M. CAVANAUGH: Thank you.

ARCH: Thank you for your willingness to do that and I will help you with that. Thank you.

M. CAVANAUGH: Thank you, I appreciate it.

von GILLERN: Thank you, Senators Arch and Cavanaugh. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. President. I spoke with Senator Cavanaugh, Machaela Cavanaugh, off the side. She does have in there January of 2024. We probably need to move that to a different date. And they can always do that on Select if the bill moves. Would Senator Machaela Cavanaugh yield to a question?

von GILLERN: Senator Cavanaugh, yield-- would you yield to a question?

M. CAVANAUGH: Yes.

BOSTELMAN: Would you agree with the conversation that would be something we'd be looking at to do?

M. CAVANAUGH: Yes.

BOSTELMAN: Thank you.

M. CAVANAUGH: Thank you.

BOSTELMAN: Yield the rest of my time back to the Chair.

von GILLERN: Thank you, Senators Bostelman and Cavanaugh. Seeing no one else in the queue, Senator Hansen is recognized to close on the committee amendment. Senator Hansen waives. Question before the body is, shall AM644 be amended into LB62? All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 30 ayes, 0 nays on adoption of the committee amendment, Mr. President.

von GILLERN: The committee amendment is adopted. Mr. Clerk.

CLERK: Mr. President, I have AM2547 from Senator Cavanaugh with a note she wishes to withdraw.

von GILLERN: It is withdrawn.

CLERK: In that case, Mr. President, Senator Cavanaugh, I have AM2878.

von GILLERN: Senator Cavanaugh, you're recognized to open on the amendment.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I will try to make this brief. This amendment is the 2 reports that I introduced in HHS. They came out 7-0 and it-- one is for TANF, Temporary Assistance to Needy Families, and the other is for the Medicaid unwind. So the Temporary Assistance to Needy Families bill would require the department to provide descriptions of what programs and services are using TANF funds and what TANF purpose is meant by each program or service, what organization or entity is actually receiving the funds, and how many people are being served and what the total costs are. I previously shared the extent of the reporting for the Medicaid, so I'm not going to belabor that point. So I would encourage you all to vote green for AM2778, because I know how much you all love reading the reports online as much as I do. Thank you, Mr. President.

von GILLERN: Seeing no one in the queue, Senator Cavanaugh, you're recognized to close on the amendment. Senator Cavanaugh waives. The question before the body is, shall AM2878 be amended into LB62? All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the amendment.

von GILLERN: The amendment is adopted. Mr. Clerk.

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

von GILLERN: Senator Cavanaugh, you're recognized to close on LB62.

M. CAVANAUGH: Thank you, Mr. President. Thank you, colleagues. I appreciate your green votes on the amendments. I look forward to working on talking with DHHS with Speaker Arch on this. And, and hopefully we can resolve it outside of the body or inside. Either way, we've got multiple avenues to look at. So I encourage you to vote green on LB62 and have a good weekend.

von GILLERN: The question before the body is the advancement of LB62 to E&R Initial. All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 28 ayes, 2 nays. Mr. President to-- on the advancement of LB62.

von GILLERN: The bill advances. Next bill, Mr. Clerk.

CLERK: Mr. President, General File, LB1169 introduced by Senator Erdman. It's a bill for an act relating to Nebraska State Historical Society; provides changes and eliminates provisions relating to the Nebraska State Historical Society; harmonizes provisions; and repeals the original section. The bill was read for the first time on January 11 of this year and referred to the Government, Military and Veterans Affairs Committee. The bill was placed on General File. That's all I have at this time, Mr. President.

von GILLERN: Senator Erdman to open on-- Senator Erdman, you're recognized to open on LB1169.

