

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2024

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-fourth day of the One Hundred Eighth Legislature, Second Session. Our chaplain for today is Reverend Gary Eller, First Presbyterian Church in Omaha in Senator John Cavanaugh's district. Please rise.

**GARY ELLER:** Almighty God, you've given us land as a heritage. Make us always remember your generosity and constantly do your will. Bless our land with honesty, sound learning and an honorable way of life. Save us from violence, discord and confusion, from pride and arrogance. Bless those here who hold office in the government of Nebraska so they do their work in a spirit of wisdom, kindness and justice. Help them to use their authority to serve faithfully all the people of our state and promote the general welfare. I pray to you in the name of Jesus Christ. Others pray to you in other names. But we all pray in the confidence that you are a good and compassionate God who hears and responds in grace to all who call upon you. For you created all of us, and we are indeed your beloved children. Amen.

**KELLY:** The pledge this morning will be given-- led by Corporal Antonio Espejo, 2nd Battalion 4th Marines, Marine Corps from Omaha in Senator McDonnell's district.

**ANTONIO ESPEJO:** 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 forty-fourth day of the One Hundred Eighth Legislature, Second Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

**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. Series of communications from the Governor. The first concerning appointments to the Commission on-- 3 appointments to the Commission on Problem Gambling. Additionally, an appointment to the Nebraska Brand Committee. Report of registered lobbyists for March 14, 2024, will be printed in the Journal. Additionally, agency reports electronically filed with Nebraska-- with

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the Legislature can be found on Nebraska Legislature's website. That's all I have this morning, Mr. President.

**KELLY:** Thank you, Mr. Clerk. Please proceed to the first item on the agenda.

**CLERK:** Mr. President, first item on the agenda, committee report from the Transportation Telecommunications Committee concerning the gubernatorial appointment of Patrick Haggerty, Director, to the Nebraska Broadband Office.

**KELLY:** Senator Moser, you're recognized to open.

**MOSER:** Thank you, Mr. President. Good morning, colleagues. I'm proud to give the committee report on-- from Transportation Telecommunications Committee pertaining to the appointment of Patrick Haggerty to serve on the Nebraska Broadband Office as its director. The office was created last year and has the following responsibilities. They coordinate and collaborate with officials at all levels of government to meet the stated goal of ensuring all Nebraskans have access to affordable, reliable broadband service by January 1, 2028. They develop a state strategic plan for broadband access. They advocate at the federal level. They ensure all government funding is efficiently utilized and they provide information and resources to the public. The Nebraska Broadband Office is located within the Department of Transportation, and the director is appointed by the Governor, subject to confirmation by the Legislature. Mr. Haggerty is a native Nebraskan and a graduate of the University of Nebraska at Kearney. He has 30 years' experience in the telecommunications industry, having served in management positions with Qwest Communications, Centurylink Communications, and Charter Communications. Mr. Haggerty appeared before the committee and answered all questions put before him by committee members, and the committee recommends the appointment unanimously. Mr. President, I would ask for the approval of the appointment of Patrick Haggerty to serve as the Director of Broadband. Thank you.

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

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

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**KELLY:** The committee report is adopted. Mr. Clerk.

**CLERK:** Mr. President, the Banking, Commerce and Insurance Committee would report favorably on the director of the-- the appointment-- gubernatorial appointment of the Director of the Department of Economic Development, K.C. Belitz.

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

**SLAMA:** Thank you, Mr. President. Good morning, colleagues. For those of you that don't happen to be on the floor right now, I just happened to be up in the balcony, hanging out with my baby and a few guests. And then I saw that I had a confirmation report up this morning and here I am. The confirmation report before you today is for K.C. Belitz for approval to be Nebraska's next economic development director [INAUDIBLE] in DED. Mr. Belitz has a long career. He served as the head of the Columbus Chamber of Commerce and then worked with the Nebraska Community Foundation. He represents a unique combination of qualifications for this position, and he was approved out of our committee after his hearing by a vote of 8-0. I would encourage each of you to provide a green light vote to adopt the committee report to confirm K.C. Belitz to be the next DED director for Nebraska. Thank you, Mr. President.

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

**CLERK:** 30 ayes, 0 nays on the confirmation report, Mr. President.

**KELLY:** The committee report is adopted. Next item on the agenda.

**CLERK:** Mr. President, LB644A introduced by Senator McDonnell. It's a bill for an act relating to appropriations. It appropriates funds to aid in the carrying out of the provisions of LB644; and declares an emergency. The bill was read for the first time on March 13 of this year and placed directly on General File.

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

**McDONNELL:** Thank you, Mr. President. Good morning, colleagues. This-- I'd like to start off by thanking Senator Slama, Senator Jacobson, Senator Clements, for working with me on this. This is the mega site bill. There's hereby appropriated \$500,000 from the Site Building

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Development Fund for the year '24-25, and \$0 from the Site Building Fund for the year '25-26 through the Department of Economic Development for Program 603, to aid in carrying out the provisions of LB644. Appreciate your green vote.

**KELLY:** Thank you, Senator McDonnell. Seeing no one else in the queue, you're recognized to close, and waive. Members, the question is the advancement of LB644A 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:** LB644A advances to E&R Initial. Next item on the agenda, Mr. Clerk.

**CLERK:** Mr. President, LB904A introduced by Senator DeBoer. It's a bill for an act relating to appropriations; appropriates funds to aid in carrying out the provision of LB904. The bill was read for the first time on March 13 of this year and placed directly on General File.

**KELLY:** Senator DeBoer, you're recognized to open.

**DeBOER:** Thank you, Mr. President. Good morning, colleagues. This is the A bill for Senator Wishart's portion of this bill that we amended in onto General File-- or actually, I think they did it in the committee, but we amended the committee amendment in, so this is for the intergenerational care facilities. Appreciate your green vote. Thank you very much.

**KELLY:** Thank you, Senator DeBoer. Seeing no one else in the queue, you're recognized to close, and waive closing. Members, the question is the advancement of LB904A 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:** LB904A is advanced to E&R Initial. Mr. Clerk.

**CLERK:** Mr. President, LB1204A introduced by Senator John Cavanaugh. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out the provisions of LB1204. The bill was read for the first time on March 13 of this year and placed directly on General File.

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

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**J. CAVANAUGH:** Thank you, Mr. President. Colleagues, this is the A bill for the bill that everybody loves, which is the rickhouse bill. The A bill applies to Senator Hughes's portion about regulating vapes. And just so you're on notice, this A bill is going to have an amendment going forward. Senator Hughes is going to have an amendment on Select for LB1204. And we're working with Fiscal to make sure that the A bill actually reflects how much money the-- Senator Hughes's fees will bring in. So I just ask for your green vote, and then we will probably be revisiting this on Select to make some changes. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you.

**KELLY:** Thank you, Senator Cavanaugh. Members, the question is the advancement of LB1204A 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:** LB1204A advances to E&R Initial. Mr. Clerk.

**CLERK:** Mr. President, LB43A introduced by Senator Conrad. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out the provisions of LB43 and declare-- and to declare an emergency. The bill was read for the first time on March 12 of this year and placed directly on General File. Mr. President, there is a motion on the bill.

**KELLY:** Senator Conrad, you're recognized to open.

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I'm going to ask you to not support LB43A. We have a revised fiscal note and so we no longer need this vehicle because there is no fiscal impact. So I'd ask you to vote green on the forthcoming motion to IPP or kill this bill. Thank you, Mr. President.

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

**CLERK:** Mr. President, Senator Conrad would move to indefinitely postpone LB43A, MO1253.

**KELLY:** Senator Conrad, you're recognized to open.

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**CONRAD:** Thank you, Mr. President. Again, just quickly, there is no longer any need to have this fiscal-- this appropriations bill accompanying the underlying bill, LB43, which was originally introduced by Senator Sanders, has been designated as a pri--as a vehicle for the Government Committee priority. We've worked to address fiscal impacts. There are none so we no longer need a fiscal-- bill to accompany the underlying bill. So I'm asking you to join me in killing the bill and IPPing LB43A this morning. I'm happy to answer any questions. Thank you, Mr. President.

**KELLY:** Thank you, Senator Conrad. Seeing no one else in the queue, you're recognized to close, and waive closing. Members, the question is the motion to indefinitely postpone. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 38 ayes, 1 nay, Mr. President, on the motion to indefinitely postpone LB43A.

**KELLY:** The motion is adopted. Mr. Clerk.

**CLERK:** Mr. President, Select File, LB358A. I have nothing on the bill, Senator.

**KELLY:** Senator Ballard, for a motion.

**BALLARD:** Mr. President, I move that LB358A be advanced to E&R for engrossing

**KELLY:** Members, you've heard the motion to advance LB358A for E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

**CLERK:** Mr. President, Select File, LB685A. Senator, I have nothing on the bill.

**KELLY:** Senator Ballard.

**BALLARD:** Mr. President, I move that LB685A be advanced to E&R for engrossing.

**KELLY:** Members, you've heard the motion to advance LB685A for E&R Engrossing. All those in favor say aye. All those opposed say nay. It is adopted. Mr. Clerk.

**CLERK:** Mr. President, Select File, LB857A. I have no E&R amendment. Senator Dungan would move to amend with AM2951.

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**KELLY:** Senator Dungan, you're recognized on the motion.

**DUNGAN:** Thank you, Mr. President. Good morning, colleagues. AM2951 is an amendment to the A bill on LB857. All that does is incorporate in Senator Bosn's bill, which we already voted into LB857. So if you'll recall, LB857 is the Prenatal Plus Program. On Select File, we incorporated Senator Bosn's bill with regard to continuous glucose monitoring for Medicaid moms as well, creating sort of a prenatal package. AM2951 simply puts that money into the A bill as well. There's still no General Fund impact. Both of these are coming out of a cash fund, so the General Fund impact still should be zero. I would encourage your green vote on AM2951 and LB857A.

**KELLY:** Thank you, Senator Dungan. Seeing no one else in the queue, you're recognized to close on the amendment, and waive. Members, the question is the adoption of AM2951. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 37 ayes, 0 nays on adoption of the amendment, Mr. President.

**KELLY:** The amendment is adopted. Mr. Clerk.

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

**KELLY:** Senator Ballard, for a motion.

**BALLARD:** Mr. President, I move that LB857A be advanced to E&R for engrossing.

**KELLY:** Members, you've heard the motion to advance LB857A to E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

**CLERK:** Mr. President, Select File, LB905A. I have no E&R amendments. Senator Riepe would move to amend with AM3012.

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

**RIEPE:** Thank you, Mr. President. Good morning, Senators. This amendment to LB905A adjusts the appropriation respective to the new deadline of October 1, 2025, as amended in LB905 on March 4. This amendment removes the 2024 implementation appropriation of the total \$1.2 million from Medicaid Managed Care Excess Profit Funds and federal dollars. Since programming implementation will not occur during fiscal year 2024-25, it also includes a reduction in the management appropriation for DHHS used to help develop the program

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from \$380,000 to \$212,000. I ask for your green light on AM3012 and LB905A. Thank you, Mr. President.

**KELLY:** Thank you, Senator Riepe. Seeing no one else in the queue, you're recognized to close, and waive closing. Members, the question is the adoption of AM3012. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 37 ayes, 0 nays on the adoption of the amendment, Mr. President.

**KELLY:** The amendment is adopted.

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

**KELLY:** Senator Riepe, you're recognized to close on-- Senator Ballard, for a motion.

**BALLARD:** Mr. President, I move that LB905A be advanced to E&R for engrossing.

**KELLY:** Members, you've heard the motion to advance LB905A for E&R Engrossing. All those in favor-- Senator Wayne, you're recognized to speak.

**WAYNE:** Thank you, Madam President-- Mr. President, sorry. I'm so sorry. Obviously, I just got here. So I'm debating on how today is going to go. I'm thinking we should probably stand up and talk a little bit on each bill and slow down a little bit. And that's what I'm probably going to do. I'm just going to talk to some colleagues, and I'm gonna go over and talk to the Clerk about a couple of motions I'm going to file on Final Reading, but I'm just giving you guys a preview. We need to slow things down just a little bit, because if we get to some other bills down here on the agenda today, it's going to go for a long day. And so we can talk a little bit on each bill. Or I can just wait till those bills come up and take a lot of time. So I think it'd be easier just to say hi and talk to you guys on each bill here in a little bit and take 5 minutes there and 5 minutes there. That way we don't get to some of these other bills on the agenda today or it's going to be a long day. Thank you, Mr. President.

**KELLY:** Thank you, Senator Wayne. Senator Ballard, for a motion. You've heard the motion to advance LB905A for E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

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**CLERK:** Mr. President, Select File, LB1035A. Senator, I have nothing on the bill.

**KELLY:** Senator Ballard, for a motion.

**BALLARD:** Mr. President, I move that LB1035A be advanced to E&R for engrossing.

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

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

**KELLY:** Senator Wayne, would you yield to a question?

**WAYNE:** Yes.

**M. CAVANAUGH:** I just wanted to say hi.

**WAYNE:** How are you doing this morning?

**M. CAVANAUGH:** I'm a little tired.

**WAYNE:** I had to stay out late. I drove. I didn't stay out late last night, so I appreciate it.

**M. CAVANAUGH:** I drove home too. I drove-- well, I was driving the other Senator Cavanaugh. He normally is my driver, but I, I tried to be a good big Irish sister, and I was his driver. But he drove me this morning so. But I just wanted to say hi. Thanks.

**WAYNE:** Thank you.

**M. CAVANAUGH:** Yield my time.

**KELLY:** Thank you, Senator Cavanaugh and Wayne. Senator Wayne, you're next in the queue and recognized to speak.

**WAYNE:** Thank you, Mr. President. Will Senator Hughes yield to a question?

**KELLY:** Senator Hughes, would you yield to a question?

**HUGHES:** Yes, I will.

**WAYNE:** Can you tell us a little bit about this A bill?

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**HUGHES:** On Riepe's A bill? Senator Riepe's A bill?

**WAYNE:** No, yours.

**HUGHES:** Oh, this is mine. Sorry. Yes, I will. This is LB1035A, and it is for the prescription drug donation program that we're going to start here in Nebraska hopefully. It may-- we need \$475,000 per year for the operational costs. We will be partnering with SafeNetRx in Iowa. And then the balance of the bill is a 1 full-time employee for DHHS to oversee the program the first year. And then after the first year, it goes to a half of an FTE. And I've talked to most of you at some point. We currently spend around \$500,000 to collect and incinerate used prescriptions. And in fact, we, we incinerate 30,000 pounds of medication through our disposal program. We will still need to continue that, because some things will always need to be destroyed over time. But we can offset some of that by using some of the prescriptions that are still-- that can be used, unopened, unexpired, tamper-evident packaging that will go into the new donation program and then that will be accessed by underinsured or uninsured folks to stay on, you know, maybe their cholesterol medication or what have you. So any other questions, Senator Wayne?

**WAYNE:** Yeah. So how do you know that this stays secure when transporting controlled substances? How do they have the check and balances on that?

**HUGHES:** So controlled substances, those would still have to be destroyed. This would be for meds that are not in that category.

**WAYNE:** And then how would they-- how would they have the controls on that to make sure they stay safe?

**HUGHES:** So there's 2 checks. So if a-- this is mostly for like nursing homes and things like that. So they will do the check on their front before it goes to the program. It's actually a warehouse in Iowa. And then on arrival in Ohio-- in Iowa, that's part of what you're paying for. They do another check before they put it into their inventory that it is tamper-evident. Most of the medications that we're talking about here are in blister packs. So that's how you tell they're not-- they haven't been tampered with. When you and I get a prescription, it's in a vial. And that-- those would not be eligible for this program because clearly you don't know-- you know, once it's been opened, you don't know what is in that vial or, you know, et cetera.

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**WAYNE:** So how come we're, we're working with Iowa and not South Dakota?

**HUGHES:** Because they don't have one in South Dakota.

**WAYNE:** What about Colorado?

**HUGHES:** Likewise.

**WAYNE:** What about Kansas?

**HUGHES:** Likewise.

**WAYNE:** Colleagues, you should really know your bills. This is a great conversation she's just put on a--

**HUGHES:** I was thinking we were going to talk about cardigans, Wayne.

**WAYNE:** Cardigan Friday.

**HUGHES:** It's cardigan Friday.

**WAYNE:** I really appreciate you getting on board with the cardigan Friday. Thank you, Mr. President.

**KELLY:** Thank you, Senators Hughes and Wayne. And Senator Wayne, you're next in the queue.

**WAYNE:** Thank you. Will Senator McKinney yield to a question?

**KELLY:** Senator McKinney, would you yield to a question?

**McKINNEY:** Yes.

**WAYNE:** Senator McKinney, just wanted to see how Pardons Board and, and LB631 is going.

**McKINNEY:** How's it going?

**WAYNE:** Yeah. Are you getting it drafted and--

**McKINNEY:** Yeah, I'm working on an amendment for LB631 to make--

**WAYNE:** Can you give me a preview of what that amendment looks like?

**McKINNEY:** So one, it would have things in there to make sure the Parole Board goes to work. What else is in there? It also has some things around community corrections. Also trying to make sure in the--

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in the amendment that I'm working on, trying to make sure all, you know, entities that are involved with the criminal justice system work with each other. So that's the Parole Board, state Probation, and the Department of Corrections.

**WAYNE:** Thank you. Will Senator Bostelman yield to a question?

**KELLY:** Senator Bosn, would you yield?

**WAYNE:** No, Bostelman.

**KELLY:** Senator Bostelman, would you yield to a question?

**BOSTELMAN:** Yes.

**WAYNE:** Senator Bostelman, what's your committee priorities this year?

**BOSTELMAN:** Sorry? Say again?

**WAYNE:** What is your committee priorities this year?

**BOSTELMAN:** In Natural Resources?

**WAYNE:** Yes.

**BOSTELMAN:** LB867. It's coming up.

**WAYNE:** And can you tell me a little bit about it?

**BOSTELMAN:** Sorry?

**WAYNE:** Can you-- can you tell me a little bit about it?

**BOSTELMAN:** So LB867, sure. LB867 does with Game and Parks, creates a outfitters-- voluntary outfitters program for people to check on outfitters, make sure they are following state laws, as well as it includes a number of other bills within it that talks about Game and Parks. Senator Conrad has, has a bill in there. Senator Lippincott has a bill in there, talks about a, a hunting season for veterans. Senator Sanders has a bill in there, talks about entry permits for veterans, for active-duty veterans, for state parks.

**WAYNE:** Thank you. Appreciate that. Thank you, Mr. President.

**KELLY:** Thank you, Senators Wayne and Bostelman. Seeing no one else in the queue, motion before you is to advance LB1035A for E&R Engrossing.

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All those in favor say aye. All those opposed, nay. It is advanced.  
Mr. Clerk.

**CLERK:** Mr. President, Select File, LB1087A. I do not have E&R amendments, Senator. Mr. President, Senator Jacobson would move to amend with AM2928.

**KELLY:** Senator Jacobson, you're recognized to open.

**JACOBSON:** Thank you, Mr. President. AM2928 is real simple. It's just adding the emergency clause to the bill. So I would urge the approval of the-- voting green to approve the AM and LB1087A. Thank you.

**KELLY:** Thank you, Senator Jacobson. Seeing no one else in the queue, you're recognized to close, and waive closing on the amendment. Members, the question is the adoption of AM2928. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

**KELLY:** AM2928 is adopted.

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

**KELLY:** Senator Ball-- Senator Ballard, for a motion.

**BALLARD:** Mr. President, I move that LB1087A be advanced to E&R for engrossing.

**KELLY:** Members, you've heard the motion to advance LB1087A for E&R Engrossing. All those in favor say aye. Those opposed say nay. It is advanced. Mr. Clerk.

**CLERK:** Mr. President, some items. New LR, LR327 from Senator Jacobson; that will be laid over. Additionally LR328 from Senator Jacobson and LR329 from Senator Jacobson; those will both also be laid over. That's all I have at this time, Mr. President.

**KELLY:** Members, we will begin Final Reading. Please check in. Senator Dungan, please return to the floor and check in. All members are now present. The first bill on Final Reading is LB61. 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:** 39 ayes, 4 nays to dispense with the at-large reading, Mr. President.

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

**CLERK:** [Read title of LB61]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB61 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: None. Not voting: Senators Hunt and Raybould. Vote is 47 ayes, 0 nays, 2 excused not voting, Mr. President.