ERDMAN: Thank you, Mr. President, and good afternoon. Let me start with this. First, I want to thank the Government Committee for voting this bill out. I appreciate that. I want to thank Speaker Arch for getting it on the agenda this quickly. This bill has been something I've been thinking about for a couple of years. I've had several occasions to work with what they call History Nebraska now. The, the real correct name, Historical Society, the Nebraska Historical Society. It's very similar. They changed the name to History Nebraska, similar to what NET did when they changed their name to Nebraska Public Media. In the statute it still says it's history-- Nebraska Historical Society. So what Nebraska Historical Society is, it became an agency in 1994, in fact, on July 16th of '94. It's governed by 15 members of the board, 15 members, 3 are appointed by the Governor and 12 are elected by the History Nebraska membership. And so the society then appoints a director or a superintendent, if you want to call it

that. And the society members are free to accept gifts of money and real estate. And so this issue that we're dealing with today helps alleviate some of that. I want to bring your attention to the fact that this society--this-- the Nebraska Historical Society has had some issues over the last 15 or so years with malfeasance in their-- in their fiscal responsibility. And I want to read something from the hearing which the State Auditor had stated. He stated in 2007 the offer-- the office of the Auditor issued an [INAUDIBLE] report and a-- regarding the fraud of the former director back in 2015-- 2007, excuse me. In 15-- 2013 again, they issued another report to the society, including lack of controls. In 2018, the office issued a similar report with similar findings. And then in 2022, and some of you may be aware of this, the Auditor's Office issued a letter to History Nebraska alleging the former director had violated certain criminal statutes for intercepting checks intended for History Nebraska, and instead deposited them into a foundation that he had control over. So we have issue and have had issues with History Nebraska with the malfeasance of their finances. And in the committee hearing, Lieutenant General Roger Lempke came in. He's part of the Historical Society Foundation, and he shared his thoughts and ideas. And there were several other people who came in and shared ideas about the issues there with the society as well. But I want to bring it to your attention that just this last week on February 26th, the former director, Trevor Jones, had stated the following in court: He, Jones, further argues that the executive committee then specifically directed the defendant to deposit the money of-- for the History Nebraska Foundation account. So what he did, he's now throwing the board under the bus that they directed him to do those things that he did that he's being charged with. Also what Roger Lempke, General Lempke had shared with us, the foundation had never dealt with those issues that the Auditor brought forward, and they have never admitted that the past director was doing things inappropriate or against their wishes. And so we have an issue with the executive committee of the society doing things without the approval of the full board. And it is also kind of unusual for me to think that one of the members of the executive committee that used his law firm to develop the soci-- the foundation that Trevor Jones deposited the money into. Some of the other issues that you will find is that they've also done things at Fort Robinson by disposing of things that then Director Jones didn't want to have around, and these artifacts he had-- he had instructed them to throw them in the garbage. And so we continually see what has happened under this form of government-- form of leadership. They receive about $4,000-- $4 million from the state and, and-- of General Funds, and they also receive donations from the Foundation. So after

General Lempke came in and testified of the things that he knows to be fact, the people that were in opposition to doing this came in and stated that what General Lempke had said was hearsay. I would assume that everybody in this room, or most of you, know who General Lempke is. I would say General Lempke is probably one of the most trusted gentlemen in the state of Nebraska. And to have someone come up next after him and call what he said and knows to be fact, hearsay. They also said that if we do this, that History Nebraska will have trouble getting donations. Donations are down at History Nebraska because people aren't willing to give their money not knowing where it's going to be deposited or how they're going to spend it. So what we're trying to do is bring some reliability, some confidence back to the History Nebraska so people can make a contribution of their artifacts or their money and know that they're taken care of like they want them to be taken care of. So to say that donations will be restricted if we make it a code agency is totally wrong. And besides that, it's not the person who runs the society's job to raise funds. That's the-- that's the job of the Foundation. And so this is not an opportunity for the Governor to grab more power or anything of that nature. But I believe an agency that gets $8 million-- has an $8 million budget should have people in charge of that who are put there by people who are voted into office. And consequently, that's not the case. I have many more things I can say, but it's getting late in the afternoon. And I believe if you have questions, I'll try to answer those as best I can. But I do really appreciate the people that came in and testified at that hearing to give factual information about why we should do this. And I do appreciate your support. I'd ask you to advance LB1169. Thank you.

von GILLERN: Thank you, Senator Erdman. Turning to the queue, Senator Conrad, you're recognized.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I will try and be as quick as I can and get this taken care of in one time on the mic. After this bill came out of the Government Committee, which I am a proud member of, I called Senator Erdman as he was driving back to his district and let him know my reasons for voting against the bill, and let him know that I was planning to speak briefly to put those on records, in terms of principled opposition. But it was not, of course, personal or partisan or anything like that. Earlier today or maybe yesterday, Senator Erdman asked me if I was going to stand by my word. And in fact, I am. Because when I give my word to my colleague, it holds. I appreciate and understand that Senator Erdman has done a lot of hard work on this measure. There's no doubt that this agency has had a host of issues, generally related to leadership

in recent years. I do feel like they are trying to move in the right direction. And I just feel like this is the wrong remedy. And I said the same in the committee hearing. The criminal justice system is dealing with the issue that rose to the level of involvement with the criminal justice system. The audit has been conducted that provided appropriate accountability for issues in regards to finances. One thing that was present at the hearing and in subsequent communications I have had from people who are concerned about this bill, actually on both sides, either for it or against it, is that there, there is a lingering undercurrent in regards to academic freedom and/or content censorship. There is definitely a strong feeling that some people disagree with History Nebraska having displays about LGBTQ issues or showing up with a booth at Pride festivals. A lot of our state agencies actually do community outreach to a diverse set of stakeholders and community members, so I'm not quite sure why History Nebraska is particularly in the crosshairs on that. And that goes to my final point. Just by making an agency a code agency, that in itself, by changing the classification, does not prevent waste, fraud and abuse, which we're all concerned about. And we all want to make sure that we have the appropriate accountability in place for that. I think it is well documented. I will not belabor the point for the record or the body, that some of our most troubled state agencies are code agencies when it comes to waste, fraud and abuse. So by changing the classification in that regard, it is not going to be an appropriate remedy to guard against waste, fraud and abuse. I am concerned that by moving it to a code agency, it does have an opportunity to really push out that undercurrent that would be chilling from historical research perspective, from a community outreach perspective, from an academic freedom perspective. And I am concerned about content censorship by making this a code agency. I thank Senator Erdman for his collegiality and for his work on this measure. And I'm going to be voting no on it, but, but I understand his reasons for bringing forward. Thank you.

von GILLERN: Thank you, Senator Conrad. Senator Brewer, you're recognized.

BREWER: Thank you, Mr. President. Well, I've taken kind of a keen interest in this for a number of reasons. Being a history major, both my bachelor's, my master's, I do enjoy history. And after speaking with past employees of History Nebraska and seeing how those who were aware of the inappropriate activity and handling of funds identified the problem and then resulted in them being terminated, there is no system that worked there for whistleblowers. They were abused for doing what we expect them to do. And this isn't one incident. This is

three instances over two decades. There is a pattern here that is not correcting itself. Now, I've been down and toured just a few weeks ago the facilities here in Lincoln. And there are professional historians that are there displaying lots of interesting things about Nebraska history, but the system is broke. And the reason I say that is, is one of the individuals that I trust more than just about anyone that I've worked with in my military career is General Lempke. Just to give you some background, I'm going to read some of his testimony. This is from 1 Feb. This is a committee hearing that we had in Government Committee, says: Mr. Chairman, my name is Lieutenant General Roger Lempke. I am the director of-- I was the director of a code agency known as the Nebraska National Guard and the Nebraska Emergency Management Agency from 2000 to 2007. I'm going to pause there for a second. He's being a little bit, I guess, less than open in, in what he did. As the commander of the Nebraska National Guard, he commanded both the Air and the Army National Guard, roughly about 14 battalion size elements, plus an air wing and several squadrons. So he was handling thousands upon thousands of soldiers, a lot of senior folks, a lot of missions all over the world. So I trust his judgment. Now, back to his testimony, he said: Additionally, I have been the president of six nonprofits in the Nebra-- in Nebraska. From this and my corporate and military experience, it is easy for me to see that Nebras-- the Nebraska State Historical Society, and was referred to as History Nebraska, needs a different leadership model. I am currently the president-- I'll say it again-- I'm currently the president of the Nebraska State Historical Society Foundation. So I have insight to History Nebraska's board and agency and operations. I have also been a History Nebraska member for several years. To be clear, my remarks today are mine and mine only and do not reflect the position taken by the Foundation. Because of my foundation association and wide social network, I receive informal feedback from both prior and current History Nebraska employees about concerns citizens-- concerned employees and citizens have about History Nebraska's performance. History Nebraska's function that I observed over the past three years is very closed and noncommunicative. To be effective, it needs to be a organization that is open, and I have not seen that. I'm going to jump a little bit farther forward and part of it in here, what he's saying is the bo--

von GILLERN: One minute.