**KELLY:** LB61 passes. The next bill is LB198. The first vote is a vote to dispense with the read-- 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. All provis-- Mr. Clerk, please read the title.

**CLERK:** [Read title of LB198]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB198 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, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: None. Not voting: Senators Hunt and Raybould. Vote is 47 ayes, 0 nays, 2 excused not voting, Mr. President.

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**KELLY:** LB198 passes with the emergency clause. Senator Hardin announces some guests in the north balcony, fifth and sixth graders from Mitchell Elementary in Mitchell, Nebraska. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, for items.

**CLERK:** Mr. President, single item. Amendment to be printed from Senator Walz to AM2990. That's all I have at this time.

**KELLY:** The next vote on Final Reading is LB304.

**CLERK:** Mr. President, as it concerns engrossed LB304, Senator Wayne would move to return LB304 to Select File for a specific amendment, that purpose to be to strike the enacting clause.

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

**WAYNE:** Thank you, Mr. President. For those who don't know, you can't speak on Final Reading until you, you have a bill or an amendment or some kind of filing to move it back to Select File so you can strike the enacting clause or you can bring an amendment, and that allows you to have an opening and then 3 times. So people can call the question. That's fine. But I have a whole bunch of pads over here and I'll just strike section 2 next time. And so we'll just keep playing these games until we get to noon, I guess. But I want to talk a little bit about today because I love having this captive audience about some bills that are in Judiciary and some bills that we are-- that didn't make it out of Judiciary but you'll be hearing about on the floor. Today, I'm going to-- this section I'm going to talk about LB916, which is a bill brought by Senator Brewer, and it's about civil forfeiture. I could pass out the article, but we have a problem in Nebraska where sheriffs or cops are pulling over people on I-80. And, essentially, if they smell marijuana or think they are trafficking something, whether they have probable cause or not, they start having a conversation and take people's money as a civil forfeiture and let them keep going down the highway. And Flatwater Press did a whole thing on Seward County in particular, where they seized millions from motorists. And the bill brought by Senator Brewer is to close this loophole. And we're not talking just a little bit of dollars. We're talking millions of dollars that when you're driving down the highway, a cop comes up and if you have-- or sheriff comes up and you have \$200 in your pocket, you can, say, here, take my \$200 and don't go through my car, don't charge me with anything. And they literally just let you go. It's a problem. And so we are-- here's a bill that's stuck in the committee 4-4 about whether this is a good idea or not. Now, the reason I'm

bringing this up is because there will be a floor amendment on a couple of bills coming, actually all over the place. There's a bill today that I might drop this amendment on just to get a vote on, because I, I-- really what it comes down to is, do you think law enforcement should be able to seize your dollars or your property without having to go through due process of, of a court or being represented. And what Senator Brewer's bill actually does, my nice little handy hand-- handout, LB916, it doesn't-- it ends civil forfeiture, but it does it in a way that you can still lose your property. But you have to negotiate with a county attorney instead of the law enforcement on the side of the road when, you know, you don't have equal, equal playing field. So the property owner can still waive their \$700 or \$1,000. And what we're finding out is the average dollar seized is under \$1,000. Now you say, why is that important? It's important because when you seize under \$1,000, it's going to cost you damn near \$1,000 to get the \$1,000 back if you try to challenge it. So if you hire an attorney, they're going to charge you a retainer of usually \$2,500 to \$5,000, most of the people I know on the civil side. So it doesn't make sense for you to charge to get your money back. But literally, they are pulling people over on the side of the road saying, well, I think there's an issue here. We're going to have to maybe make some charges here, you know, pull you out of your car and search your car and see if there's any drugs or whatever. Or we notice that you have 500 bucks on you. Just sign over the 500 bucks and you can go on your way. How does that make sense in America? How is it OK for you to lose your property on the side of the road without having any trial or conviction or, or anything? It's a scare tactic, and it's a tactic that is running rampant in Nebraska, but particularly in Seward County. And I'm not picking on Seward County. It just so happens that in 2021, they seized over \$2.3 million. That's real dollars without criminal conviction, without necessarily probable cause, and without due process. And what happened was in 2016 or '15, I believe, we actually tried to address this issue, but there was a loophole that they somehow found in this, in this matter. So from 2013 to 2023, 75% of Stewart's [SIC] County's state civil forfeiture cases happened after a driver signed a form abandoning the money on the side of the interstate. That makes no sense. So what Brewer's bill does, it says you can still go through this process. But instead of a cop on the side of a road with a gun, we're going to make you go through the prosecutor and you're going to sit down with the prosecutor if you want to give it up, or you can hire an attorney before you lose your property. And it's pretty simple. Will Senator Brewer yield to a question?

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**KELLY:** Senator Brewer, would you yield to a question?

**BREWER:** Yes.

**WAYNE:** Did I fairly or accurately sum up your bill? I don't want to mischaracterize your bill.

**BREWER:** No, you did a good job with it. It was brought to me and-- well, we started talking with Nebraska State Patrol originally, and then from there, we kind of defined how we could do it and, and get it to where it did exactly what you described there.

**WAYNE:** So, so-- well, I told you, our bill was-- your bill is stuck 4-4 in, in committee. And you, being a veteran and serving this country, do you think it's OK for our government just to take-- and it's not just money. They can take any property. Do you feel like negotiating on the side of I-80 is what you envisioned for, for this country?

**BREWER:** No. And I think that's kind of why it caused me to take interest, because it's what I saw overseas in third-world countries where the police had the ultimate power, and there wasn't a process to try and get back items they seized when they stopped you on the road. And so it just seemed like we, we weren't being the country we could be with the way they were doing it.

**WAYNE:** Thank you, Senator Brewer. And I'll hop out of the queue and hop back in here in a second. Thank you. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I want to thank my friend, Senator Wayne, for starting this dialogue this morning. I think it is very important and long overdue. I can tell you that I had the pleasure and opportunity to work with incredible leaders like Senator Ebke and Senator Tommy Garrett right after I had been, what I call it, forced into constitutional retirement, term limited back in 2014 and then working as a civil rights leader, worked with these incredible state senators and a very diverse set of stakeholders to usher in the first and perhaps at that point, some of the strongest reforms to civil asset forfeiture in the country. That coalition literally included members from the NRA to the NAACP and everybody in between, because there had been a ongoing problem wherein the presumption of innocence had been turned on its head and there was rife abuse and misuse regarding shakedowns for citizens and their cash

and their property. Civil asset forfeiture was developed essentially as a companion or a complement to our criminal laws to go after ill-gotten gains from criminal activity to, you know, try and take the, the financial legs out from underneath criminal organizations and kingpins, which makes good sense in, in many instances. But the problem, colleagues, is the law as written and the practice as evolved didn't just target those huge crime organizations and those huge kingpins and those huge bosses, but ensnared countless individuals, many times needlessly, for very, very small amounts of money. And it became a very fraught process wherein individuals who were either residents of our state or traveling through our state were stopped for various reasons-- typical traffic stop-- and then lost their money, their property, through basically an off-- side-of-the-road shakedown and without kind of going through the, the typical legal processes that people are familiar with or they see on TV for something like Law and Order. And this included people who were traveling through our state who, you know, for a lot of different reasons, had, had cash on them. There was one particularly heartbreaking story of a minister who had collected a significant amount of collections to advance the mission of his faith in his church and supporting the poor. And he got ensnared in one of these stops. And it ended up being a, a huge mess. That was one of the stories that really caught lawmakers' attention at that time and helped to spur the initial reforms in 2016. Now, from that 2016 effort, we also thankfully have data collected by the Auditor's Office so that we can keep track about how these reforms are working out. And that's exactly what Senator Wayne and Senator Brewer are looking at and trying to address. In addition to independent reporting, which shows that Seward County is exploiting an out-- a loophole in this effort. And to their credit, most other law enforcement agencies in the state are not--

**KELLY:** One minute.

**CONRAD:** Thank you, Mr. President. --but, but we see a huge issue here in terms of implementation. And we have an opportunity to close that loophole and to set the presumption in the right direction to protect the presumption of innocence for individual residents and people passing through, as to their rights to their public property, including their money. It's one of these issues that has incredibly strong bipartisan support across the political spectrum, this effort actually being supported by the Platte Institute and the Institute for Justice. And it's ridiculous and shameful that this has been stopped in the Judiciary Committee by a very narrow set of interests who want to continue to shake down visitors and residents in this regard. I'm glad Senator Brewer brought it forward, and that Senator Wayne is

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working hard to get it out, and has lifted this important issue this morning. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. Good morning. I listened to Senator Wayne's explanation of what happens here. And this is maybe a different comment, but it seems to me that if it's costing \$1,000 to get your \$1,000 back, the lawyers are charging too much. That's quite apparent there, but let me share a story of how this-- very similar in reality, what happened. Years ago when I served on the Farmland Board, we had an international office in Mexico City, and we held a board meeting there. And so the entire board and management traveled to Mexico City for a board meeting. On the plane with me was another board member who didn't have exactly the right credentials to get in to Mexico. And when he arrived, the people there asked him if he had \$200. And he said, the question is, am I an American citizen or not, not whether I have \$200. And they took him in a small room and they said, as soon as you provide us with \$200, you can enter the country. And he said, I don't have \$200 cash, but I do have a credit card. And they said, no, that's not acceptable. It has to be cash. So he, not having the cash on him, borrowed money from several of us that were there. And he paid the \$200 and they let him enter Mexico. So the question wasn't whether he was a citizen or not. The question was that the police there wanted \$200. So these law enforcement people-- and I'm not saying they're underhanded-- but people get scared, and so did he that day. He didn't think he was going to enter the country. And so they make decisions about forfeiting their money. And obviously, if Senator Wayne is correct-- and I believe it to be the case, he never has lied to me before-- that it costs more money to get your money back than it does to forfeit it, you're going to make the decision to give him your money and move on. So very seldom do I disagree with Colonel Brewer, very seldom. And so I would state on the record that I'm with Senator Brewer and his bill to fix an issue that seems to be a problem. And I do stand with the blue; I do stand with law enforcement. But I also believe that we have rights that should be protected. And so I think it's reasonable what Senator Brewer's bill is trying to do. I don't believe it inhibits enforcing the law. And I think it's an opportunity for us to have an opportunity to explain why we have the money or what the money is for. Using the example that Senator Conrad shared, that was a very, very difficult position to put that minister in. And when you don't know the law and you get scared, you do things you shouldn't. So you should be advised of your rights before you make a difficult decision. So I'm in support of Senator

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Brewer's bill, and I would think that perhaps we should do a pull motion and bring that to the floor. Thank you.

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

**WAYNE:** Thank you, Mr. President. For those who are watching, the next topic on the next bill will be LB341, which is Senator Halloran's bill. So you might want to look that up and see why that can't come out of committee either. The Nebraska Public Media reports that Seward County hauled in \$7.5 million of forfeiture cash in the past 5 years, some of it from civil forfeiture that the state law actually banned in 2016. So it was 2016. So again, you're talking \$7.5 million that are being seized on the side of the roads without due process, without, without a court hearing, without an attorney. This is literally the Wild, Wild West in some cases. And oftentimes-- and the reality is oftentimes many of the individuals who are giving this money up, if you want to call it, being, being "forfeited" on are out-of-- out-of-state people. So \$1,000 or sit here and fight with people. And pot-- and part of the reason why the attorney costs are so high because they usually are out-of-town people. So to hire a attorney, if you're from Illinois, you're just driving wherever on I-80, it's like, I'll give up my 700 bucks, officer, just let me go. I'm not going to have to deal with this. And that's just how it happens. And so then you sit there and you're in Illinois and you say, I really want to fight this. I got wronged. So you're going to call attorneys here in Nebraska and they're going to say \$1,000, because-- and the reason why is because if you go to a hearing, you're going to have a trial on-- it's a civil trial at that point. And so you'll have to have a-- you have to fly witnesses in, you have to come back, travel back, you'll have to depose the officer. You have to get their body cam. Then you're going to have to actually sit down and review all of that. But that's if you actually can get their body cam because most departments don't keep the body cams unless there was an actual incident or a claim. So if you wait 30 days, that body cam might already be gone because they've already-- it's just a storage issue, so you really can't do anything. You just lose your \$700 to \$1,000. And again, that bill is stuck in my committee. And the vote count is around 4-- it's a 4-4 vote count. And so it's a problem. And I don't think we necessarily have to do a pull motion because, I try to get the committee to IPP a few things. But this culture of this Legislature, we just don't IPP a bill so I don't even fault them, except for Transportation one year IPPed one of my bills 2 years ago, but that's OK. I think that was Senator Brandt's fault. But that's all right. We, we-- we'll move on from that part. So, yeah, we're talking a 24-mile

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stretch of I-80 that over the last 5 years, \$7.5 million. That's, that's a problem, y'all. That's a problem. So it won't-- it'll probably be if there's a Judiciary bill up here and it's-- and it's germane, you're going to see that. And this is what it's about. It's about LB916 and it's about civil forfeitures on the side of the road and how it is being abused and how we tried to close the loophole in 2016. And departments found a new loophole to do that. And, and the reason why you say why is that important? Because they actually get to keep some of the money, around 50%. That's why it happens. The local sheriff department gets to keep the money. So when you see 7.5 seized, what I'm trying to figure out from the articles, is that 7.5 seized or is it 7.5 that Seward County got from the \$15 million that was seized? So I'm gonna keep digging through the numbers. But it's unclear in the public media of which one is it? The total seizure or is it just what Seward County got to keep? But it's just fundamentally wrong. It's not the America that I thought I was growing up in, although it-- it's happened quite a bit to people that I know and people I represent. And it's tried to happen to me, not in Seward County--

**KELLY:** One minute.

**WAYNE:** --but a little farther west. And I was like, search the car and let's-- we'll just have to take me in. And they searched the car and nothing was there, and that was the end of it. But if you're nervous and you don't want to deal with cops and you're unsure and you're not even from this state and you got 300 bucks on you, it might just be easier. And that's the problem that we're dealing with. Thanks. So next bill, we'll talk about LB341. And this is like one of the most interesting bills because it deals with children who are sexually assaulted. So we're, we're going to talk about how that bill is stuck in committee too. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. I think I can wrap it up at this time on the mic. Just wanted to forecast that for members. I really appreciate Senator Wayne not only shining a light on this abusive practice, but the commonsense reforms that have been introduced and are pending and we still have time to address and adopt in the remaining days of the session. But I want to accomplish really 3 main points in this time on the mic. First, to acknowledge and extend respect and gratitude to those on the front lines, whether it's law enforcement or our county attorneys. They have impossibly hard jobs and in many instances are paid very, very little to advance our shared

public safety goals. They also have an undeniable right to associate and to petition their government, including this Legislature, as they see fit, to engage in the public policy process. And as you all know, they are very well represented and very voracious advocates in advancing their interests. But one thing that is important to note is that we need to take into account their perspective. Absolutely. But it's one point of consideration. It shouldn't be given undue influence and a veto power. And that's where we're at. And that's why you see a logjam on the Judiciary Committee. And it-- whether it's simple things like reforming truancy so that less families and less kids are in the system, because they miss school for religious purposes or medical purposes or other purposes, county attorneys say no; no movement on reforming truancy. Whether it's trying to shine light on what's happening on the front lines, we had to get a bill in regards to making sure that body camera footage was, in fact, subject to our strong and proud public records laws. And the county attorneys fought against it. And it goes into civil asset forfeiture. Because when reporters and other stakeholders ask Seward County, show us the body cam footage, we want to evaluate these stops, we want to see what happens with the money after the shakedown, they hid behind the exception so nobody could check their work. So that there were no checks and balances on the police practices that were causing this situation in Seward County. And I, I think that we, we really need to give due consideration to their perspective, but we need to lean in and remember that we have an obligation to exercise independent judgment. And we did just that together over the county attorneys' objections in LB50 last year, which Senator Wayne admirably led across the finish line in regards to modest but important smart criminal justice reforms. The civil asset forfeiture piece and other pieces that he will be talking about are, are critical to move forward and should spark widespread support. We shouldn't allow outsized influence or a veto power to carry the day in the Judiciary Committee because one narrow interest group says no. That's wrong, because it impacts our entire state. It impacts the taxpayers in innumerable ways. And, and we need to take account that feedback. We need to give respect for that service that those folks provide. We need to recognize their, their right to participate. But we still-- that can't be the end of the conversation when they say no.

**KELLY:** One minute.

**CONRAD:** We still have to exercise our independent judgment, listening to each other, looking to other diverse stakeholders that have a legitimate policy disagreement that's well-rooted in policy, law and practice. So I'm glad that Senator Wayne is bringing forward some of

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the issues that he's been trying to navigate thoughtfully and at the committee level. But unfortunately, we continue to hit a brick wall of "no" from the County Attorneys Association, and we need to shine light on that. We need to make sure everybody knows what's going on there. And we need to do everything in our power so that we can help Senator Wayne move forward smart justice bills that have the support of myself, Senator Brewer, Senator Erdman and others. Thank you, Mr. President.

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

**DeBOER:** Thank you, Mr. President. Colleagues, I won't take my whole time here, but I did just want to talk about this civil forfeiture bill that Senator Wayne has brought your attention to, because I'm 1 of the 4 that's supporting the bill out of committee. And the reason I've done so is something that Senator Brewer said in his opening, and that is that-- I think Senator Brewer's brother is a sheriff; I think that's right. And he said that when he talks with law enforcement folks like his brother, this civil forfeiture thing that's happening specifically in Seward and in other places, it makes all law enforcement look bad. When, when you have this sort of appearance of impropriety, even if what's happened here isn't actually improper, it definitely has the appearance of impropriety. And so by going through the due process that's set up for forfeiture in other ways, it really takes that appearance of impropriety off of law enforcement. It takes away some of this appearance that law enforcement is doing something wrong. And it makes sure that we are revering our law enforcement for the work that they do, and not making them look bad by having this kind of law that is sort of making everyone look bad. So that was a persuasive argument to me that was made on behalf of law enforcement. Thank you, Mr. President.

**KELLY:** Thank you, Senator DeBoer. Senator Slama would like to recognize a guest seated under the south balcony. Reagan McIntosh from Syracuse. Please stand and be recognized by your Nebraska Legislature. Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. Would Senator Wayne yield to a question?

**KELLY:** Senator Wayne, would you yield to a question?

**WAYNE:** Yes.

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**HUNT:** Thank you, Senator Wayne. I have a completely ignorant question. And if-- I mean, listen-- I've been listening to what you have been talking about with this bill introduced by Senator Brewer. And. I have, I have some questions about just-- I'm just really curious, like, the logistics of how this even works. So are you saying-- and again, like, I'm ashamed that I have never heard of this. This is like bananas to me. And it's bananas that it won't come out of Judiciary because this sounds crazy. But-- so you're saying that people get pulled over sometimes with no probable cause, many such cases, and the law enforcement officer can just take cash from them. Do they have a credit card reader? How exactly is this working? Like--

**WAYNE:** So--

**HUNT:** -- if this were to happen to me, I whip out the plastic and they run it? Like, what's going on here?

**WAYNE:** So what happens is there's a form that they use. Douglas County does not use this form. Douglas County Sheriff does not do this; they have abandoned this practice. But there's a form, it's called an abandonment form. And it's just a short little form you sign saying I abandoned, let's say \$10,000 and you give it and they take it. So you abandon your property and they let you go. But some of the reports, one of them in particular, that a man was-- signed the form-- actually didn't sign the form, which-- no, actually gave them money, signed the form, gave them money of about \$1,000, got charged with a misdemeanor possession of marijuana, which was later dismissed anyway, and so he, he lost his money and he had no-- actually no charges. This-- another individual was going to buy a car, was driving, had \$14,000 in cash, got pulled over. They said basically they're going to arrest him for felonies if he doesn't turn over this money. So he was a younger person, didn't really know anything, so he abandoned his \$14,000 and never got it back. So, yeah, they just pull you over. If they smell, maybe marijuana, if they think you're smuggling drugs or something like that, they can ask you questions and then they say, hey, if you-- you know, how much cash do you have on you? If you say \$1,000, they literally just say, if you sign this form, you can go on your way. So people are scared, they sign their form, they go on their way.

**HUNT:** So if you have the cash, you can just put cash in their hand?

**WAYNE:** Yeah. And they put it in the evidence bag and some-- and take it back and log it into evidence as a civil forfeiture. You just literally give them money.

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**HUNT:** Is there any, any chance in hell that they could record on the form a different amount than the cash that you put in their hand and some of that gets lost along the way?

**WAYNE:** Actually, so it's interesting you brought that up. Flatwater Press asked for the body cams of numerous stops, and Seward declined to give them. There was bills brought by Matt Hansen, previous senator, to make body cam footage publicly record. But because it's not a public record, they can deny your request. But there are a lot of attorneys who have discrepancies, not just in Seward, across the state of cash turned in versus not-- cash turned in versus cash collected. And we asked for their body cams and we, we never got them, nor did Flatwater Press in this-- in this article. Nor did news public media get, get body cams.

**HUNT:** So by "discrepancies" you mean that hypothetically, like they said, OK, if you give us \$200, this will go away. But they only write \$100 on the form or something like that. And then some of the money gets put in a pocket or something-- I mean hypothetically--

**WAYNE:** Some of the money disappears, the other money gets logged in as evidence for civil forfeiture. But again, when asked by the media for body cams of these interactions to see how much money was actually collected, these counties refused to give up the--

**KELLY:** One minute.

**WAYNE:** --body cam.

**HUNT:** If you-- if a person doesn't have the cash and they fill out this form, do they then get a bill in the mail?

**WAYNE:** No. It's only if you have it right there. So if you don't have cash and you get pulled over, you don't have the option of signing the form. If you have cash-- so actually there are people who are now drug trafficking who are carrying about 2 grand on them going through Nebraska for this reason. They're like, hey, here goes 2 grand. I'm gonna keep driving.

**HUNT:** That's the cost of doing business.

**WAYNE:** Cost of doing business.

**HUNT:** Yeah. In the year 2024, you got to pay cash-- you got to put cash in a cop's hand to escape a drug charge where there may not be any probable cause.

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**WAYNE:** May not be a criminal--

**HUNT:** You can't Venmo. You can't tap to pay.

**WAYNE:** Nope. Just cash.

**HUNT:** Wow. OK.

**WAYNE:** And this isn't me reporting. These are 2 different--

**KELLY:** That's your time.

**WAYNE:** --actually 3 or 4 media sources.

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

**HUNT:** Thank you, Mr. President. How, how is this different from a bribe? I mean, it's, it's not necessarily a bribe to that individual officer, although based on the reporting that we know and testimony that we've heard on this bill, I don't know that that's not happening. I don't think anyone can say it's not happening for sure. It's a-- it's a state-sanctioned bribe, is what it is. It reminds me of-- so this is not the same thing, but it's the same flavor. I have a lot of family in Russia, some of you know, and I've gone over there and visited. And when you're in a country like that, when you're in Russia, in Moscow and say I want to go to a club; say, I want to go out to a restaurant, I want to go, you know, meet someone and go out. My uncle, who I stay with there, he sends me with an envelope of rubles, of cash, of bright red and blue cash in case we get pulled over. And you know what? From being over there, you get pulled over maybe 25 to 30% of the time. Like, if you're going out, you, like, plan to get pulled over and you have to have cash on you for when that happens. So when the officer comes up to your car and they ask questions of you or the driver, you can just pay them off right there and they let you go. And like I said, this is not literally the same thing. But when I was listening to the debate about this, I thought of many cases where I had been in another country, I'd been traveling and under a kind of government, under a kind of state system that we in Nebraska would say we do not have here. We would say, you know, we back the blue, we support the troops, we have our freedoms. And because of that, we don't have to live like they do in Russia or some of these other countries. But in fact, it sounds like, you know, under another name, the same thing is basically happening. So I thank Senator Brewer and Senator Wayne and also Senator Conrad and the cohort of senators that she worked in the past to address this. And I

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especially thank the press and journalists who brought this to light for the citizens of Nebraska to see that this is happening so perhaps we can have some accountability. I think that there will be many opportunities on the agenda in the coming days and weeks where we can right this wrong. And, you know, I do not support pull motions. I think that the Judiciary Committee needs to find a way to bring this out and this type of awareness around the issue. I hope that you colleagues who are listening will also talk to members of the Judiciary Committee and impress upon them the importance of bringing this bill out so we can right this wrong. So we can say that, you know, this 24 miles in Seward or whatever part of I-80 we're talking about, that this is not the same as Moscow, Russia, where you have to plan to travel with cash. Cash? Who has cash? Drug dealers have cash. But who is traveling with all this kind of cash? Yeah. Blows my mind. OK. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Seeing no one else in the queue, Senator Wayne, you're recognized to close.

**WAYNE:** Thank you, Mr. President. So, colleagues, I want people to-- when I'm talking about \$7.5 million being seized, like you think somebody's just driving down the street with \$30,000 in cash. No. The average collection was under \$1,000. The average collection that was testified to was around \$700 and some-- and some change. So think about how many stops they are making and taking dollars off the side of the road to get to 7.5 over 5 years, if the average collection is \$700-and-something. Those are a lot of stops that we are making. And as far as, you know, this being a tool to investigate, that doesn't stop anything. Because what the bill does and says, yes, you can do all that, but you have to do it through the county attorney and you can-- there's still like 5 ways that they can still collect the cash on the form. But it has to go through the county attorney. They have to claim abandonment. Like, there's guardrails around not just random people. So, like, if the person fled the jurisdiction, they, they left the state, the, the county gets to keep that, keep those civil forfeiture. If the guy died, county gets to keep those or the sheriff gets to have those civil forfeiture. It just has to go through a process. So there is a couple of bills. One of them is a bill on the agenda today, Senator Ibach's bill deals with sheriffs. Maybe I should put it there. Maybe I should put it somewhere else. But we will have some votes on these issues that are, I think, bipartisan. I-- I'm talking about the other side of the aisle's bills that are stuck. Some of them are stuck for-- the 4-4 isn't the same 4-4. But this one in particular is 4-4. It's stuck. And at the end of the day, we're a-- prosecutor, judge and conviction are all on the side of the highway

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when you're pulled over by a State Patrol or cop in one of these counties. That is just insane. We got to have some guardrails for your property. We got to have guardrails for Nebraska. And we got to have a process that ensures due process. So I just wanted to give you a preview so nobody's caught off guard when a bill comes up and I say this is-- I'm amending LB916 into whatever bill. And you're going to say, what's LB916? You'll have a reference. It's the Civil Forfeiture Act to get rid of this practice of pulling people on the side of road and allowing sheriffs or cops to just seize people's money without what I would say, proper due process and what many experts, including conservative experts-- conservative experts find this a problem because conservatives believe in the Constitution and still believe in due process underneath the Fifth and Fourteenth Amendment. And with that, I will pull-- I'll withdraw FA28-- or yeah, FA289. Thank you, Mr. President.

**KELLY:** Thank you, Senator Wayne. Without objection, it's withdrawn. Members, we will-- we will return to Final Reading. Please find your seats. Mr. Clerk, returning to Final Reading. Please read the bill, LB304.

**CLERK:** [Read LB304 on Final Reading]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB304 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, . Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, Vargas, von Gillern, Wayne, Wishart. Voting no: None. Not voting: Senators Jacobson, Walz, Raybould. Senator Jacobson voting yes. Senator Walz voting yes. Vote is 48 ayes, 0 nays, 1 excused not voting, Mr. President.

**KELLY:** LB304 passes. The next bill is LB771 with the emergency clause.

**CLERK:** Mr. President, as it concerns LB771e, Senator Wayne would move to return the bill to Select File for specific amendment, that be to strike the enacting clause.

**KELLY:** Senator Wayne, you're recognized to open.

**WAYNE:** Thank you. Colleagues, I want to talk to you about another issue that I think is important. And I know people don't want to hear, but I think this is one that, that has caught the attention for the last 6 years, and we haven't been able to do anything about it. There was a case called Moser v. Nebraska. What the Supreme Court said is that the state or any political subdivision cannot be held liable for neglect if there is an intentional act by a third party. So what happened in that case was Moser-- there's an individual who was in the prison and the cellmate kept saying that he was going to kill him, told the guards, told everything. This is when they were double-bunked, and the guy asked multiple times to be-- to move to a different cell. He was fearing for his life. The prison decided not to do anything. That person ended up getting killed. The Supreme Court said the state had no obligation, even if it knew of this happening, because it was an intentional act from someone else. Now I will remind you, this is-- how our law is written is based off of the federal law, and the federal law has a completely different interpretation. Not saying what the Supreme Court did was wrong, but the Supreme Court said, if you want to change it, Legislature, change it. So out of that, as a consequence, that LB341 is trying to redo-- fix. And it's very specific for child sexual assault. Now think about this. A school district right now can hire a known pedophile. That person sexually assaults a child, and that school district can't be held liable. In what world does that make sense that a school district can't be held liable for one of their own neglectful things? Now, there was an argument in committee that, well, they can go ahead and apply at the federal level. First of all, federal cases cost a lot more. Just the initial-- the filing fee is 4 times the amount that you have to do, or 3 times the amount you have to do here in the, in the state. Second, it involves a lot more experts, a lot more court filings, and it's a lot more rigid than state court. And oftentimes when dealing with state law, it's better to have somebody in state court. So that's why you want to choose state court most of the time. Well, this bill was execed on more than once; it was execed on 3 times, and it's 4-4 every time. And this bill just says when it comes to children being sexually assaulted and the political subdivision could be held liable, they should be held liable. And they still got to go and prove it all. So I still have to file a case if I'm the attorney. I still have to prove that the, the state or the school district or the county or the city was neglectful that they neglected their duties, they had a duty and neglected it. And a jury still has to find in my favor. But right now, we can't get that out of committee. Now, in fairness, this bill has been brought for the last 6 years so it's not just like this committee's makeup. But even when it came to the floor, it got

filibustered and died. Now, the one that came to the floor was a lot broader than Senator Halloran's. So my thought was Senator Halloran's-- and I even prioritized it last year as a committee priority, because if the school district or any political subdivision knowingly is neglectful and a kid gets hurt, particularly around sexual assault, why shouldn't that school district be liable? Why shouldn't that? The answer I got from many people on the committee is, well, it's the taxpayers who are paying for it because ultimately taxpayers pay the school district's funding. And? And? But that is the current law of the land. And if you don't believe me, ask anybody who has been dealing with this issue and ask anybody on the committee, because we had a hearing on it last year and we execed on it 3 times. That right now, a school district can knowingly hire somebody that has a past, they sexually assault a kid, and that school district is not liable in state court. Please, somebody tell me how that makes sense. But what's interesting is we got rid of the statute of limitations for the church. They can be held liable forever. But we cannot hold a school district, a county, a city, any political subdivision if they are neglectful when it comes to children and sexual assault. I don't know if anybody's in the-- some people are in the queue-- but I want somebody to explain why that is OK and acceptable by this body. I may be able to see the Moser in prison, and [INAUDIBLE] I may be able to see something else. But you know what's crazy is that if a cop is chasing somebody, we have strict liability. You know what that means, people? That means no matter what the cop is doing, if he is in a high-speed chase, the state is automatically-- or that city is automatically liable. So if a cop is chasing somebody and gets into a car wreck, that we are automatically liable to pay that claim. But if a school or the state intentionally or neglectfully hire somebody that can hurt a kid that they're not liable. I'm just going to sit down and see who gets in the queue and justify why that's a good idea, or why we can't pass that bill this year. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I'm pleased that Senator Wayne has brought forward this critical issue on the desperate need for reform to our tort claims and addressing the breathless expansion of sovereign immunity, I think, beyond any intended purpose that has absurd and unjust results. And I have brought forward a measure, LB1192, that was blasted by the Attorney General's Office and the County Attorneys Association, much like similar measures that Senator Halloran and, and I think Dungan have brought forward, in addition to other senators over the years who are

trying desperately to address harm that has been caused to our citizens at the hands-- the, the harm has been caused at the hands of their government. Government entities, whether they be in prisons or in schools or in, in other areas of government. And I want-- I brought forward LB1192 as part of a 4-bill package in the wake of the Attorney General's Opinion, calling into question our ability for oversight. And I said, OK, fine. You don't want us to have eyes and ears on our most troubled institutions and, you know, get a report on that periodically? Well, then fine. Let's remove artificial barriers that have been created by the case law to allow citizens who are harmed by their government-- harmed; hurt and killed and assaulted-- to get access to the courts. And the county attorneys and the Attorney General says no. And I think that's wrong. And I think we have to address these issues. And in addition to the legal policy and political matters that the Attorney General's Opinion has sparked in regards to oversight and related issues for harms to our taxpayers and citizens, I also want to tell you about a young woman that I've met named Taylor, and her mom. And Taylor's mom came forward to testify bravely on a lot of these measures on seeking justice for her daughter. Taylor is an incredible young woman, an incredible Nebraskan with developmental disabilities, and she was sexually assaulted and harmed by her government and unable to seek any justice. That's not a partisan issue. It shouldn't be. We need to reset the law when the court gets it wrong, which is exactly what the current state of affairs is. This is how checks and balances actually work. This is how separation of powers actually work. But to allow for the Attorney General and the county attorneys to deny access to justice for individuals like Taylor and others similarly situated so that they can have their day in court and receive compensation when they are harmed by their government is wrong. And those stories need to be told beyond just what's heard at the Judiciary Committee level. So I'm glad, glad that we have this platform today to bring broader attention and to shine light on the political shenanigans that are hurting our citizens. Thank you, Mr. President.

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

**HOLDCROFT:** Thank you, Mr. President. And I am one of the senators who voted against this bill to keep it in committee. First of all, there is no statute of limitation on going after the perpetrator. And so that is still, and that's the person who should be punished. So that's certainly available to the individual who's been assaulted. And you don't have to-- you don't have to sue people and get money to hold them accountable. So if a district, or-- is-- it did make a mistake in

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hiring individuals, then you should hold them accountable. You can do that through firing people, disciplining people, putting in new procedures to, to make sure it doesn't happen again. But when it comes to money for suing-- and that's what this is all about, is suing political entities-- ultimately that comes back to the people in increased property taxes because these are all local political entities. And it's not just school districts. We're opening up county boards, city councils, any local political jurisdiction and opening them up to, to being sued for the, the failure to protect-- to protect some individuals. But still, there are ways to discipline them other than going after money. Finally, I think Senator Wayne made a statement that the-- there's no, no limit, statute of limitation on the churches. And for this, there is actually a statute of limitation on the churches for being sued in these cases. They can be sued. But there is a statute of limitation on it. That was tried also to be taken away in a bill that came to the, to the Judiciary Committee, and we kept that one from coming to the floor. So for those reasons, that's why I voted to keep this in committee. Thank you, Mr. President.

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

**DeBOER:** Thank you, Mr. President. I, too, want to speak on this bill because I think, as Senator Conrad said, there is a face that needs to be put on this issue. So there's a little girl who-- she's not that little actually anymore-- unfortunately, we've been watching her grow up. She comes and she testifies and her mother comes with her. And she was assaulted while she was in the care of the public school system. And she wants a chance to go to court. Her mother wants a chance to go to court to show that the school knew, or should have known, and did not take the proper precautions for her safety. That's what she wants. Senator Wayne, will you yield to a question?

**KELLY:** Senator Wayne, would you yield to a question?

**WAYNE:** Yes, I'll yield.

**DeBOER:** Senator Wayne, instead of-- let's imagine for a second instead of it being a public entity, let's imagine that it was a company. If a company negligently hires someone and someone is hurt as a result of that, what happens?

**WAYNE:** They could be sued.

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**DeBOER:** And what kinds of-- so the first question would be did they know or--

**WAYNE:** Yeah, so did they have a duty. And that duty is usually triggered if they know or should have known. So if you knew somebody was grooming somebody and got a complaint about it and you did nothing and something happened, then you knew or you should have known something most likely would happen. So your duty is to stop that.

**DeBOER:** And if we had an egregious case of that-- let's imagine that there's Company A, and Company A knew or should have known that someone was going-- one of their employees that was driving a truck, say, with another employee, and they were constantly threatening to kill that employee and--

**WAYNE:** That employee gets killed?

**DeBOER:** That employee dies. Gets killed.

**WAYNE:** Then they, yes, there would be a lawsuit and they would be-- it would be a negligence claim.

**DeBOER:** And if there was evidence that was able to show that they knew or should have known about the danger, and that they continued to put their employee in that dangerous position.

**WAYNE:** They would be sued. And let me just add this, Senator DeBoer. Being sued isn't about money going to an attorney or money being made. Your damages is, is typically your medical expenses, therapy, future therapy and then on top of that, your pain and suffering. What does a jury find that this child and their family has gone through? So that could be loss of a relationship. They have a hard time interacting with each other. It could be other medical expenses, other mental health issues. And right now for a private company, you would be able to recover all of those damages. But for the state, they-- you can't recover.

**DeBOER:** Exact same case we're talking about now, it's the state, there's a bar to recovery, bar to sue.

**WAYNE:** Yes.

**DeBOER:** And what Senator Halloran's bill does is says we should treat the government like a business. Right?

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**WAYNE:** They always say run the government like a business until it's not convenient, like now.

**DeBOER:** So this would say-- this would say we're going to treat the government like a business. And we're going to say that you as a government have a duty and a responsibility to those within your care to make sure that they are not unnecessarily put in harm's way.

**WAYNE:** Yes.

**DeBOER:** That's what the bill says.

**WAYNE:** And it holds the political subdivision in the same standard as you would a, a company--

**DeBOER:** Yeah.

**WAYNE:** --or a private entity.

**DeBOER:** Thank you, Mr. President.

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

**WAYNE:** Thank you. Will Senator Halloran yield to a question?

**KELLY:** Senator Halloran, would you yield to a question?

**HALLORAN:** Certainly.

**WAYNE:** I just want to make sure I described your bill accurately.

**HALLORAN:** Well, Senator Wayne, you described it more accurately than I probably could have. So I want to thank you for that. And I want to thank you for soldiering this bill several times, to-- in an attempt to exec it out of committee.

**WAYNE:** I appreciate it. And I just appreciate you bringing the bill. And so what was the genesis of this bill when you brought it, like, where-- where'd this come from?

**HALLORAN:** Well, this, this, this came to me from a group that would be involved with an institution that is liable-- a private institution that is liable-- when there's sexual abuse involved with children under their jurisdiction. And it struck me as that there's inequity in our laws. If, in fact, private institutions are held liable for sex abuse under their-- under their jurisdiction, then they should be held

liable. But then so again, so should public institutions. If this would have advanced out of committee, folks, there would have been a committee statement and it would have shown who came in opposed to this bill. It was every government agency that you can imagine came in opposed to it. Why? In my closing statement, I said-- I pointed that out. I said all these agencies came in opposed to it because they don't want the liability because they know they've got an issue. They, they know they have an issue with sexual abuse. They know they have an issue with ignoring grooming that goes on and not doing anything about it. Those concerns about the liability should go away. Certainly, there may be a few cases that will come up and the, and the institution, the agency will be held liable. But what will happen then is other agencies will say we need to tighten up our policies. We need to tighten up our policies. If we see-- we'll use schools for an example, but it could be Health and Human Services, it could be any agencies. If we see some child being groomed by someone under our jurisdiction, an employee, well, then, in fact, what are we going to do? We're going to-- we're going to dismiss them. We're going to dismiss them, not quietly. It's going to go on their record that that's why they were dismissed so that another school doesn't inadvertently hire them, not seeing that on their record doesn't inadvertently hire them. And that, that perpetrator, that predator gets passed on to another school. The term for that is passing the trash. It happens all the time where someone's dismissed quietly, another agency and some other agency hires that person and that predator does the same thing in that institution, predominantly in schools. I don't want to overplay the fact that this happens every day in every school. It doesn't, but it's an issue that is not being attended to properly by these agencies. They know they have a problem, but they just quietly-- don't want headlines so they quietly dismiss them and move on. It's not on their record.

**WAYNE:** Thank you. What's interesting, Senator Halloran, is Senator Lathrop brought a bill where we added a crime for a teacher for grooming. So we want to throw people in, the person who's doing it. But their managers and their bosses are essentially immune from any kind of liability and deterrence. They, they can continue to operate. Would you agree with that?