BREWER: Thank you, Mr. President. The board is not accomplishing its oversight. And the, the leadership obligation that they have is not being fulfilled. And thus, what the public is receiving from History Nebraska is inadequate. So, to sum up, they need oversight. The, the

hundreds of thousands of dollars that were lost in this process of, of the leadership not doing their job, there has to be a way of making sure that doesn't happen again. And this is the only tool right now that we have to ensure that this doesn't happen again. Thank you, Mr. President.

von GILLERN: Thank you, Senator Brewer. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I stand in support of LB1169. I believe this is a good government bill that's going to fix a situation that's been existing for a few years. The, the agency is already state funded. It's not going to be a problem with the funding isn't going to change. It's already a state-funded agency. It's going to just change how the leadership is. The thing I've been aware of is that there is a State Historical Society Foundation, which in the past, does a lot of projects and helps fund projects by the Historical Society. And there has been dysfunction between those two organizations, which I think this bill will correct and improve so that-- I see it mentioned that there might be a decrease in donations because of this bill. I think that that's probably, my opinion, it's going to be the opposite effect. That the dysfunction between the 2 entities is going to be resolved because of this. And the donations won't, won't decrease, in my opinion. And it's not a problem with the budget. So we don't need to worry about that. I think it's going to improve the way the agency function and improve our government. Thank you, Mr. President.

von GILLERN: Thank you, Senator Clements. Seeing no one else in the queue, Senator Erdman, you're recognized to close on LB1169.

ERDMAN: Thank you, Mr. President. I was remiss in my opening to state the obvious, and I think people probably already knew this. But when it becomes a code agency, the Governor will then appoint the director, and then that director will have to be approved by the Legislature. And so we will have as a Legislature, will have some oversight on who's running the society, as well as the Governor will have an issue because-- an ability to control what happens there somewhat because he will be the one-- the person hes responsible to. And so the current board, the way it's set up, will be advisory to that director that the Governor appoints. And so they will still have an opportunity to give input there. So we're not-- we're not eliminating them from being part of the process. We're just changing the way the body functions. So that is the issues that are before us today. And as you heard Senator Brewer and Senator Clements comment, as well as General Lempke's comments, this is the solution that we need to proceed with to bring

some confidence back to those people who are making contributions to History Nebraska or the Historical Society so that they can be confident that we're keeping the history that we should be keeping in Nebraska. So I would encourage your green vote on LB1169. And I'll just say this, this will be my last priority bill as a state senator. And so that is an opportunity for you to help me go out with a-- with a vote of yes on my last priority. Thank you so much.

von GILLERN: Thank you, Senator Erdman. The question is the advancement of LB1169 to E&R Initial. All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 27 ayes, 1 nay on advancement of the bill, Mr. President.

von GILLERN: The bill advances. Mr. Clerk, for an announcement.

CLERK: Mr. President, an announcement: The Revenue Committee will be holding an Executive Session under the south balcony at 2:45 p.m.; Revenue Committee under the south balcony, 2:45. Additionally, your Committee on Education, chaired by Senator Murman, reports LB1101 to General File with committee amendments. And motions to be printed from Senator Machaela Cavanaugh to LB62. As it concerns the agenda, Mr. President, LB932 introduced by Senator Fredrickson. It's a bill for an act relating to the Mental Health Practice Act; changes provisions relating to provisional and mental health practitioner licenses; and repeals the original section. The bill was read for the first time on January 4 of this year, and referred to the Health and Human Services Committee. That committee placed the bill on General File. There are committee amendments, Mr. President.

ARCH: Senator Fredrickson, you are recognized to open on LB932.