**HALLORAN:** Right. I would agree with that. And, and, and, and to the question about the ability to sue the perpetrator, let's just use schools for an example. Say, say a teacher--

**KELLY:** One minute.

**HALLORAN:** --say a teacher grooms a child, molests that child. And certainly the parents of that child can sue the perpetrator, can sue the teacher. But guess what? We all know what teachers get paid. They don't get paid enough. So that teacher's judgment-proof in regards to a liability case. They don't have enough money to compensate for that, that molestation. So that's a fallacious argument that we can just sue the perpetrator. The institution that is responsible for that employee should also be held liable.

**WAYNE:** Thank you, Senator Halloran. Thank you, Mr. President.

**KELLY:** Thank you, Senators Wayne and Halloran. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. I rise in support of this because I think we're having a good conversation, and I think we should have a conversation about humanity. I always bring it up. Why can't we be human? And what-- why I say that is I heard a comment earlier that because it's-- because of potential risk of property taxes raising, we shouldn't pass this as an argument. So what that says to me is we're OK with kids being harmed and nobody being held accountable. It's not just about-- it's not a money grab. The families have medical costs that they have to take care of. If, if this happens, you, those kids and those families deal with this situation really for the rest of their lives. And political subdivisions are just allowed to just go free without no accountability. If, if, if we don't want money to be a part of the conversation of holding people accountable, then I would say, let's get rid of every fine and fee on our books. Let's erase them all if money shouldn't be a part of the conversation of accountability. Let's get rid of all the fines and fees. Let's get rid of the, the penalties and all these bills that have fees attached to them, or potential fees. If we don't want to have money as part of the conversation of accountability, let's just erase all the fines and fees because money shouldn't be a part of the conversation. And to, to me, the argument that says the potential to raise property taxes is a reason why I don't support the bill, I don't-- logically, it doesn't register with me. Because I'm not thinking about the county, I'm not thinking about the school district. I am thinking about the kid and that family that was harmed that is not allowed to get further, further accountability to take care of the, the impact of a kid being harmed. Just think about it if, if it was your kid that was sexually assaulted in a school and now your kid is dealing with all type of traumatic-- trauma from that and you have to seek out therapy and those type of things and you're from a family that is not well-off and can't afford it, and Medicaid won't authorize it. What are you

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supposed to do? And then the kid goes to school and gets suspended. And, and everybody saying we can't deal with this kid, we should suspend him because that's what school districts want to do because the kid is not-- the family is not allowed to deal with the trauma that happened, but we still want to send them back into, into those environments. I just think that is wrong. I'm not saying somebody should get tried-- it's not about even getting rich or anything. It's just trying to take care of the-- for, for this example, a kid in school that is harmed and not, not every family is well-off and able to pay for the cost of therapy and any other thing associated with that traumatic experience and make an argument that because of the potential risk of property taxes raising, that, that logic is-- to me, it's flawed because you're not thinking about the kid and the family. And that, to me, is a problem and I don't care where the kid is at. Whether it's in my district or anybody else's district here, I think that we should prioritize taking care of kids, especially since people like to say Nebraska's the right-to-life state. We should protect kids and schools. We got--

**KELLY:** One minute.

**McKINNEY:** --all these bills about protecting kids from obscenity and all these type of things, but when are we going to step up and protect the kids from further harm? Because families that are not well-off cannot take care of the kid properly because of the trauma that they experience, it's hard to pay for therapy. It's expensive. It's hard to pay for medical bills. Those are expensive. Our economy is trash. So think about the kids and ask what we should do when we think about these bills. Don't think about property taxes. Think about the kids. Thank you.

**KELLY:** Thank you, Senator McKinney. Mr. Clerk, for an announcement.

**CLERK:** Thank you, Mr. President. Notice that the Government Committee will be having an Executive Session now in Room 2022; Government Committee, Executive Session now in Room 2022.

**KELLY:** Returning to the queue. Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. Colleagues, I rise today because a couple of the bills that we're talking about are bills that I brought last session that have carried over into this year that, unfortunately, didn't make it out of committee. When I brought those bills, there was at least one of them that I thought was a surefire

bipartisan, nonpartisan bill that was going to make it out of committee with universal support. And that was LB174. LB174 was the priority bill in a past session of the late Senator Rich Pahls. And that's the bill that made it so that there was no statute of limitations against filing a lawsuit against an entity or an organization that neglected to keep a child safe from sexual assault. To me that seems like something that we should all be able to agree on. Senator Holdcroft is right that currently there is not a statute of limitations on the individual with which we could bring a suit against them for a civil suit for sexual assault of a child. But there is a statute of limitations on when you can bring a suit against an organization or an entity that neglected to keep a child safe. Now, current statute of limitations is, essentially, 12 years after the plaintiff's 21st birthday. So 33 years, essentially, would be the latest that you could file that lawsuit. Some people have said in these conversations, well, isn't that enough time? Isn't that enough time that somebody should know by then that they wanted to bring this lawsuit or not? And the answer to that is no. I was contacted by a number of individuals when I brought this bill who actually came in and testified about the reasons that they were unable to come to terms with what had happened to them as a child until later in life or they were scared to come forward or they were ashamed to come forward because we as a society make it something that people are ashamed of when they are the survivor of sexual assault. And, colleagues, we should not be in the business of telling them when they can or cannot try to hold those entities liable. Imagine, if you will, a daycare-- a daycare knew that some sort of sexual assault was going on and did nothing about it. Yes, under the current torts claim or the Torts Act, you could bring a suit-- a civil suit against the individual actor. But if that daycare neglected to act and they had a duty of care for that child and the statute of limitations runs, they may-- that, that survivor may not be able to be made whole because they would be limited in their ability to bring an action. So, colleagues, this bill seemed to me to be something we could all agree on but, unfortunately, it got bogged down in the committee. The other bill that I don't want to go too deep into yet, and I'm sure we'll talk about it more as we go on, is this LB325, which was that so-called "Moser fix," which makes it so political subdivisions can be held liable if they should have known or should have acted. And what's interesting about that, colleagues, is that actually was the law prior to 2020, and it was in a 2020 Supreme Court case that was clarified and changed. So what this bill, LB325, was trying to do was simply codify and go back to what the original practice was. So I, too, am frustrated by virtue of the fact that these got bogged down in committee. They're both my bills,

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but again, I'm just the steward of a long line of people bringing similar actions and the late Senator Rich Pahls bringing LB174 I thought just made sense. So I wanted to keep that mission alive. Mr. President, I'd yield any remaining time to Senator Slama.

**KELLY:** Thank you, Senator Dungan. Senator Slama, you have 1 minute and 25 seconds.

**SLAMA:** Thank you, Mr. President. Good morning, colleagues. So I've been in and off the floor today, and I, I gave Senator Dungan a heads-up. I, I think I might have come in at a bad time. I like to believe in the body that I, I did not come in at the time in which-- in order to defend opposing LB325, we were saying that victims of childhood sexual assault should not be availing themselves of the civil justice system in order to get the resources they need, to get therapy, get what they need to be made whole again. Because an alternative is, is that by going public and by letting these victims come forward, protections will be put in place so that the next child doesn't have this happen to them. And I can tell you right now, that kid's not going to care. That kid's not going to care what protections are in place when they're up in the middle of the night screaming because the awful thing that happened to them is happening to them every time they shut their eyes and try to go to sleep. So I'm sitting here going that if the best argument we can make against LB325 is that, you know, we shouldn't be suing political subdivisions who should have protected these kids from abuse, is that they shouldn't get money they need to get therapy, get the resources they need--

**KELLY:** That's time, Senators.

**SLAMA:** Thank you, Mr. President.

**KELLY:** Thank you, Senators. Senators Albrecht and Brewer have some guests in the north balcony, fourth graders from the Una-- Omaha Nation Public School in Macy, Nebraska. Please stand and be recognized. Senator Halloran, you're recognized to speak.

**HALLORAN:** Thank you, Mr. President. Colleagues, this has been a sensitive conversation, but a very necessary one. The headlines from time to time crop up and, and, and have an issue with, with institutions having someone within the institution sexually abusing or misusing their title or position to groom someone. More recent-- most recently an ex-Nebraska basketball player, Garrett Coles [PHONETIC], basketball player was groomed by a coach and protected by another coach and is in the process of suing the University of Nebraska, the

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Regents. My guess is, is that the sovereign immunity protection will be engaged and, and there will be no satisfaction for this basketball player in that regard. But, again, Senator Slama is right. Any child that's been abused by someone is, you know, whether or not their family is able to get damages because of that action on the part of someone in, in a-- in an institution, they're still going to wake up screaming in the night. Part of what this bill should do, and I believe would do, would be that it would impose upon institutions a sense of responsibility that they need to once they see and witness grooming going on, and it goes on, that they take action and stop it from, from going any further to the point where that child is abused and deals with it the the rest of their life, waking up screaming in the middle of the night. So I appreciate Senator Wayne's efforts to try to, on several occasions, exec this to the floor. It's an issue that won't go away and I'm sure someone will pick it up next year. I'll be gone. I'm termed out. Thank God for you all. But I will be termed out and someone will pick up the-- pick up the baton and take this, I hope. I will yield the balance of my time to the Chair. Thank you.

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

**CONRAD:** Thank you, Mr. President, and good morning, colleagues. It's nice to see our youngest member of the body expressing himself this morning. And always fun to see Senator Slama bring her, her little one in. And I know Senator Cavanaugh had a chance to do that when she had her little one on the floor time to time. But I, I, I just want to note a couple of quick things here. Number one, I really want to thank Senator Wayne for starting this dialogue this morning. I think this is an important lesson and reaffirmation about the critical importance of the debate and the meaningful opportunity we each have to exercise not only our vote, but our voice on critical issues and to reset the tone and the measures that we collectively as a body want to focus on. And when you hear members with diverse political leanings from myself to Senator Slama to Senator Erdman to Senator Brewer to Senator Halloran to Senator Wayne, Senator Dungan, and others who have joined this chorus calling out for reform, that's powerful and that's important. And these stories aren't being told outside of the Judiciary Committee because the measures aren't making it to the floor. That is because we have given a veto power and an outside influence to the county attorney's and the Attorney General's Office and government lawyers and lobbyists who say no. And the courts have unnecessarily expanded in a perverse manner, actually, legal issues like sovereign immunity that deny access to justice and justice for citizens who were harmed

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by their government. In essence, the courts working in concert with the Attorney General, county attorneys, other government lawyers and lobbyists have put their thumb on the scale of justice and have tipped it in favor of the government and away from the people. And we, as the people's branch, have the opportunity to stop that, to reset balance on the scales of justice. To ensure that those citizens who we represent who were harmed by their government have an opportunity for redress and justice themselves through the civil justice system and by making changes to these aspects of the law. Don't forget for one minute that the government also has a ton of additional protections that it's given itself in these instances, tight time limits to file under the Claims Act, no punitive damages, caps on recovery, the list goes on and on and on. And in addition to the access to justice pieces and the closure pieces and the accountability pieces, let me tell you this. So we've talked about the Moser case, which tragically came about because the overcrowded Department of Corrections recklessly placed a nonviolent offender in a double-bunking solitary situation with another individual with a history of violence and instability. And despite documented pleas for help over a considerable amount of time, the nonviolent offender was killed and the Department of Corrections got off scot free. And guess what? It just happened again. It just happened again, colleagues. They did the same thing that they did in 2017, they did the same thing--

**KELLY:** One minute.

**CONRAD:** --in 2020 and another vulnerable Nebraskan is dead because of it. So when you don't have accountability for government, bad acts will happen and continue to happen. We still have precious time available to us this session, colleagues, and it's up to us to decide how we want to set our agenda together. We need to take these powerful words and turn them into action, whether it's through pull motions. If the county attorneys and the Attorney Generals are stopping commonsense movements from emanating-- commonsense measures from emanating from the Judiciary Committee, we bring them to the floor, and we give justice to the citizens because we have every opportunity to do so. And we, as the people's branch, must right these wrongs. Thank you, Mr. President.

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

**DeBOER:** Thank you, Mr. President. Colleagues, I ask you to ask yourself this question. If your child were attacked when they were to be watched-- when you thought they were being taken care of in their

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school, would firing people, disciplining people, or creating new checks and balances or systems be enough for you? Would that be enough for you if your child were attacked? I take a little bit of umbrage at saying, well, we shouldn't be paying to help these individuals who were in our care because we, after all, the people of Nebraska-- this is, after all, a government by the people, of the people, and for the people. This is us. And if someone in our care has been hurt like this, I think maybe taxpayers ought to have a little skin in the game so that we fix the problems so that we say if there are institutions that are allowing this to happen, they ought to be corrected. And there's no better way to correct them than to hit it where-- hit them where it hurts. If they truly did not do what they were supposed to do, if they did not live up to their duty of care, then we didn't live up to our duty of care. We are the government. Not because we're senators here, but because we're taxpayers; because we live in Nebraska. This government is a government of us, and we are saying we're not going to give our money to that child who was hurt by us. That's what we're saying if we don't vote for this bill. And I'm not OK with that. If we're not doing good enough, if we have harmed someone by our inaction and our negligence, then we need to stand up and take responsibility and make sure it doesn't happen again. Thank you, Mr. President.

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

**HOLDCROFT:** Thank you, Mr. President. And first of all, I want to make sure people understand that, you know, the Judiciary Committee heard 240 bills between the two sessions. We had 137 in the first session and then we've had 93 in the second session. So it's, it's a lot of bills. And I would like to submit that most of you were not at the hearings, and most of you were not in the executive, and we need to respect the committee process. And Senator Wayne is a very capable chair, and he knows how to-- how to, to bring forward the bills that he's most interested in bringing forward. And that's his, his-- that's the way, you know, that's the way it is with chairmen. But, you know, I've got 3 bills stuck in Judiciary Committee, and I can't even get them executed, although I have requested in writing to have them executed. And since we're bringing up bills that are, are stuck in the Judiciary Committee, I'm going to present them to you now. First bill I have is 11-- LB974. Under existing law, the penalty for motor vehicle homicide of an unborn child while driving under the influence is a Class IIIA felony, which carries up to a maximum sentence of only 3 years in prison. The current penalty for motor vehicle homicide of any other person while driving under the influence is up to 20 years in prison.

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So 3 years in prison versus 20 years in prison. And that is a, a Class IIA felony. Additionally, both laws currently provide for an enhanced penalty if the defendant has previously been convicted of a DUI. As it sits now, there is a great discrepancy in potential penalties across two similar laws that both apply to fatal crimes committed while operating a vehicle while intoxicated. LB974 would address this inconsistency. The penalties for other fatal crimes have matching penalties, regardless of whether the victim is an unborn baby or any other person. These crimes include first degree murder of an unborn child under 28-391, second degree murder of an unborn child under 28-392, manslaughter of an unborn child under 28-393, and motor vehicle homicide not while driving under the influence. In all these instances, Nebraska law recognizes the dignity of the life of a pre-born baby by conferring the same penalty classification as that for cases of any other victim. I think it's a pretty good bill. I can't get it execed in the Judiciary Committee. LB1156. This is-- LB1086 from 2006 says that no person shall knowingly sub-- subject or attempt to subject another person to forced labor or services. Sex trafficking was included in this law. Senator Julie Slama introduced LB204 in 2022. This bill was amended into LB1246, which was passed and then signed into law by Governor Ricketts in April of that year and went into effect on January 1, 2023. The law states the Sex Offender Registration Act applies to any person who on or before January 1, 2023 is found guilty of human trafficking. LB1156 simply makes Senator Slama's bill retroactive to the effective date of LB1086, which was July 14, 2006. Additionally, beginning January 1, 2025, any person convicted of soliciting sex or anyone convicted of benefiting--

**KELLY:** One minute.

**HOLDCROFT:** --from-- thank you, Mr. President-- benefiting or participating in a venture involving sex trafficking-- what we're talking about here are the johns, the buyers-- would be required to register as a sex offender. LB1156 will be administered by the Nebraska State Patrol as the current sex offender registry is. This bill appropriates \$25,000 to fund efforts to locate and notify convicted sex traffickers who will be affected by this bill. And I have one more bill, but I'll wait for another turn in the queue. Thank you, Mr. President.

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

**FREDRICKSON:** Thank you, Mr. President. Good morning, colleagues. This is an interesting morning. I was certainly not expecting a

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conversation like this to, to kind of be going. And never thought I would, necessarily, hear such a voracious defense of sexual predators on the floor which is baffling to me. I, I, I, I have so many thoughts right now and it's, it's-- this is very challenging because I'm thinking of the larger narratives that are out there in society around grooming, around predators, and the communities that those are, typically, associated with. And those types of narratives that are sometimes perpetuated in this room and here we are talking about actual sexual violence that, that is-- that is real, that's really happening, and why we cannot hold those perpetrators accountable. I looked at the legislative history of a lot of these bills in Nebraska. All these bills that we're discussing have historically been brought by Republican members in this body. And I'm a bit confused because now I'm looking at the-- what I'm hearing in committee, and now all these bills are being blocked by the Republican members of the body. And maybe I'm missing something, but I'm trying to figure out when that changed. I'm going to leave it at that for now, and I yield the remainder of my time to Senator Slama.

**KELLY:** Thank you, Senator Fredrickson. Senator Slama, that's 2 minutes, 55 seconds.

**SLAMA:** Thank you, Mr. President, and good morning, colleagues. I-- you know, I think I'm in a similar position to Senator Fredrickson right now in that-- God, I have respect for everybody in this floor. I, I really do. And I respect the committee process. I respect everybody whose bills aren't moving this session, there's a lot of them and there are a lot of really good bills that aren't going to become law. But I just filed a pull motion on Senator Dungan's Moser fix, LB325. I got it double-checked; you don't have to be the introducer of a bill to file a pull motion. I did give them the heads-up because when I came on to the floor today-- like, I do respect the committee process, but-- and I, I would love-- I would love to have somebody give a different argument as to why LB325 shouldn't become law. That's not-- we don't think child sexual assault victims should avail themselves of civil suits. Because there's other ways that they can get justice that don't involve money because you can't pay for therapy in sunshine and rainbows, you can't pay for psychiatrist appointments, you can't pay for trauma counseling, missed days of work because you're sitting at home with your kid who's just had one of the worst things in the world happen to them. Like, there's a reason why civil suits exist and that liability exists. And my son is also talking right now. I really pity the transcriber who's going to be, like, trying to figure out how to work these comments of Win's into the official record. But here's the thing, like, I don't want to have to be arguing this right now because

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I don't want the argument that a member of our committee is making is that sexual assault victims don't deserve the resources they need to deal with the trauma that they've experienced because of the neglect and the actions of-- or inactions of a political subdivision. So that's why I pulled-- I, I filed the pull motion. I respect our committee process. But when I come out on the floor and we're publicly stating narratives that are just so far out of left field, like, I've got to call it out, and this is coming from, like, someone who I, I respect and I'm more than happy to engage with this on them, but I can't sit by and not let this get called out when it gets said because of how harmful it is to the, the survivors that this has happened to and their families. And I'd really rather not have to talk about this and get so fired up about it because I do have the baby today. And thank you to everybody who's been very patient with the baby today. But like, God forbid, any of us ever have to get anywhere near going, well, how am I going to pay for this trauma therapist for my kid?

**KELLY:** That's your time, Senator.

**SLAMA:** Thank you, Mr. President.

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

**McKINNEY:** Thank you, Mr. President. I'm still enjoying the conversation because I think it's important. Especially important because we need to be doing all we can to protect our kids in this place, and also making sure that there is recourse when our kids are harmed, especially in school settings. But even beyond the kids, it also was stated earlier that situations that happen in our prisons, which currently really doesn't-- don't have oversight because Inspector General and Ombudsman really are restricted as far as, like, their ability to get outside. Although, I've been hearing some stuff is changing, but still there's issues. But what, what I'm saying about the prisons is, if somebody tells you-- a guard, hey, don't put me in that cell with John Doe, I'm going to kill him. And a guard still puts that person in the cell and then he kills that person, that person's family don't receive anything. You got to think about it. It's not just about the money, but there's a cost for funerals, burials. There's also trauma. Some people-- some people in, in prison do have kids that, you know, they're locked up, but still they have kids who-- what if that person wasn't sentenced to life or not sentenced, outrageously, where they probably will never get out? But what if that person is sentenced to 5 years but is killed because a guard did not listen to the person that said he, he was going to get killed? What

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about that? Can't do nothing. Shouldn't have went to jail, I guess, is what I'm assuming because his family is going to have to figure out how are they going to pay for that funeral? How-- if, if dad was in jail or mom was in jail for 3 years or 5 years, who's going to help that other parent or guardian or guardians? Some people-- some grandparents take care of kids, too. Who are-- who's going to help them take care of those kids? They still need help. Who's going to make sure that those kids are able to deal with the trauma of, of losing a parent at a, at a young age? Who's going to make sure that when those kids get of age and want to go to college, that they can? It's not to say, you know, it, it won't happen, but losing a parent also has a negative impact, especially financially, on the other parent. I had a parent that was in prison and my mom was taking care of us. My dad really couldn't do a lot because he was in jail. And, you know, every once in a while, kind of over Christmas, we would get random presents from somewhere. But wherever that came from, I don't know. But even worse is just imagine my dad was in jail and somebody killed my dad because a guard didn't listen to the other person that said he was going to kill my father. I don't have a father no more, and my mom is more worse off than she was with him just sitting in a cell because, one, he was coming home and could have helped her out once he got back on the streets. But now that's never going to happen, so-- unless--

**KELLY:** One minute.

**McKINNEY:** --some type of recourse is available to my family or another family. And that's why I always bring up just be human here. Like, it's not about raising property taxes. It's not about money that people might seek out. Because when you just look at the dollars, you leave out a lot of context and you're-- to me, you're being "unempathetic" to the situation, especially concerning kids that are harmed. Thank you.

**KELLY:** Thank you, Senator McKinney. Senator Wayne, you're recognized to speak. This is your last time before your close.

**WAYNE:** Thank you. So, Judiciary Committee, I'm making an announcement. We're going to exec at 1:00 on LB325. Don't worry, the pull motion still meets all the rules because Senator Dungan last year asked me to exec on it and the rules say you can't file a pull motion until either the committee has execed or the individual asked to be execed for 10 days afterwards. So it still meets it. But we're going to exec at 1:00. And, Senator Holdcroft, that is on me. You could ask Senator Armendariz, I forgot to exec on her bill so we'll have your bills in

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there. I'll tell you why your bill is unconstitutional, though, is your, your constitutional amendment, LR279CA does a minimum of life if you commit this crime. Well, the Supreme Court said juveniles can't do life. So you'd have to carve out a juvenile exception on an amendment if you bring it to committee. And that-- so you can't do a minimum of life for a juvenile. So you have to address that issue in your-- in your constitutional amendment. Then, secondly, you're going to have to deal with your single subject. You're dealing with multiple-- there's 3 paragraphs in there. Lastly, as we discussed in Senator Sanders' bill in exec, there really are not crimes and punishments in our constitution except for treason. And that's how you cannot-- you, you know-- and that's, that's treason and, and that's the only one kind of mentioned in there and there really isn't a true punishment. It's just that you can be removed from office and things like that. So usually our constitution doesn't have that, but I called my staff to make sure that we're going to exec on that around 1:00, 1:30. So we'll exec on your bills and Senator Armendariz's bill, and then LB325 so we have that. So I, I understand, as you-- Senator Holdcroft said we had over 200 bills. I had a committee vote out the wrong bill of mine the other day. So I understand sometimes in the last couple of days, people make mistakes. So I have no problem apologizing about not and putting yours on exec. But let's be clear here, I've excec on more bills in Judiciary this year than it happened since I've been down here. We have put out more bills from Judiciary this year than my entire 8 years down here. That is just facts. We are execing and we are voting and we are talking, primarily because I think it's important for the newer senators to get to know where people stand on issues. And, unfortunately, with so many bills you don't get to really have a dialogue. Now, I will give Senator Holdcroft a lot of credit that this summer he did a traveling Nebraska tour following the Pardons Board and going to a lot of things and visiting almost all the prisons. I think the only one he didn't go to is McCook. So he is by far, on a committee level, really trying to embrace this jumping in and figuring everything out. I'm only bringing up these 2 bills because these are what I would consider nonpartisan bills and we're going to keep bringing up other bills as I go forward. As far as Senator Holdcroft, he had 6 bills on my committee, 3 of them-- 1 got IPPed and that was IPPed not by the committee, but by the floor because it was moved into a different bill. But 2 other bills are out-- matter of fact, I went out of my way to make sure his safe haven, a bill I don't agree with, got a Speaker priority by making sure we're reporting out everything to the Speaker. Because we voted on it that day, and it wasn't to the floor. So every time I've tried to make sure a bill has got out-- in fact, there are some committee-- that I've committed to people on the

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floor against some of the leadership's advice of putting some bills out that I really don't agree with. And I even voted to put them out because some of them are personal priorities. Some of them are just-- they've been down here for 6 years and this is a bill they've been working on and they need to be heard on the floor. And not many of them are as aggressive as me to just put on an amendment and say vote it body. So I'm giving them that pathway. But let's be clear, I've been in a lot of committees over my years where maybe 1 or 2 bill was even execed on and the rest of them didn't even have a chance. In fact, I got a lot of pressure not to even exec on Merv's-- Senator Riepe's bill. I get pressured all the time not to do a lot of things, and I think I--

**KELLY:** One minute.

**WAYNE:** --upset the Speaker the other day by execing on a bill that got kicked out because of our conversation. Not that he didn't have a choice on the bill or whether he liked the bill or not, but he was just like, Senator Wayne, do more-- do more work, get these bills better, get these bills right. And so that's what we're trying to do. So we're going-- we're listening to the Speaker on that and try to get these amendments right. I, I say all that to say-- and this is the last thing I want people to know-- this is not a \$10 million windfall. And this is really important in this conversation. Political subdivisions are capped at \$1 million. We put that in statute, capped at \$1 million. So think about a kid, 7, 8 years old, who's going to live with that the rest of his life or she live with that the rest of her life, and the only thing they can recover, at best, is \$1 million from that school district. Think about that. Think about the pain and suffering this child may have to live with. Think about the pain and suffering that therapy-- for family therapy for that family, all the interactions that have to take place for the rest of this kid's life and a one-time fee of \$1 million--

**KELLY:** That's your time, Senator.

**WAYNE:** --will not cover it. But that is our limitation so it's not a gold mine. Thank you, Mr. President.

**KELLY:** Thank you, Senator Wayne. Senator Hansen would like to recognize some guests under the south balcony, Issaih Rauert and Donella Sweazy from Kennard, Nebraska. Please stand and be-- and recognized. Senator Bosn, you're recognized to speak.

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**BOSN:** Thank you, Mr. President. Would Senator Wayne yield to a question?

**KELLY:** Senator Wayne, would you yield?

**WAYNE:** Yes.

**BOSN:** Thank you. So you've brought up the Moser case a couple of times and we're not talking about Senator Moser here, but have you reviewed that case?

**WAYNE:** Yes.

**BOSN:** You and I have had a couple of conversations about that case?

**WAYNE:** Yes.

**BOSN:** Is it fair to say that that case was filed in state court and, ultimately, dismissed because of the sovereign immunity?

**WAYNE:** Yes.

**BOSN:** And then it was filed in federal court. Is that correct?

**WAYNE:** Correct.

**BOSN:** And as a result of that filing, the state paid out the claim in that case. Is that correct?

**WAYNE:** Not correct. They paid--

**BOSN:** Tell me what I'm mistaken.

**WAYNE:** --they paid out a claim. There was a settlement, a claim, but not the entire claim, because the entire claim was not dispensed with. But they did settle the matter, if I remember right.

**BOSN:** OK, so was there-- is it your contention that there was an ask by the victim's family that was not met in that settlement claim?

**WAYNE:** Yes.

**BOSN:** What is that?

**WAYNE:** Well, they asked for more than what they-- what, what they settled for. Yes. So that they settled a claim but it wasn't the same amount that they pled for in the state claim.

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**BOSN:** And-- OK. But it was what they pled for in the federal claim.

**WAYNE:** No, it's what they settled on the federal claim. Because in federal court, you can get punitive damages at the state level. That was just granted to a discrimination case. So they settled for less than what they actually asked for.

**BOSN:** Do you know what they asked for?

**WAYNE:** Over \$1 million, I know that.

**BOSN:** And what did they settle for?

**WAYNE:** 300-- \$500,000, I think.

**BOSN:** Are you sure?

**WAYNE:** No, I'm not sure. That's why I said I think.

**BOSN:** OK. I'll follow up that conversation with you, but thank you for answering those questions. So there's a lot of information going on around the floor today about all these concerns we have for these political subdivisions not being held accountable. And the, the reality is that they are eligible to be held accountable in federal court. And that is a fact. So when we talk about we're denying access to justice for victims harmed by the government, that isn't true. So-- and I, I take offense to that because I don't think that anyone in here wants to be a part of denying access to justice for victims harmed by the government. Having not been here for the hearing on this bill, I have gone back and looked through the notes. So I will admit that my knowledge on it is limited to what is in the file from the previous senator. However, it looks as though there was a hearing on February 24 of 2023, and one of the witnesses at that time, Ms. Huxoll, with the Attorney General's Office, testified and acknowledged the, the sadness that goes with these cases and said this isn't about the victims not having the ability to be compensated for the situation that took place. But she explains that this can be brought under a Section 1983 claim against the state employee who is alleged to have acted with, quote, deliberate indifference. Essentially, that they were aware of the substantial risk of serious harm and disregarded that risk resulting in injury. So in the case that we've talked about, the Moser case, where the inmate did report, I think it was more than once, I don't know how many times so I don't want to say, that he was concerned for his life, that his cellmate had made these comments and the state didn't move him and his loss of life does matter. I do think it's a problem. I think it's sincere. I think everybody in that

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hearing from the notes that I'm reviewing was touched by the fact that someone lost their life. And the system that we have in place worked because the state worked with the victim's family and--

**KELLY:** One minute.

**BOSN:** --paid out a claim as a result of that situation. We've also talked a lot about schools hiring individuals who we know or, or believed to have been sex offenders by not doing their due diligence and, and putting kids in harmful situations as a result of that. And for anyone to imply that schools are hiring educators or staff without doing background checks, reference checks, substance abuse testing, proper credentialing, the list goes on, is, is not fair to the schools. And I am-- I am somewhat surprised by the individuals who claim to be such strong advocates for our schools, who then come in and say they're making frivolous hiring decisions. I, I wasn't here for the hearing so, perhaps, I'm mistaken and I'd be happy to have those conversations. Thank you, Mr. President.

**KELLY:** Thank you, Senator Bosn. Senator Holdcroft, you're recognized to speak and this is your third time on the motion.

**HOLDCROFT:** Really? Thank you, Mr. President. It goes by so quickly. First of all, I, I have to take exception at Senator Slama's comment that she respects the committee process when she pulled-- does a pull motion on a, on a, a bill hasn't even been execed on in the committee. And, of course, I reiterate you-- most of you were not at the, at the committee hearings. You didn't hear both sides of the issue. And if we did have an exec, you weren't at the exec meetings when those votes were taken. So I, I believe that the committee process should be respected. So I have one more bill that I wanted to bring forward and I appreciate Senator Wayne for scheduling exec on these 3 bills. I truly expect that it will be a 4-4 vote and they will not come out of committee. But let me remind you what the topics are: unborn-- protection of the unborn, sex-trafficking prevention, and the last one here which is about back the blue. So we'll see which sides are supporting what issues. I would also say that LB341 is truly about sovereign immunity, protecting our political entities from frivolous lawsuits. Although, Senator Halloran has tweaked it a bit by making it about sexual assault. But the, the bottom line is if you pass that bill, if someone gets sexually assaulted in a park, you can sue the city because they didn't have adequate patrolling of that park to prevent that from happening. So this is what LB341 is all about. Let me just finish with talking about my, actual, constitutional amendment, it's LR279CA. It's called "back the blue." The reso-- the

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resolution directs the Legislature to enact all laws necessary to protect and provide for the physical security of first responders throughout the state of Nebraska, specifically by establishing minimum sentences for individuals convicted of assault on a first responder that results in serious injury and for individuals convicted of murder of a first responder. The minimum sentence for those convicted of assaulting a first responder that results in serious injury would be 25 years in prison, and the minimum sentence for those convicted of murdering a first responder would be life imprisonment. And that's where Senator Wayne, rightfully so, pointed out that this would be unconstitutional because technically-- not technically-- if it was a juvenile they would be susceptible to life imprisonment. So we are, as we speak, drafting up an amendment that will fix that and hopefully that will satisfy the committee during our exec this afternoon. So with that, again, I just would like to reiterate that Senator Wayne has done an exceptional job as the chair of, of Judiciary Committee; 240 hearings of the Judiciary Committee. Angelita [SIC], our, our, our clerk, has done an outstanding job of scheduling those and, and keeping all that up, the staff-- Judiciary Committee staff is exceptional. But it's, it's, it's a tough job. And, and I would ask that, colleagues, that you, you respect the work that we've done up to this point. Thank you, Mr. President.

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

**DUNGAN:** Thank you, Mr. President. Just to clarify, what we're talking about with regard to the Moser fix has to do with actual proximate causation between the failure to act of the state to protect somebody that they have the duty to protect. So somebody walking through a park who's sexually assaulted, there's no real proximate causation in that circumstance most likely between the state's failure to act and that happening. I don't think that's proximate, but I don't want to devolve too much into a first-year torts conversation. But I just want to assure my colleagues, if we do end up having a debate on LB325, that that is not something you should be worried about. And I'm happy to go into more conversation about that off the mic. But, Mr. President, I would yield the remainder of my time to Senator Wayne.

**KELLY:** Thank you, Senator Dungan. Senator Wayne, you have 4 minutes, 15 seconds.

**WAYNE:** Thank you, Mr. President. Colleagues, there's actually a case right now pending in Lancaster County where the Lancaster-- where, where LPS just filed a motion to dismiss on this exact issue. A child

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was sexually assaulted and they filed a motion to dismiss because of this. Will Senator Bosn yield to a question?

**KELLY:** Senator Bosn, would you yield to some questions?

**BOSN:** Yes.

**WAYNE:** Senator Bosn, I, I talked to you before I-- I talked to you about the questions I was going to ask before I got up here, didn't I?

**BOSN:** I guess I don't know what questions you're going to ask, but you did tell me you were going to ask me some questions.

**WAYNE:** So your claim is that the families can still seek remedy, but they have to do it through a federal statute. Is that right?

**BOSN:** Well, they are eligible to do it under 1983, if that's what you're asking.

**WAYNE:** Yes. So you're conceding that they can't do it in state court, they have to do it in federal court underneath the federal statute.

**BOSN:** Under existing law, yes.

**WAYNE:** Yes. OK. So you hear that, we cannot do it in state court, colleagues. You have to go through federal. So explain to me-- because right now on the agenda today is LB137-- if somebody dies from using fentanyl, can't federally they be charged with murder or a type of manslaughter, homicide giving out-- no, I'll back up-- giving out a controlled substance that resulted in death?

**BOSN:** I didn't know you knew LB137 was on the agenda today.

**WAYNE:** Yeah, I did.

**BOSN:** So, yes,--

**WAYNE:** So they can be charged.

**BOSN:** --that, that is--

**WAYNE:** So then-- so why is it that you need--

**BOSN:** --on the agenda today.

**WAYNE:** Right.

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**BOSN:** And the difference, which you asked me to articulate, is that under LB137, that is the state bringing a charge. Right? And what you're saying is the federal government can bring that charge in federal court for drug-induced homicide. Is that your question?

**WAYNE:** Yes. I'm asking-- yes, can they do that federally?

**BOSN:** Yes, they can.

**WAYNE:** So why do we need a state to do it when they can do it federally? If your reason that the family can't seek it through the state courts or state law-- in this situation, why does the state need to prosecute somebody state locally when they can do it federally?

**BOSN:** That's a great question. So the difference there is significant because in the one case you have the state acting versus a private party acting. Right? So it's-- in your first example, it is the harmed citizen or family who's bringing the lawsuit against the state in federal court versus the state charging a defendant for the drug-induced homicide in federal court. And it's my understanding that when we talked about this previously, that the federal prosecutors, assistant attorney generals were not prosecuting those cases when they were investigated by local law enforcements. They were only doing it when they were investigated by federal law enforcement agencies.

**WAYNE:** So you believe at the end of the day, the state law should help and do the things-- help our state by prosecuting these crimes on a state law basis.

**BOSN:** Are we talking about LB137 again?

**WAYNE:** Yeah, LB137. That's what you believe.

**KELLY:** One minute.

**WAYNE:** That the state law should be the tool used to prosecute, prosecute these individuals.

**BOSN:** Well, we don't have a state law, but that's why I'm hoping to bring one.

**WAYNE:** So you would like your state law that you're about to pass to be the tool to get justice for these families?

**BOSN:** No, I would like my state law that I'm promoting to be on the books so that individuals can be held accountable for their actions

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and we can, hopefully, reduce the number of individuals who die as a result of fentanyl and other opioids.

**WAYNE:** Exactly. And we're hoping that state law can give these families state law remedies instead of having to go to the federal government, no different than what you're doing. So we should prosecute crimes-- thank you, Senator Bosn-- we should prosecute crimes at the state level and use state law. But we shouldn't give families who are dealing with sexual assault and abuse the same type of remedy through state laws. So it's OK to prosecute at the state level to put people in jail,--

**KELLY:** That's your time, Senator.

**WAYNE:** --but to give these same kids remedies we don't think state law should exist. Thank you, Mr. President.

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

**VARGAS:** Thank you very much. And I'll give a heads-up to Senator Wayne, I'm going to yield him some more time so he can finish that thought. We were having an interesting conversation or at least an observation here that this is sort of the intent of what we should be doing. And so, you know, kudos to, to Senator Wayne and the others. It, it is important that we have this conversation here on the floor. Part of the reason we're not having the conversation on the bills itself are because they're not out of committee. I'm not a proponent that every single bill should come out of committee. But sometimes when we have bills where they are, maybe, 4-4, my hope is there's some negotiation that happens in the committee, gets them out, make sure that we can have the debate, work on them, and that we're not just saying no to something simply because there's not a pathway forward. But in lieu of that, we get the ability to have this conversation. So I do stand in support of a lot of these legislation and, particular, the one that was just mentioned, largely because, you know, this is giving the ability to individuals and families to be able to, to prove that there is liability on behalf of a local municipality, let's say, for example. So I wanted to make sure that that was clear. You know, I've supported pull motions in the past. I know for Senator Dungan's bill, it is not a sort of a hard and fast rule for me on whether or not I support a pull motion; it's more on is the bill being held up because there's actually policy differences in committee or is the bill being held up because there is one entity that is saying we don't agree with any of these bills coming out? And we've seen that in

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Judiciary in the past with, with the county attorneys and other entities that just say, no, we're, we're, we're hard against this. There's no room for negotiation. So I just wanted to say that because I think this is an important conversation we're having. It's important that we're, we're debating this. And, and I appreciate the dialogue is even on, on the, the, the state court cases or, or some of the findings and this is what it's meant to be. So with that, I'll yield the remaining of my time to Senator Wayne.

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

**WAYNE:** Point of order.

**KELLY:** Oh, who, back to Wayne? Senator Wayne, 2 minutes, 45 seconds.

**WAYNE:** Thank you, Mr. President. Thank you, Senator Vargas. Colleagues, cloture is at 2:37 so my-- watch the queue, my goal is not to have to have 33. I was going to pull my, my thing-- my amendment and then we'll take a-- I won't take up time on, on Sanders other bills. I want to-- I was trying to pick and choose. I forgot she had a couple right back to back when I was filing on these so I just don't-- be mindful of that. But, colleagues, I just want to point out something. And, again, I-- Senator Holdcroft, I respect him. I, I love the fact that he's learning this stuff. And I love he's, he's, he's diving in. And not being an attorney or dealing with this, it is like-- it's like me walking into the Banking Committee. I only have, like, one bill there a year, maybe two, because it's just a foreign thing for me and I deal with the insurances on my law firm side. But the other stuff in that committee, if I get asked a question, I might have to ask somebody else because I don't have the answer. So I, I get that walking into a, a foreign thing. But I want to put the dynamics of what, what we're talking about when it comes to his bills. That first responder is oftentimes a political subdivision. What he's saying is if that, that first responder of that political subdivision is murdered, minimum of life. But if that first responder commits sexual assault on a kid, no liability. No liability for that political subdivision. But for that individual, the rest of their life they got to live with that punishment of, of murdering, which I'm not saying I'm opposed, but I'm also saying for the rest of that life that kid gets no remedy.