FREDRICKSON: Thank you, Mr. President. Good morning or good. Morning, jeez, good afternoon, colleagues. LB932 is a bill that will remove administrative delays in provisional licensure for practitioners under the Uniform Credentialing Act and allow them to move more quickly into the workforce. This bill moved out of the HHS Committee on a 7-0 vote and has no fiscal note. I want to thank Speaker Arch for naming this bill a Speaker priority for this year. I decided to bring this bill after a hearing last fall on LR202, an interim study I introduced to look at the gaps in our mental health system. At the hearing, we heard that mental health practitioner applicants have been waiting as long as 6 months to get their provisional licensure. This is a big problem because these applicants are not able to practice or see patients until these provisional licensure-- licensees-- licenses are approved.

I worked with DHHS and the Nebraska chapter of the National Association of Social Workers, among other stakeholders, to amend the original draft of this bill and come up with a better solution to the licensing delays. DHHS informed me that they have a process in place for dentists that helps speed up the issuance of their provisional licenses. We thought that this process would be a good model for what we were attempting to achieve with mental health practitioners as well. That compromise language is the committee amendment, which will be introduced by Senator Hansen shortly. That amendment will allow applicants to submit their applications 90 days prior to graduation, giving DHHS a head start in their processing. The best thing about what we ended up with this model is that this will be applied to all provisional licensure under the Credentialing Act, which means it will help other professional-- professions that may be experiencing delays and provide greater impact for our workforce and our Nebraska employers. I want to thank DHHS for working with me to develop this solution. And I also, again, want to thank Speaker Arch for making this important workforce bill a Speaker priority this session. I ask for a green vote on LB932 and on committee amendment, AM2509. Thank you, Mr. President.

ARCH: Senator Hansen, you're welcome to open on AM2509.

HANSEN: Thank you, Mr. Speaker. The standing committee amendment is a white copy amendment that strikes the procedure for provisional licensing outlined in LB932, and instead allows an applicant to simply submit their application 90 days prior to graduation. AM2509 was brought to the committee on behalf of the introducer, in concert with stakeholders to address operational concerns while maintaining the original intent of LB932. As amended, LB932 was advanced to General File by the Health and Human Services Committee with a 7-- 7 yes votes, and I would ask the body for their green vote on the adoption of AM2509. So basically, colleagues, in essence, I know Senator Fredrickson touched on this already and explained it, this helps dentists get their license on time when they-- when they graduate and they meet all the criteria of being an official dentist by taking their exam and everything else. They can get their license on time instead of having to wait one, two, three months to get their license after they've graduated and gone through everything. So this helps them get in the field, take care of those individuals who need it quicker and on time. So I would appreciate your vote for AM2509 and the underlying bill, LB932. Thank you.

ARCH: Seeing no one in the queue, Senator Hansen, you're welcome to close on-- Senator Hansen waives close. Colleagues, the question

before the body is the adoption of AM2509. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

CLERK: 27 ayes, 0 nays on adoption of comm-- committee amendments, Mr. President.

ARCH: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, I have AM2401, Senator Fredrickson, with a note you wish to withdraw. In that case, Mr. President, I have nothing further on the bill.

ARCH: Senator Fredrickson, you are welcome to close on A-- on LB932.

FREDRICKSON: Thank you, Mr. Speaker. Thank you, colleagues, for the green vote on the committee amendment. Like I said in my opening, I think this is a really important bill. It's going to hopefully help all of our licensed professions under the Uniform Credentialing Act get more-- get into the workforce a bit quicker. I'd appreciate your green vote on LB932, the underlying bill. I want to thank my staff and all the Bill Drafters and the department as well for all their work on this. Thank you, Mr. President.

ARCH: Colleagues, the question before the body is the advancement of LB932 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record

CLERK: 27 ayes, 0 nays on advancement of the bill, Mr. President.

ARCH: LB932 is advanced. Mr. Clerk, next item.

CLERK: Mr. President, next bill, LB1069 introduced by Senator Halloran. It's a bill for an act relating to the State Fire Marshal; changes provisions relating to obtaining permit to conduct open burning, civil penalties, the Nebraska Natural Gas Pipeline Safety Cash Fund, pipeline facility assessments, contractor certificates, and the Boiler inspector-- Inspection Act; eliminates the fire-- Nebraska Fire Safety Appeals Board, appeals procedures, and obsolete provisions; harmonizes provisions; repeals the original section; outright repeals several sections within Chapter 81. The bill was read for the first time on January 8 of this year and referred to the Business and Labor Committee. That committee placed the bill on General File with committee amendments, Mr. President.

ARCH: Senator Halloran, you're welcome to open on LB1069.

HALLORAN: Thank you, Mr. President. Good afternoon, colleagues, and good afternoon, Nebraska's second house. I would like to thank Speaker Arch for selecting LB1069 as a Speaker priority bill. I also want to thank the Business and Labor Committee for advancing the bill out of committee unanimously, with all members voting 7-0. I introduced LB1069, a cleanup bill, on behalf of the Nebraska State Fire Marshal Agency. The agency is comprised of multiple divisions, but always has one mission, to protect public safety. This mission is clearly reflected in the updates and changes listed in LB1069, along with a committee amendment. Regarding the committee statement for this bill, I would note that the three pipeline companies who testified in opposition to the bill, specifically Black Hills Energy, Metropolitan Utilities District and Northwestern Energy, are no longer in opposition to LB1069 with the adoption of the committee amendment, AM2583 that you will hear Senator Riepe address. LB1069 contains 5 major parts affecting 5 divisions with the agency. LB1069, number 1, removes all references to the Nebraska Fire Safety Appeals Board and utilizes a hearing officer as done in other state agencies. Number 2, it allows all of the local fire departments to establish their own criteria for open burning, and as long as they meet the basic requirements of the statute. Number 3, it reduces the time requirements for registration submittal in the water-based contractor area, such as fire sprinklers. Number 4, this bill updates the boiler code provisions to reflect industry changes, industry needs, and improved safety standards. Number 5, it increases the annual maximum fee to 50 cents per meter, which has not been increased since 1983, when the Legislature, 41 years ago, approved 20 cents as the annual maximum fee per meter. This minor increase gives a minimal fee increase to provide adequate funding for the current program enforcement. And finally, number 6, LB1069 also increases penalty amounts for violations of Nebraska Natural Gas Pipeline Safety Act requirements, which allows the State Fire Marshal to retain enforcement authority for violations of Nebraska Natural Gas Pipeline Safety Act and avoid federal takeover enforcement actions of pipeline safety requirements. I appreciate the state-- Nebraska State Fire Marshal bringing me this bill, and I ask for your support for both the committee amendment, AM2583, and LB1069. Thank you, Mr. President.

ARCH: Senator Riepe, you're welcome to open on the Business and Labor amendment.

RIEPE: Thank you, Mr. President. The Business and Labor Committee held a hearing on LB1069 on January 22. Although seen as a cleanup bill by the Nebraska State Fire Marshal Agency, there were some who testified in opposition to this bill, as noted by Senator Halloran. The

committee voted 7-0 to adopt AM2583 to LB1069 meant to address those issues. As a result, there is no longer any opposition to this bill. This amendment provides additional due process language in accordance with the Administrative Procedure Act for suspected violations of the Nebraska Natural Gas Pipeline Safety Act, and includes an emergency clause ensuring the changes made in this amendment will take effect in time to meet an upcoming federal compliance audit. I encourage your green vote on AM2583 and on LB1069. Thank you, Mr. President.

ARCH: Seeing no one in the queue, Senator Riepe, you're welcome to close on AM2583. Senator weepy-- Riepe waives close. The question before the body is the adoption of AM2583. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 29 ayes, 0 nays on adoption of the committee amendment, Mr. President.

ARCH: AM2583 is adopted. Seeing no one in the queue, Senator Halloran, you're welcome to close on LB1069. Senator Halloran waives close. Colleagues, the question before the body is the advancement to E&R of LB1069. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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

ARCH: LB1069 is advanced to E&R Initial. Mr. Clerk, for items.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB1162 and LB851 to Select File, LB1162 having E&R amendments. Additionally, your Committee on Education, chaired by Senator Murman, reports LB953 to General File with committee amendments. And your Committee on Health and Human Services reports LB90-- chaired by Senator Hansen, reports LB903 to General File. Name adds: Senator Kauth's name added to LB1305. Finally, Mr. President, a priority motion. Senator Dorn would move to adjourn the body until Tuesday, March 12, 2024, at 10:00 a.m.

ARCH: We have a motion to adjourn. All those in favor say aye. All those opposed, nay. We are adjourned.