**KELLY:** One minute.

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**WAYNE:** Make it make sense. Make the math math. And I don't think it's malice, I don't think it's anything else but understanding the complexity of the issues. That same police officer, that same firefighter who we entrust everything, we-- but we just had a, a police officer, a sheriff go on administrative leave for inappropriate relationship at Davis Middle School. If those school officials knew about it and did nothing, no recovery. But if that kid would have assaulted that sheriff, that kid could-- under Holdcroft's bill if that person would have been seriously injured or harmed, murdered, the rest of his life. You say let's run government like a business, businesses are held accountable.

**KELLY:** That's your time, Senator.

**WAYNE:** Thank you, Mr. President.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I have so enjoyed this debate and I love that Senator Wayne has slowed it down to talk about some things that really matter. But I do support the underlying bill that Senator Sanders has brought forward. I've listened to some of the back and forth, and I'm really unique in this body as I've worked maximum security prisons. Gone up the ranks. And I've also run a crisis center for sexual abuse and domestic violence for women and children. And so I have a very different view than many of you. And I want to talk about that a little bit because I think it pertains to some of the bills that we've discussed on this floor. And then I want to end with a bill that I have in committee that has not been given an exec because I think it pertains to this. We are always so quick to add on more punishment for crimes, but what we're never quick to do is to, to step-- take a step back and say why are not the punishments that we have now being enforced? We're hearing that on some of the bills from a lot of the crisis centers, they're saying we don't-- we don't want you to-- we'll say add the death penalty on to something, because we have bills in place that pertain to things like sex trafficking that are simply not being enforced. And the more that you bring these bills forward, the harder it is for our victims, even though you say the victims will not be held responsible when they make these arrests. Especially if it's a group arrest, sometimes it's hard to know who the victims are and so they are further traumatized by the system. And so for the last 8 years, I have watched this over and over and over again and we're oblivious to these nonprofits that help the victims when they say that the help that they want is help with

enforcement, not new laws. If we put the words "sex trafficking," "baby," "dog" in a bill, no matter how bad these bills are sometimes, they're going to get passed because we don't want to be shown as not liking or loving babies or dogs or sex trafficking victims. And we're not always willing to tell the truth or to stand up for a good bill. We don't put enough money into resources. We don't talk about things like incest on the floor, which is one of the feeders for sex trafficking that most frequently starts at home. We don't want to talk about those things because those things make us uncomfortable. When we talk about sexual assault, we usually talk about children. You know, the thing we don't talk about? There's a book called-- Senator Fredrickson, I might need your help. Every body tells a story-- "The Body Keeps the Score." Thank you. I drew a blank on that. What we're not talking about are the long-term physical effects that have been proven by science. If we don't help these victims, be they children, be they adults, they will have physical issues-- and it's been proven-- that they will have to address medically. And that may very well-- may very well fall on the shoulders of the taxpayers depending on where they're at financially. So we can keep pushing forward these, these harsher penalties. But we're not getting to the core of the problem, which is to help the victims provide resources and normalize these discussions. We don't normalize these discussions. I'm excited about Senator Dungan's bill. A bill that I have in committee--

**KELLY:** One minute.

**BLOOD:** --that has not been in, in exec is LB5, which provides for compensation under the Nebraska (Workers') Compensation Act for mental injuries resulting from workplace violence. I did that on behalf of victims from the, the Sonic shooting who witnessed their peers being murdered, witnessed an explosion. But because they weren't shot or stabbed, workmen's comp in Nebraska will not pay for their mental health help. So I want you to keep these things in mind. Here was an opportunity for us to help victims. We can't get an exec on it because they weren't shot or stabbed. I think Senator Brewer would be the first one to tell you that's not how PTSD works. You don't have to be physically injured to have PTSD; you have to experience trauma. And shame on us for not execing on that bill. And to this day, when that victim came into that room, I remember how uncomfortable it was.

**KELLY:** That's your time, Senator.

**BLOOD:** Thank you, Mr. President.

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**KELLY:** Thank you, Senator Blood. Senator Conrad, you're recognized to speak. This is your final time on the motion.

**CONRAD:** OK. Good, good morning, colleagues. Thankfully, this is my last time on the mic here. I, I just wanted to add some additional consideration and ideas in regards to the perspectives that my friend Senator Bosn shared. And it is welcome to me to have a smart attorney legislator of her caliber in the body. And this is exactly how debate should work. When you have talented advocates on every side of an issue really pushing each other, really bringing forward great ideas. We are trained as attorneys to embrace the adversity and the conflict in those kinds of moments because our training teaches us that that's how we bring light to the issues. That's how we persuade whoever the intended audience might be, whether it's a judge or a jury or our fellow colleagues that have the vote when we're working in a policy arena. So I, I think it's important that we normalize and lean into that debate and lean into that conflict. And I, I also just want to make sure that members who aren't attorneys understand it's, it's not as simple as Senator Bosn would have you believe and it's not her fault for trying to explain the complexities of a civil case in just a few minutes on the mic, which is next to impossible. But I've, I've been a practicing civil rights attorney my entire career for over 25 years, and I, I know that it's so interesting as I returned back to the body and people say, wow, Conrad, maybe we misjudged you. You're, you know, so great at helping to hold government accountable. I'm like, yeah, that's what civil rights lawyers do. Like, we, we, we spend our whole careers holding government accountable and, and rarely wade into the, the, the private entities, so. I, I, I, I will tell you this, working with vulnerable Nebraskans, individuals and families who have been harmed by their government in a variety of different contexts, it's, it's not that simple when you decide how to bring a case to make a decision about whether you do state court or federal court. And each of those decisions comes with risks at every turn. And if you choose wrong, you don't simply just get to pop over to federal court at every instance and fix it there if you hit a roadblock in state court and vice versa. Sometimes those mechanisms will allow, but sometimes not because of a very complex set of procedural rules and case law. So to act like it's so simple to choose a venue and to just go there for justice is not how it works in practice at all. And individuals and talented attorneys all across the state and all across this political spectrum run into these barriers all the time because the government has tipped the scales in favor of the government and against individual citizens, whether it's time limits, whether it's limitations on damages, whether it's sovereign immunity. The list goes

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on and on and on. And guess who has unlimited resources to fight this through removals to federal court, through back and forth, through litigating claim and issue preclusion and other defenses after that messy thicket plays itself out? The government-- the government has unlimited resources with their governments to fight--

**KELLY:** One minute.

**CONRAD:** --on and on and on. Guess who does not have unlimited resources? Individual citizens and litigants who can't front-load those legal fees against the government, who drag on the cases for years and years and years in state and federal court or back and forth. So it's not that simple. It's not that rudimentary. It is not a clear path to justice. And to suggest otherwise misstates how civil rights practice works and what that means for justice for the system-- for the citizens. It is wrong to put up additional barriers to deny access to justice closer to home in our state courts for litigants and their families and the governments that they're seeking to hold accountable, to cede power to the federal government is a pretty interesting--

**KELLY:** That's your time, Senator.

**CONRAD:** --line of persuasion from a conservative colleague. Thank you, Mr. President.

**KELLY:** Thank you, Senator Conrad. Senator Aguilar, you're recognized for a message.

**AGUILAR:** Thank you, Mr. President. Members, pursuant to Rule 4, Section 3(b), interim study resolutions may be introduced up to and including the 50th legislative day. The 50th legislative day will be Tuesday, March 26. So interim study resolutions must be introduced by noon on that day in order for-- to allow the Clerk's Office time to process them prior to adjournment. Standing committees may also introduce one additional interim study resolution prior to adjournment sine die. Interim study requests submitted to the Bill Drafting staff by noon on March 22 will be guaranteed to be ready for introduction on the 50th legislative day. Requests received after that time will be drafted if time permits. Should you have any questions, please contact my office. Thank you, Mr. President.

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

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**M. CAVANAUGH:** Thank you, Mr. President. Good afternoon, colleagues. I wanted to just respond to some of the things that have been said this morning about LB325. Senator Holdcroft mentioned that if we were to have LB325, then if somebody were assaulted-- sexually assaulted in a park that the political subdivision could be liable. And it is my understanding that what we are trying to do here is make it so that if an employee who is known to the political subdivision to be a perpetrator is employed in a situation where they would have access to victims, then the political subdivision is liable. If a member of the public is in a public park and is assaulted by another member of the public in a public park, the political subdivision is not liable for that. That's my understanding. But I am not an attorney, and I'm sure the attorneys will clarify if I am incorrect in that. I would like to echo what Senator Conrad said. I appreciate the clarification that this can be elevated to the federal level. However, that's not good enough for our children. Our children should get justice from their own state. That's it. Our children deserve when they are a victim because our political subdivisions have failed them, they should be able to seek retribution from us. They shouldn't have to take it to the federal level. It's great that that's an option, but they should have the option to take it here, so. I just wanted to add that to the mix. If Senator Wayne would like the remainder of my time, he can have it.

**KELLY:** Senator Wayne, you have 2 minutes, 45 seconds.

**WAYNE:** Thank you, Mr. President, and thank you, Senator Cavanaugh. In the essence of making sure we don't get to a cloture and moving the next 3 bills, I will withdraw my FA291.

**KELLY:** Without objection, it is withdrawn. Members, please return to your seats for Final Reading. Mr. Clerk, proceeding with Final Reading on LB771.

**CLERK:** [Read LB771 on Final Reading]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB771 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Abrecht, Arch, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson,

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Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: none. Not voting: Senators Aguilar, Armendariz, Day, and Raybould. Vote is 45 ayes, 0 nays, 4 excused, not voting, Mr. President.

**KELLY:** LB771 passes with the emergency clause. The next bill is LB771A.

**CLERK:** [Read LB771A on Final Reading]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB771 pass-- LB771A pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record. Mr. Clerk.

**CLERK:** Voting aye: Senators Albrecht, Arch, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: none. Not voting: Senators Aguilar, Armendariz, Day, and Raybould. Vote is 45 ayes, 0 nays, 4 excused, not voting, Mr. President.

**KELLY:** LB771A passes with the emergency clause. The next bill is LB844.

**CLERK:** [Read LB844 on Final Reading]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB844 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Albrecht, Arch, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: none. Not voting: Senators Aguilar, Armendariz, Day, and Raybould. Vote is 45 ayes, 0 nays, 4 excused, not voting, Mr. President.

**KELLY:** LB844 passes. The next bill is LB895.

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**CLERK:** [Read LB895 on Final Reading]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB895 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Albrecht, Arch, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Sanders, Slama, Vargas, von Gillern, Wayne, Wishart. Voting no: none. Not voting: Senators Walz, Aguilar, Armendariz, Day, and Raybould. Senator Walz voting yes. Vote is 45 ayes, 0 nays, 4 excused, not voting, Mr. President.

**KELLY:** LB895 passes. The next bill is LB938. The first vote is-- Mr. Clerk, for a motion.

**CLERK:** Mr. President, as it concerns LB938, Senator Wayne would move to return LB938 to Select File for a specific amendment, that'd be to strike the enacting clause.

**KELLY:** Senator Wayne, you're recognized to open.

**WAYNE:** Thank you, Mr. President. I was thinking about talking about a new bill today, but-- on this one. But I think I'm gonna talk about BELF, that is the Bureau of Education and Land and something. I'll get the name right. Yesterday, we had an appointment hearing and, you know, it's so important. This is how I really believe term limits has affected us. But we started looking and so BELF-- Land-- what's the right name? Educational Land Fund. OK. Got there. We were going to get there one way or another. Well, they have \$1 billion in liquid assets and they have over 1,250-- 1,250,000 acres of land. That's a government body. It's in our constitution because I was trying to figure out how we could use some of those funds this year. Of course, that's-- I'm gonna try and look for funds. There's a thing called the constitution and if you don't know, we put a lot of things in our constitution, unlike a lot of other states. And I'll give you an example. We put TIF in our constitution. Most states have TIF in a statute. Actually, almost all of them. There's another little provision in our constitution called uniformity and proportionality clause. This is the whole issue around taxes and why other states like Oklahoma can recruit a major corporation and say if you come down here we'll take away all your taxes. We can't do that in Nebraska because

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property tax has to be uniform and proportionate. Now we have subdivisions, we have agriculture, green belt and urban, basically. So you have to-- it has to be uniform. And what this was done and put in our constitution is because a long time ago when the railroads and other, mainly the railroads, were going across the state, they were being taxed differently in each county. And they said they want it to be uniform. And, again, it's usually in-- actually, I think we are the only state that has it now in our constitution. Because everything else is in statute, because you want to be able to change it and make exceptions but we can't. But, anyway, BELF is in our-- in our constitution and that's how many acres they have. Now I want people to understand, I am not saying that they shouldn't exist and all that but it was created, actually, when the federal government would give us land, it would go to them, and it was created to make sure we had another funding stream for education. So they used the op-- they have a permanency fund and a temporary fund. And so the interest off of this fund goes into the temporary fund that is distributed to every school district on a per-pupil basis-- every school district on a per-pupil basis. And what's interesting is if those students don't even go to the public school-- so let's say they go to private school or they go to a school down the street, the school district where they're from still gets the per-pupil basis even though they're not into-- actually, into the school. So it's kind of a windfall for some of the school districts who have a high population that goes to private school. Thank you, Senator Erdman. See, we're so close now he can finish my sentences. Just think about that. That's how much we have bonded that he can finish my sentences now. It's, it's really amazing. So, anyway, if you think about that many acres and you start adding up what you get per acre-- I mean, if it's in Senator Brandt's area, they go, you know, they go crazy, I guess. Senator Brandt was telling me that great-grandfather always wanted that quarter acre over there so a great-grandson has to spend however much to get that quarter acre to put it in his family and it could be outrageously expensive. And then he gets mad that property taxes are high because they bought it for a higher value. But that's somehow my fault. He says the urban fault all the time, but nevertheless. So if BELF has this much land, think about if we, like, removed them from the constitution, took that land, sold it, and put it into-- the proceeds into a trust. I think we're probably up there on some significant dollars that we could actually use to fund education and lower property taxes in a very meaningful way. That's really simple. It's, it's 3 articles-- article-- and, and it's-- we can just, just cross them out. Now in Douglas County, that's probably an easy sell for the voters. I don't know what it would be like in rural. So I'm asking a

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rural senator to punch in and tell me if the land in their area was sold by BELF and we used it for something else like property taxes or funding education, would that be a negative and would voters vote for it? Because I just don't know. And in rural-- I mean, in, in Omaha, there's, like, 2 pieces of land in Douglas County so I, I think voters in Omaha and, and Douglas County would definitely vote to, to do that. But I, I was just-- I'm just kind of curious and if nobody wants to answer, that's fine. We're going to about 3:00 today, so there's some-- we'll keep moving through bills at a little slower walk, but we'll, we'll get through the select committee priorities for sure, I'm thinking today. But that was my thought on that. So I would really appreciate a rural senator telling me about BELF and how it works in their community and if we were to start selling this land. I mean, just punch in, Senator Jacobson, I want to know because it was the most interesting appointment hearing that our-- because I didn't know about this. Like, I remember reading in the constitution, but I never really knew what it was. And I thought it was one of those provisions that we actually didn't-- that just kind of was there and nobody did anything. But when we had this appointment and questions were being asked, it just-- so now I started digging into it because that's what I do. I'm, I'm nerdy like that. And I'm just like, wow, that many acres and that much in liquid assets. And here we are in the budget trying to figure out how to come up with \$100 million for property tax relief. That's just amazing to me. So I'm interested, if anybody wants to tell me about it from the rural side, I'll be happy to understand and, and appreciate your comments. Thank you, Mr. President.

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

**MOSER:** Thank you, Mr. President. Over my years in-- as being mayor of Columbus, we got involved in some liability suits. And one of the things that I kind of saw in these suits, they were civil suits, they weren't criminal. In one particular case, we had a retaining wall being installed in the park, and after the retaining wall was 90-some percent built, the city engineer called me and said you need to come out and look at this wall and see if it's acceptable. And I went out and looked at it and it had some camber to it and it was curved. And then it was out of plumb, it was about 14 or 15 feet tall, and it was out of plumb by around a foot or so. It was a corrugated metal wall. And I said that's not acceptable. I said it's got to be done correctly. So the contractor dug the wall back out and the-- and they reinstalled it and got it straight the second time. The issues were-- the engineer was a private contractor that the city hired and he designed his own tie-backs and his own strips, deadman stays to hold

the wall and during the construction, the constructor put them in and they slipped and that's how come the wall had a tilt to it. And it might have stayed there, who knows, but it was going to look ugly forever. And it was right in the park, right by the new water park, and, and I just didn't think it should be done incorrectly. So it went-- we got sued. The contractor was out about \$30,000. And I think he sued the engineer and I think he sued the city. And all these people had substantial assets. The engineer is very successful. The construction company was very successful. But in the end, the city had to pay and there was some fault on all sides. But in-- I think it was a case of the city had the deepest pockets and sometimes the courts find for the lesser wealthy participants and in favor of the people with the most money. And then we had another case where we inherited a subdivision because the people who made the subdivision, the SID went broke. The city took it over, they were building houses in there. And the contractor hit a manhole with his backhoe and cracked the walls of the manhole so they were not waterproof and then called for a, a 211, 511, whatever it is where you call the one-call service and they come out and find all your utilities. So they said, well, this is where we think the utilities are. And the contractor dug there and he hit water and it gushed all over and it washed over into that manhole. And then it went into two half-a-million-dollar houses and flooded them with sewage. And so same story, the city-- the owners of those homes suffered damages and they sued the contractor and the city and the city lost that lawsuit. So I think that's-- I don't want to, to minimize the suffering of people who suffer sexual assaults or harassment or any of those things, but sometimes the, the person with the deepest pockets wind up getting sued. And then we had another situation where we had an event in our city park and the wind was blowing--

**KELLY:** One minute.

**MOSER:** --fairly briskly and a tree branch fell down and hit a gentleman. And he had some permanent injuries. He sued the city, and the city was not found liable. And I felt, really, that he should have been able to collect some on his damages because it was a city tree that fell on him. So I may punch in because I wanted to ask Senator Wayne some questions about that, but I'm out of time. Thank you.

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

**BOSN:** Thank you, Mr. President. So I want to go back and clear the air. I misspoke when I said that those claims could only be brought in

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a 1983 suit in federal court, because a couple people honed in on that and said, you know, we deserve-- Nebraskans deserve better. We should be able to pursue these allegations and address these concerns in state courts. And it was pointed out to me that I was wrong. You can file a 1983 lawsuit in state court so there is no inability to bring those claims in state court as well for those who were raising those concerns. Additionally, under the federal 1983 act, there is not a cap so those claims can be brought in state court and the, the-- there's no cap on the damages or a statute of limitations under the 1983. So I pulled up the complaint that was filed that was alluded to as the most recent incident involving Corrections, certainly agree that it's a terrible situation. I'm not prejudging the issue because I don't know much about it other than that it was a claim of action under Section 1983-- actually 3 claims of action, all of which were filed in state court. Thank you.

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

**ERDMAN:** Thank you, Mr. President. Good afternoon. So this an interesting discussion that Senator Wayne brought up about BELF. It's peculiar what they do. I have an issue-- I have a constituent has an issue with BELF trying to buy a little parcel of land to make his pivot go around and they claim that the parcel is not for sale. And so what they're asking him to do is do an appraisal. And then after he does the appraisal, which may cost a couple thousand dollars, then they will decide what the price is. And I'm not sure exactly why they are resisting selling the land, because they always claim-- they've always told me that they sell land when the return on their investment in the land is not as great as what they get from the investment in the fund that they manage. And I looked it up to see what they're getting for rent on this parcel, and it would be significantly more if they would sell the land and invest the money. But they don't want to do that. So when I was here-- first came 7 years ago, 8 years ago almost-- in fact, this is my 583rd day here. It seems like a lifetime. Just saying. Anyway. I had introduced a bill that would, when the lease is expired on the school land, that they would sell the land. They would then, in turn, keep that fund in the county in which the land was located to help reduce property tax. Senator Chambers had reminded me that it was unconstitutional. And I believe at that time he made a request the attorney generals-- for an Attorney General Opinion. And it came back that it was unconstitutional, because when the state was platted the very first time back even before I was born, the federal government designated Sections 16 and 36 in each township to be a school lease that would pay for education in that township.

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And so what we discovered when I introduced that bill is that you can't keep the money in the county and where it was located, but you can put that in the Investment Council's money because it's the state's money. So that bill didn't go anywhere because I was trying to keep the money there, which was not according to the constitution, so they could sell the land that they have and put it in the Investment Council and move on. And so we have 19 or 20 employees in the BELF and some of those people make significant amount of money. And so over time, it would make sense that we sell these leases and put the money in the Investment Council and turn this land over to private ownership. And as Senator Ibach will be able to share with you, when you have a school lease, any of those improvements that are on that land belong to the person who has the lease. And when they sell the lease, then the person who buys that has to pay that lessor who has the property, whatever the value is of the improvements, whether it be a fence, a windmill, or whatever it is. And so it's a very convoluted procedure, and I contend it would be far better off if the land was owned privately. But that's not what happened. So I would suggest this for those of you young people who will be coming back next year, I would suggest that you introduce legislation that would eliminate BELF, that would sell all the land that is owned by the, the BELF people, million acres, and put the money in Investment Council.

**KELLY:** One minute.

**ERDMAN:** And those people that have the leases would then have the opportunity to enhance that property as they saw fit. Because you see, when you have a lease and you do some improvement to that lease, that land, you're not guaranteed that you're going to get your money back when it sells if you don't get the lease back. So it's a very interesting situation we find ourselves in. We also see that every now and then, once in a while, BELF will buy more land. For the life of me I have not figured out how that works or why it should work, but those are issues that need to be dealt with going forward. So Senator Wayne has brought to our attention something that's very important that needs to be dealt with next year. So I would suggest you have an interim study, write that bill up and be ready on January 8 of '25 to drop it in. But you got to remember, that's common sense. And common sense is a flower that doesn't grow in everybody's garden. Thank you.

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

**JACOBSON:** Thank you, Mr. President. Well, I'll bite on Senator Wayne's time here this morning to discuss BELF and tell you, first of all,

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that I've visited with Senator Meyer and, and also Senator Dorn and Senator Meyer pointed out, because he did pull up the agency, and if you look in the agency book, you'll see that Agency 32 is the Board of Educational Lands and Funds. And it's kind of interesting when you look at the numbers, because Senator Erdman is correct that, you know, first of all, the history of BELF is that Sections 13-- or 16 and 36 were donated to where the funds were going to be used from any revenues to-- for public schools. And it's allocated across the state. It's not one specific public school. I would also say that a lot of the school lands in the eastern third of the state have already been sold and that money goes into a separate fund that is invested by the State Investment Council. And so they get cash returns from those dollars and then they also get returns from the rest of school lands, which generally are further west, although there is some in southeast Nebraska. But I can tell you in my district up in the Sandhills, there are a number of school leases up there yet. Well, Senator Erdman is correct that they-- the-- whoever signs up for the long-term lease and has a longer term lease, they own the improvements and then they agree to a certain lease rate. What's kind of crazy is when you look in the book at the revenue for the educational lands in '22 and '23, it was \$18.6 million. You look at the expenses, operating and travel, \$2 million; personal services, \$2.1 million; real estate taxes 9 point-- almost \$9.6 million. So that's a net of \$4.8 million. So when you start looking at the net return on this land, pathetic would be a compliment. OK? This makes no sense. Now when it comes to unwinding this, it's not that simple to just go sell it all because obviously you've got people out there, ranchers, in particular, and some farmers who have school lease land, that would be a major purchase to come up against them all of a sudden. And many of the ranches you might have isolated quarter sections out in the middle of a ranch that's unfenced that they're going to want to preserve. So in my mind, if they gave every person with the school lease the opportunity to buy that at appraised value, that should be done immediately. Secondly, they ought to then look at, as those leases mature, make those properties available first right of refusal to the existing lessee at market value and then, perhaps, selling it at market value afterwards. I do believe that this idea of holding these lands by a governmental entity that's going to have a big crew of people, farm managers hired to go out and manage it, a group of bureaucracy down here, this is one level of government overreach and government entity that is, in my mind, unnecessary and probably needs to be unwound to the point this all goes into an investment fund, let the Investment Council manage the funds, keep a skeleton crew to carry out the activities that the Board of Educational Lands and Funds was constitutionally established to do.

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So there's no reason we have to own the land, but there is a reason that those funds have to be segregated for public schools. So with that, Senator Wayne, that's my dissertation on the, the school lands. Thank you, Mr. President.

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

**MEYER:** Thank you, Mr. Chairman. I, I realize now I should have punched in before Senator Jacobson because I had all those figures at my disposal and now my speech is kind of gone, so. But I do have some experience with the Board of Educational Lands and Funds. I actually leased 640 acres of that a number of years ago, half of which was irrigated and half was pastureland. And my son currently has a 640-acre lease on pasture in Garfield County right now. And it is, approximately, 2 miles from the nearest county road and he has land on two sides of it. So where the land is located has some effect on, on the value. Having said that, in the-- there's, there's kind of a code in the Sandhills that if whoever is currently running that piece of land wants it again, the neighbors will not bid against them. Now, when it comes up to, you know, that's kind of a good old boys attitude, but they, they live by it up there and it-- and it, it runs fairly true. Now, if it were all to be pulled on the market at the end of a lease, that would certainly be a different, different story. But I concur with everything Senator Jacobs [SIC] said. When you dig into the figures of what the value of that portfolio is, just using some rough figures on 1.252 million acres of land, that would equate to somewhere between, I'm guessing, \$1.6 and \$2 billion of investable assets that could be in a trust fund and then reinv-- and then invested by the Nebraska investment finance folks at really minimal expense to what they're paying now. They pay about \$9.5 million in real estate taxes to the local county. The other thing those figures point out is the value of income off of this type of real estate compared to the taxes paid. And if you're paying attention right now, you realize that those real estate taxes on that type of grazing land are just downright prohibited-- prohibitive, and really makes it difficult for ranchers to make much money on that type of land. But it is what it is, and if you're going to be in the cattle business, you have to have grazing land to, to run the livestock. So I, certainly, concur with Senator Jacobson on the initiative that needs to happen. I feel somewhat relieved that I won't be around to take the heat next year when this comes up again, but I could certainly be a resource because I, I do have some experience with the Board of Educational Lands and Funds. And, personally, most of those are good people. They're just doing their job. The farm managers that are across

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Nebraska do the best they can. And I will note that the land-- the, the rental rates on what they-- that is set by the-- by the Board of Educational Lands and Funds, and it is of market value lease which is-- which can change every year. And it goes up just like a, a private lease would be on private land. So they are getting top rental rate for the-- for the land that they have. Most of those leases or I think all of those leases are either 7-year or 8-year leases. So if a person were going to-- or if the-- if the body would choose to liquidate that and invest it in, in, in, in whatever the Nebraska investment folks would want to do, it would take some years to liquidate that and I would not ever suggest that that should all be liquidated at one time. That would just be a, a massive amount of land coming on the market at one time. So staggering those sales as the leases come due, I think, would be a pretty efficient way to do that. But knowing what we know now about the situation with the--

**KELLY:** One minute.

**MEYER:** --money we're trying to find to lower real estate taxes, that is certainly something that needs to be looked at by this body. So with that, thank you, Mr. Chairman.

**KELLY:** Thank you, Senator-- thank you, Senator. Senator Conrad, you're next in the queue and recognized to speak.

**CONRAD:** Thank you, Mr. President. Good morning-- good afternoon, colleagues. I guess it's almost 1:00. Boy, time flies when you're having fun debating important issues in, in the State Legislature. I'm not going to join the chorus on educational lands and funds just yet. But I will tell you from 8 years on Appropriations, it is a awesome way to learn about all aspects of state government and these different agencies and entities that, perhaps, you've never heard of before and to learn more about how they work. And I was glad that Senator Meyer made some of these connections in the, the hearing yesterday in Education. And it, it cannot be said enough how much we're going to miss him from this body and in-- on the Education Committee. He's-- his time here has been far too brief and he adds so much insight and thoughtfulness and collegiality. And I know we will all be very, very sorry to see him go in a few weeks. The last point that I want to make, and I appreciate Senator Bosn correcting the record, goodness knows, it has happened to all of us, including myself, where we're imprecise because of time constraints or exuberance. And it's always good to, to make sure to clarify when we get out over our skis a little bit. But I, I do just want to finish the educational pieces there on a couple of points, because I think that is, perhaps, going

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to come up many times in remaining measures this session. My friend Senator Bosn's argument that harmed citizens should just run to federal court is illogical and circular. Why, in fact, colleagues, do we have taxpayers paying for state courts that offer unenforceable remedies? That, that doesn't make any sense. And it's "antethical"-- and, and it, it flies in the face of conservative principles, wherein from a federalism perspective we deal with state issues in state courts. We don't cede power to the federal government and, and federal courts, but they are there as a backstop in certain limited instances. And the, the contention that we can't have these remedies in state court from the county attorneys and the county-- Attorney General's Office and friends like Senator Bosn is that somehow it will impact the taxpayer. But, yet, they say impact the taxpayer in federal court with perhaps broader damages. So that just undercuts their whole argument against fighting against making remedies enforceable in state court. Also every case is not eligible for pursuance under 1983, including simple negligence. You, actually, have to have a constitutional violation in order to pursue and bring a 1983 case. So that needs to be clarified significantly. And there's all kinds of legal fictions out there. You don't sue the state, you don't sue the state agency, but officers acting under state authority, and there's all kinds of limitations on that. There's all kinds of shenanigans put forward by government lawyers to stretch the cases in federal court over years about certifying state questions between state and federal court and other procedural gamesmanship that runs the clock and runs up the bills for harmed citizens. And if you don't believe me, go look at the cases. It's not as if you waltz into federal court, file 1983, and you have access to justice if you have a legitimate claim. They fight legitimate claims tooth and nail with everything they got for years and years and years and years. So to suggest that it's a simple or available--

**KELLY:** One minute.

**CONRAD:** --remedy is not the case at all in practice. And, and I think that it's important that we, we are precise about that and recognize that federal court takes much, much, much longer. Friends, let me be clear here. It's fine to bring our individual perspectives and expertise, and that's important, and that enriches debate and our service together as well. But we as state senators have to broaden our lens between-- up farther than the narrow constituencies with which we are familiar with in order to do our job. Friends, there is no war on county attorneys. They are not oppressed. They are standing in the way of justice for our citizens. So let's refocus the debate to bringing

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justice for citizens and stop with the political and legal gamesmanship. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. Senator Jacobson read off the return on investment for the BELF land. Senator Jacobson, I would suggest this, that when you pass this legislation next year to sell this land, you make it effective, like, a year or two down the road; when the leases expire, you sell them. That would give the people who have the leases an opportunity to work around buying the land, making the preparations, maybe even come to the NebraskaLand Bank and get a loan to buy the land. And that way they would have an opportunity to prevent BELF in raising the lease. You see, when that happens, it's very similar to property tax. The government is your landlord and they keep raising your rent by raising your property tax and BELF is the same way, they raise your rent when it's conducive to do so based on other leases. And so buying it would be an advantage. So I think it would give them an opportunity to work into that. Earlier this year, it was in the fall of last year I should say, I got a-- I received a call from a constituent who had a outfitter from Wyoming come to his location to do an analysis of what the hunting lease would be worth on his school lease. And they were at that time considering adding to the lease whatever the hunting charge would be to hunt on that property. They didn't put it in writing, they just had a, a conversation. And I asked him to get it in writing who said that; he never did get back to me with that information. But they're continuously looking for ways to enhance their investment. What they should be looking at ways is to get that investment into private ownership. And so Senator Hughes and I had a discussion this morning about BELF and selling the land and I think she would be the logical person next year to have that bill to introduce. But I don't think it would be a burden to them, Senator Jacobson, if we give them enough time and advance notice, that they'll get first right of refusal, two, three, four, whatever the lease term is to purchase the land. I think that'd be an opportunity for us to get this back into private ownership. That makes a lot of sense and it's something we should consider going forward-- or you should consider going forward. Thank you.

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

**WAYNE:** Thank you, Mr. President. And, colleagues, this is actually a real big education that we should all-- I mean, this is part of the

dynamics of-- or the hinderings or obstacles maybe we have to overcome being a part-time Legislature is there is just so much, so much out here that you just really don't know. And this kind of goes to the conversation we were having about the budget, about committee of expertise reviewing some of these things that Senator Hansen and I brought a bill on last year, because if it just goes to Appropriations for funding, nothing against Appropriations, but so many people just don't know. And then they got all the knowledge about every agency, everything, and they come to the floor. And then it's unfair to Appropriations because then they feel like they're getting beat up. But it's, like, nobody else really knows all this information because we always don't get bills on these things. And I've been on Education for 2 years and yesterday in a-- in an appointment, it just was brought up and I was, like, wait a minute. So let's talk about why it's important. It's important because that's probably over \$2 or \$3 billion over, you know-- that, that a government agency, we could probably figure out how to put it into a fund and, and do it. And so if you take, you know, 5 or 10% of a fund that's that big, you're talking a lot more than \$50 million per year coming in per student. And, you know, if we could add that-- get that up to \$150 million, well, there goes the extra \$100 million that we were looking for, for Senator Fredrickson's daycare. Now, this daycare that costs \$100 million from Senator Fredrickson, it's not just any daycare. It is a daycare that teaches kids themselves. They walk in, it's AI. They just look into the mirror and boom, a curriculum pops out and it's intuitive. The kid-- even had a kid who can't speak English, like they're a little-baby baby, like, like, Slama's child, it can, it can read the eyes, and it, and it just allows the kid to start being educated that early. I mean, it's-- you ought to take a tour of it. Senator Fredrickson has one right down the street from his house. It's, it's a crazy daycare. It's amazing. It's so self-sufficient. You don't have to have anybody work there. But what my point is, this \$100 million that we could get for education, then we free up another \$100 million to build more of these-- and if you think about it, we put \$100 million in every county to build this type of daycare over the next 93 years, because we have the, you know, a lot of counties, 100 years from now, we have to-- no education problems all because of Senator Fredrickson's daycare. It's really that important. So I just want to remind people of that and just, you know-- thank you, Mr. President.

**KELLY:** Thank you, Senator Wayne. Senator John Cavanaugh.

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**J. CAVANAUGH:** Thank you, Mr. President. As I told somebody earlier, when I heard Senator Jacobson say, "I'll bite." So I'll bite. Will Senator Wayne yield for a question?

**KELLY:** Senator Wayne, will you yield to a question?

**WAYNE:** Yes.

**J. CAVANAUGH:** Was this a real thing you were talking about? Or are you making up this daycare.

**WAYNE:** For those-- for the transcribers ten years from now who are reading it, I was making up the daycare. It was something Senator Fredrickson and I just talked about how we could do a worker-free daycare and provide the best education. That we can start them as soon as they come out of the womb, it's already ready to go. That AI can read their eyes and they can learn 14 different languages in 3 days.

**J. CAVANAUGH:** OK, I, I, I-- thank you, Senator Wayne. I'm one of those people-- I'm not exactly up on all the technology, so I honestly thought that was a possibility. So I guess maybe I'm gullible or something. I haven't pushed in. There's been a really great conversation today about a lot of issues ranging-- issues particularly in the Judiciary Committee. And I appreciate everybody weighing in on the conversation. And I know there's some people get frustrated with things kind of not going the way they expected, but I did-- I would like to point out that today is the Ides of March, which-- March 15. And for those Shakespeare fans out there, there was a play called "Julius Caesar," written by William Shakespeare, that addresses the Roman emperor, Julius Caesar. And in that play, the-- famously, the oracles tell him, "beware the Ides of March," which is March 15. And the Ides of March comes and Julius Caesar, who is at that point, the emperor of Rome, comes to the Roman Senate and is stabbed to death on the floor of the Senate by his friends and colleagues. And so I would like to mention that story, because when we're thinking about how frustrated we are, how things are going here, when we're thinking about maybe something-- being frustrated with our colleagues and things not going the way we want them to, that no matter how bad things get here, you're not having the worst experience somebody has had on the floor of a Senate. So just keep that in mind, put things in perspective, and just always be wary of the Ides of March. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. While the Legislature is in session and capable of transacting business, I propose to sign and do

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hereby sign LB61, LB198 with the emergency clause, LB304, LB771 with the emergency clause, LB771A with the emergency clause, LB844, and LB895. Returning to the queue, Senator Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, so I was having a conversation with Senator John Cavanaugh and Senator Brandt over to the side about the books in the back. There's books in the front, those are statutes. And there's ones in the back as well, which are also statutes. So if you ever need to reference the statutes, they're here on the floor. But we were talking about if there was a Robert's Rules of Order, and they are not in the back. But Black's Law is. So I said that whenever I want to read Robert's Rules, I ask one of the pages to go to the library upstairs to get it for me. And I like to, when I'm looking at it, I like to have the actual book. But also, I think if you haven't been to the library, it's cool to go visit. So I like to give you the opportunity to go visit it. But so while I was back there looking at what books are back there, there's two copies of the Blue Book. There's the Black's Law, there's the statute books, and then there is Webster's second edition, New Riverside University Dictionary from 1984. So just going to put it out there for Leg Council, we might want to order a new one. Because I was looking through it and I was like, I mean, I already knew the answer, there-- definitely Google is not going to be in here. But, but there is googol, g-o-o-g-o-l. And I had never heard that before. It is the number equivalent to ten, and then in smaller print it has 100. I think 10/100. But googolplex is the number 10 raised to the power of googol. So there you have it. Google's not in there. Googol and googolplex is in there. 1984, everybody, that was a good year. I think one of my brothers was born in 1984. Mike? No, Pete? Pete. My brother Pete was born in 1984, same year as this, this here dictionary. That was really all I wanted to just fill you all in on the scintillating conversations that are happening off to the side about Robert's Rules of Order, the library. Apparently, Senator DeKay knows the library in and out better than anyone else. So there you have it. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Wayne, you're recognized to close on your amendment.

**WAYNE:** Thank you, Mr. President. Colleagues, the next bill we'll be talking about will be LB-- not-- LB394? LB934? It's Senator Erdman's bill. And this one is actually a-- it's not necessarily a 4-4 split in the committee. It's, it's different because we exceded on it a couple of different times and there was a couple of different no votes. But

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it's one of those that just might make you say "hmm." I don't know if I have an answer. I'm not even saying it's a great bill. I'm saying it's just an interesting bill that we should probably have a dialogue about, particularly when the government plans to take people's land and what that valuation may or may not be. So what bill was that, Senator Erdman. No, I'm not gonna talk about it yet. I was going to wait to-- OK, LB394. So the next Final Reading after this vote, we'll, we'll talk about LB394 if those want to look it up. It's, it's actually a really, really interesting concept. And again, this bill had multiple different votes. But either way it didn't come out of committee. So it's not R versus D, it's none of that. It's just-- this is actually a very interesting topic that I think is interesting because anytime government use eminent domain or, or buy-- or takes your land, we should talk about it. We haven't talked about it in a long time. So with that, I'll pull-- I'll withdraw FA293.

**ARCH:** Without-- so ordered. Senators, if you could please return to your seats for Final Reading. Mr. Clerk, 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.

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

**CLERK:** [Read title of LB938]

**ARCH:** All provisions of law relative to procedure having been complied with, the question is, shall LB938 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Riepe, Slama, Vargas, Walz, Wayne, Wishart. Voting no: none. Not voting: Senators Raybould, Sanders and von Gillern. Vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

**ARCH:** LB938 passes. We will now proceed to LB1104e.

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**CLERK:** Mr. President, as it concerns LB1104e, Senator Wayne would move to return the bill to Select File for a specific amendment, that be to strike the enacting clause.

**ARCH:** Senator Wayne, you're welcome to open on FA292.

**WAYNE:** Thank you, Mr. President. And colleagues, people are probably wondering why am I doing this and blah, blah, blah. It's Friday and I don't want to end on a sour negative note. I'm just being honest. I want my weekend to be fun. I don't want to think about negative comments and things being personal. And the honest truth is, and that's why Senator Bosn has brought up-- I brought up LB137 and we kind of talked about it is LB137 is on the agenda. It'll go four hours. And I know we haven't necessarily all the way moved forward from some other votes that we took, and it's going to turn real negative. And I just, I don't want to spend until 3:00 and then leave here, everybody's upset. There's some negativity back and forth. I guarantee you there will be some personal shots. I guarantee you some people will think there was some personal shots and it wasn't, and then we're all upset over the weekend. And I just, I don't want to do that this weekend. It's going-- it ain't going to be the best weather. But we got late nights starting next week. We can have that fight on Monday or Tuesday. But we get to 3-- we get to 11-- I mean, LB137, LB307 is going to be referenced and [INAUDIBLE] I get it. And I was clear with Speaker Arch, I just, I don't want to, I don't want to end my week-- that's really what it is. I don't want to go into the weekend, spending time with my family, upset about what was said here on the floor because we all unfortunately carry things home. So LB394 is a bill introduced by Erdman. And it's a fascinating bill. So basically what it comes down to is if government is going to take a land and use it for a public purpose, let's say a highway-- OK, I'm going to be su-- facetious, a mall, an adult bookstore. OK [INAUDIBLE]. But if they use it for a highway, they have to give you the reasonable value for it, right? But what Senator Erdman pointed out to the committee is for those who are using center pivots and use this farmland for income. There's actually a lot more that goes on than just buying the land. You actually got to redo your pivot, your center pivot, because your, your, your acreage is shorted. And then you have new areas or different areas, and sometimes more areas, because of how the center pivot works, are out of production. Out of production is what it was. And so he brought a whole bunch of graphs and maps. And to anybody who knows about maps, they-- you know, it's a, it's a sensitive topic for me this year in dealing with maps. And his maps were not the actual maps of Nebraska, but it worked for the purposes of des-- talking about what he was was talking about. And so

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the committee actually talked about it three different times. We had different people change votes different way, because the more you keep digging into it, the more-- you actually learn more and it goes back and forth. You're like, oh, I can see that. But here's where I fall on it. Any time government is taking somebody's land, I just believe they should have to pay more. You're taking somebody's land. And so if the market rate is a dollar, you might have to pay three. And me as somebody who is like a legislature and thinking about money and thinking about budget, that's the cost of doing business for the government. You are taking a private citizen's land. And for this you're taking ag land, which is really their job. What's not baked into ag land is the ongoing 20-30 years of business in that land. The value is what you will get on the market, but the value isn't also the productivity. It's not like when you buy a company, and Senator Jacobson knows about this with banking, and Senator von Gillern and other people who have ran companies, the valuation of your company is also kind of your projected valuation over the next couple of years and how your company is doing. But necessarily when you look at ag land and even any property, it's stagnant. It's what does that land worth today? But that could actually be your business down the road, or is your business down the road and you don't get the right compensation or the same compensation. Or maybe the appraiser isn't taking to a fact that you're making this much per acre into account. And so his bill try to come up with a simple way of saying, well, just give them double. And I, I agree with it. I would feel that way if the government was coming in and shutting down my business. And I know my business is only worth a million. Well, yeah, it's-- right now it's worth a million. But we're growing, things are getting better. And you want to shut it down, government? You should pay me two. I think that might be fair. Maybe three. And so that's kind of what the bill is. And will Senator Erdman yield to a question?

**ARCH:** Senator Erdman, will you yield to a question?

**ERDMAN:** Yes.

**WAYNE:** I just want to make sure that I kind of accurately described your bill. And if I did, if I left out anything, please correct me.

**ERDMAN:** You did a fine job.

**WAYNE:** Thank you. And so, again, this is a, a bill that's kind of weird. But if you look at the fiscal note of LB394, it says that it was going to cost \$7.5 million per year. So they're acknowledging in the fiscal note that that person or, or the public is going to lose \$7

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million from their land. That's what the fiscal note is acknowledging that, or else it wouldn't cost anything. So you can't argue, well, the cost down the road is already baked into the value of the ag land or the fiscal note wouldn't say that. I could be wrong. I saw Senator Blood gave me that, you know, when she, like, closes the one eye and looks at you, she's like, I don't know if that's right. So you got to know her long enough to know that. And she just kind of gave me that look and turned the head like you may be wrong. I might be. That's why we're going to have a discussion. Thank you, Mr. President.

**ARCH:** Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you, Mr. President. Senator Wayne did a nice job explaining that. Let me, let me share a little history with the body here and those listening. In 2000-- back, back that up, 1999, the railroad had made an announcement that they were going to change their route to make it more efficient for the railroad, and they were going to take 40 parcels of land. And my wife and I had a parcel that they were going to go right through the middle of one of our center pivots. Now they were going to pay me whatever the appraised value was for that six acres, eight acres in the middle of the pivot they were going to take. And I would have lost the production for the rest of my ownership of that property, because they disturbed that pivot in a way that it would not go around. Because it's hard to make a pivot go around across a railroad. And once someone files eminent domain against you, you lose some sleep at night thinking what may happen. We were very fortunate. One of the only times that I can think of or seen or heard that we actually stopped the railroad from taking our property. So those people in the Judiciary Committee that had this bill presented to them have never experienced what it's like to have somebody tell you that they're going to take your property, that you don't want to sell. You don't want to sell your property, but they're going to say it's for public use, and so they're going to take it. But by the way, for public use, it's only worth the assessed value or appraised value because that's all they're required to pay. So Senator Wayne described to you exactly what happens when they take the front side off of a quarter section of ground of land, irrigated land that has a pivot on it. You shorten it up 100 feet. When you shorten that pivot 100 feet, you've lost about 20 acres of production around the outside of the pivot. That production is gone as long as you own the property. But they're going to pay you for the front 6 acres, but you're going to lose 20 acres of production. Then you have to change your sprinkler package because you no longer need 750 gallons, you need 650 a minute. You have to change the balls on your pump. You may have to move your well. All of those things come into play there at

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your expense. So what we were trying to do is just make people whole. They don't want to sell their place in the first-- in the first place. They don't want to sell it. But they're going to take it from you because it's for public use. So let's talk about those people that are in the Omaha area where they're going to do the enhancement for the industrial parks. Those people lived in those residences for generations. They don't want to sell, but they're going to come in and appraise your value, they appraise the value of your property. And they're going to pay you what the appraised value is and then they expect you to move somewhere else. You don't want to live somewhere else, you want to live right there. So they're going to force you to move, to relocate, and they're going to do everything they can to try to find you a property similar to what you had. But it's still not in the location that you chose to live. So the bill said that you should pay-- the government should pay replacement costs so that you could build the same type of facility in another location of your choosing. Now, several on the Judiciary Committee think that they were sent here by the government. They elected them, so we got to protect the government because it could cost \$7.5 million a year. Until you have experienced the government or the railroad or somebody trying to take your property, you have no idea what eminent domain means. You have no idea, the angst and the anxiety that comes from knowing they're going to take your property that you don't want to sell.

**ARCH:** One minute.

**ERDMAN:** But you have to do that because the Constitution says-- or the statute says they're going to pay you assessed value. So the question was also brought up, how do you determine what the replacement cost is? Well, when an appraiser does an appraisal of a property, they start with replacement costs and then they subtract for depreciation. So we already know what the replacement cost is going to be. So the point on this bill is this. We were sent here by the voters to look after their interests; we were not elected by the government to look after their interests. And so what has happened is this bill is stuck in committee because the people on Judiciary don't see the, the importance of representing the people who sent them here, who have to live under the pressure the government puts on you when they're going to take your property. This is a very commonsense approach to try to fix a situation that is very troublesome to those people they forced to sell their property.

**ARCH:** Time, Senator.

**ERDMAN:** Thank you.

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

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

**ARCH:** Senator Erdman, will you yield?

**ERDMAN:** Yes I would.

**M. CAVANAUGH:** What's your bill number that you're just--

**ERDMAN:** LB394, ma'am.

**M. CAVANAUGH:** LB394. And OK, so this bill is about taking-- using eminent domain for agricultural land?

**ERDMAN:** All land,--

**M. CAVANAUGH:** All land, OK.

**ERDMAN:** --whether its agriculture, residential or commercial.

**M. CAVANAUGH:** OK. We probably should talk more about this because I have a bill that is prohibiting the use of eminent domain for the-- well, we've been calling it "Lake Mike" for the farmers there. And I've also been in discussions with Senator Holdcroft about that because it's his district. So there's a farm, a family farm there--

**ERDMAN:** Yes.

**M. CAVANAUGH:** --that they've-- we had a commitment from then Speaker, now Attorney General, Mike Hilgers that they wouldn't use eminent domain. But this is when words really matter, because what he would always say is, no, we're not going to use eminent domain unless necessary. So I-- I'm going to look at your bill and you might see me try to cosponsor it. So thank you for bringing it.

**ERDMAN:** Thank you. I appreciate it.

**M. CAVANAUGH:** And I appreciate the conversation and flagging that, because I, I do think that that's important, taking land for development and things like that. So yeah, I mean, I, I love when Senator Erdman and I are like-minded on things because I think it kind of terrifies people. But it just shows you that things are not linear. There's not left and right. It's, it's a circle and we all have different points where we intersect. And, and Senator Erdman and I have intersect more than once. So I appreciate that. I appreciate the

conversation. I also appreciate the bill itself that we are on. Senator Aguilar's change the fees for lobby registration and change distr-- distribution of such fees, because I do think that it is high time that our lobbyists have a place to store their, their bags. So thank you to Senator Aguilar for introducing this bill and carrying it forward. And I yield the remainder of my time.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, I just love the conversation about eminent domain. Myself, I appreciate Senator Erdman's proposal. I myself have brought a couple of proposals as it pertains to eminent domain. And I agree with what Senator Wayne had said and what Senator Erdman has said about eminent domain is a real-- kind of like-- and it feels like a violation when the government comes and takes your property. And it is an unfortunate necessary thing in some circumstances. And I've brought bills that address that, trying to create a more fair process so that if the government does this, it's only in instances where they really have to do it. But I've also brought in my kind of journey about learning about eminent domain-- have discovered that there are nongovernment actors who have the ability to condemn property. So what that means is somebody who is not a government can come and take your land over your objection. And so there's-- the railroads are a great example; they're actually in the Constitution that they're allowed to use eminent domain. There are pipelines have power of eminent domain, power companies, which in this state, of course, power companies are public entities. And so I brought a bill, my-- I guess now it was last-- I think this was last year. So 2023 brought a bill to the Government Committee that would say-- oh, and the other part is that some of these entities that have power of eminent domain are not subject to the Open Meetings Act. And so I brought-- that's what I discovered in a hearing we had in the Natural Resources Committee. So I brought a bill last year that would require if somebody's going to exercise power of eminent domain, which is a governmental action, that they should be subjected to the Open Meetings Act. So I brought that bill and we found out and people came out of the woodwork to oppose the bill because certain entities, like national corporations, thought that that would subject them to the Open Meetings Act for their corporate board meetings. And they really didn't want that to happen. And so that bill is-- didn't go anywhere last year, obviously. But that was my, my feeling was, and I still think this, if you are going to take such an extreme action, use such the authority of the state to capture someone's property, that you should be subjected to the Open Meetings Act. So this year I worked in the interim after that study-- or after that bill we did an interim

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study that we had in the Government Committee, thanks to Chairman Brewer and the staff of the Government Committee with working, working with me on that to get that interim study drafted. We had a great hearing where we learned a lot about eminent domain. And the result of that was I brought a bill this year that went to the Judiciary Committee, which I think is LB1366, which would make some pretty big changes to the eminent domain statute. That bill would require that if someone's going to exercise power of eminent domain, they must have the-- must either be a political subdivision and exercise it within their political subdivision territory. So good example would be a county can only exercise eminent domain inside the county. So Lancaster County Roads Department could use-- exercise power of eminent domain within-- in Lancaster County. Means they can't go outside of Saunders-- outside into Saunders County. However, if Lancaster County needed to, for some reason-- you know, a road needed to bend or go through some other territory that just went into Saunders and they needed to use eminent domain, they could go to the government of Saunders County, Saunders County Board, and ask them to exercise their power of eminent domain for them.

**ARCH:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. I guess I'll push my button. I thought I-- I didn't know it was going to take me this long to get to this point. And so maybe I'll, I'll circle back and give you-- give it to you all as a complete thought, which maybe would be easier to digest. But, yeah, this a complex issue. I appreciate Senator Erdman's work on it. I appreciate Senator Wayne's interest in it. Senator Brewer and I have worked on this together. Senator Bostelman and others, we continue to look at this issue and find ways to make more [INAUDIBLE]-- Senator Machaela Cavanaugh has brought an eminent domain bill. So I'll push my light and talk on it again. Thank you, Mr. President.

**ARCH:** Senator Wayne, you are recognized to speak.

**WAYNE:** Thank you, Mr. President. Will Senator Dorn yield to a question?

**ARCH:** Senator Dorn, will you yield?

**DORN:** Yes.

**WAYNE:** I am sorry. I meant to ask you, but you were in a deep conversation with Clements, Senator Clements. I just generally-- I'ma

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ask you and Brandt the same question. Based off of your experience seeing auctions out here, and I'm hearing more about ag land being sold through auctions-- I want to take auctions on one side and then appraisal value over here-- do you feel like auctions you get a lot more, like it's the, the price of the land is higher in our auction versus appraisal value? What have you seen? I'm just asking.

**DORN:** What have I seen? It kind of depends on some who you do the appraisal-- who, who, who does the appraisal. There are some very good companies out there that in our area will, I call it, appraise that at what I call a market value. It also depends on, I call it, the availability-- or the sometimes the \$7 corn, now people have more money to spend. So the appraisal might have been here, but, because of \$7 corn, farmers have more money and they're going to bid that up to this here and you will get more at an auction. Generally, an auction will be better. It will bring in more money. But not always. There are certain times where that appraisal, though, is, is very accurate and it will be close to market value.

**WAYNE:** Thank you. Senator Brandt, same question.

**ARCH:** Senator Brandt, will you yield?

**BRANDT:** Yes, I will. So typically what happens is a lot of land sells public, and a lot of that sells at public auction. And then an appraisal will happen after the fact at the bank, and-- I work with farm credit-- and typically how that works is the appraisal is the purchase price. But then there are also appraisals that are done prior to the land being sold. Maybe the family wants to sell a private treaty. Maybe they want to sell it to the person that's renting the land. And they will have, in our case, local auctioneers, our, our best appraisers, and they'll give it their best shot on, on what that'll bring. And, and then you have a private negotiation. Personally, my experience is, the open market is the highest price the day that the land is sold. So I guess I would favor the auction approach. But I would know Senator Meyer and Senator Erdman would also have an opinion on this.

**WAYNE:** That's where I was going. Senator Erdman, will you yield to a question?

**ARCH:** Senator Erdman, will you yield?

**ERDMAN:** Yes, I will.

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**WAYNE:** Same question. The appraisal value that looks historically backwards versus the auction, kind of what have you seen in the market and--

**ERDMAN:** OK.

**WAYNE:** --what's better for the, the lack-- the ag owner.

**ERDMAN:** I understand. OK. Let me, let me just share a little experience. I've been selling real estate since 2003, and our firm usually sells or it mostly sell ag land. And what I've seen in the last 10, 12 years-- in fact, it was true before that, but more prevalent in the last 10, 12 years-- when someone contacts me to sell their land, I advise them that the best method or the method to get the most money is auction. And there are several reasons, Senator Wayne. One of it-- one of the reasons is you're going to sell this property on a certain day, and everybody gets to buy it on the same terms. And so consequently, you're making people make a decision on that day who's going to own the property. And we have found that almost every time, it brings exceedingly more at auction than I would ever think to list it for, even if it had an appraisal. And so I would recommend to anyone, if I'm listing their property for sale, they go to auction, especially ag land. Because that is the way that has determined the most value and gives the most people the opportunity to buy it at that given day under the same, same rules and same qualifications. And it has been proven in our district, especially at our real estate company, that that's the preference of sale, is auction.

**ARCH:** One minute.

**WAYNE:** Senator Meyer, will you yield to a question?

**ARCH:** Senator Meyer, will you yield?

**MEYER:** Yes, I will.

**WAYNE:** Is there-- so I heard from three different people or, I mean, is that about what, what we're saying is that the auction is a little bit-- are usually the best, versus appraisal, that the state uses for-- to buy the land?

**MEYER:** It's variable, from what I've heard in some hearings this spring. If you're in Lancaster County, you better take the assessor's value of that piece of property, because that's going to probably be

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more than anybody else would give on the market. Is that correct, Senator Wayne?

**WAYNE:** Maybe. I mean, probably-- in Douglas County for sure, but probably.

**MEYER:** It's variable. Assessors-- or appraisers sometimes are very close and other times they're not. The value of farm real estate kind of depends on what the mar-- what the neighbors are willing to pay. A lot of times, if, if a neighbor has wanted--

**ARCH:** Time, Senator.

**MEYER:** --that piece of land for, for 20 years, and all of a sudden comes on the market and you [INAUDIBLE]--

**ARCH:** Time, Senator.

**MEYER:** --a lot of times it only comes once a lifetime.

**WAYNE:** Thank you.

**ARCH:** Mr. Clerk, for an announcement.

**CLERK:** Mr. President, the Judiciary Committee will be meeting now under the north balcony for an executive session. Judiciary Committee now under the north balcony. That's all I have at this time.

**ARCH:** Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you, Mr. President. So I heard Senator John Cavanaugh talking about learning about eminent domain. And Senator Cavanaugh, I'm gonna tell you, the best way to learn about it is when they apply it to your property. And all of a sudden, you become an expert in eminent domain. And it's a situation that, when it's first announced, is very scary. It gives you time to pause and think about what it is you're trying to accomplish and try to figure out what is the next step. And so, as I shared with you the information about the railroad, there were about 40 of the landowners that they were going to condemn their property, joined together. And we brought an action against the railroad, and we stopped them from putting their route through our property. The bad news is that the thousands of dollars that we spent to defend ourselves against eminent domain was not something that we could recover. So it would be very similar to the, say, the highway department or anybody else making an announcement about what they're going to do about taking your property, you spent money to try to

defend your property, and then if you did win, you don't get a chance to collect the money that you spent to keep the property you currently own. It was a very difficult situation. And it was an opportunity for us as landowners to come together to say what it is-- what is it we're trying to protect? And it's our personal property and our private property rights. That's what we're talking about with eminent domain. And they're taking away your private property rights. That should cost you more than just the appraised value or the assessed value. Because you're dislocating people in a location that they chose to live. You're taking property that they have maybe worked on and developed for years, and you're all of a sudden going to say to them, you no longer have that property. It's going to belong to the state or to whomever is working the eminent domain claim. I can't stress enough, I can't share with you the anxiety that comes along with that happening to you. If you think about it, where you live, if you live in Omaha, that they were going to take your house, that you didn't want to sell it, and they said, oh, by the way, here's the appraised value, here's the assessed value, you would not be in agreement with that. But we're asking people to accept something that in the first place, they don't want to sell. So try to put yourself in their position. Try to recognize what you're forcing people to do. There needs to be more compensation than what we currently get. Thank you.

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

**J. CAVANAUGH:** Thank you, Mr. President. And Senator Erdman, I hope to never become the type of expert on this that you are. I think it-- that's my, my opposition to eminent domain is that I, I don't think we should be using it against people as much as we do. And that when we do use it, that we need to treat people more fairly. So I appreciate your, your positions on this. And I just, I hope to, to not be in the position that you've been in and learn from that perspective. But so to go back to my bill though about eminent domain, which is LB1366, that bill-- so again, there's both public and private entities have the power of eminent domain in the state of Nebraska. And public entities can exercise eminent domain even outside of their political jurisdiction. And so on this journey of my learning about eminent domain, I've learned all these things. Again, not from the perspective that Senator Admin has learned them, but still from talking to people and bringing bills and hearing the responses. And it struck me that, I-- when the government function of eminent domain is used against somebody, that it-- that person should have some recourse, which is why we came to settle on the idea of saying you can only use it within your political jurisdiction. So a good example is, you know, power companies, right? Electric generation companies like OPPD-- which I'm,

I'm drinking out of my OPPD mug today. And so they-- if the OPPD has a, a territory where their board is elected, and if they exercise eminent domain within that territory-- so inside Douglas County or Sarpy County, or some, you know, Washington County and parts of other counties, that they would still be able to use exer-- exercise eminent domain in that area. Because if you use eminent domain against somebody, and they, you know, ultimately obviously are upset about that, they have a political recourse against their, their board member. But if OPPD were to then go out to say Cherry County and exercise eminent domain for purposes of, you know, transmission or generation or something else, that a resident of Cherry County who does not get to vote for the OPPD board has no polit-- recourse politically against that board. And so you have a government action taken against you where you do not have representation. So that's-- my bill seeks to solve that issue by saying they can only exercise eminent domain within their political subdivision. And if they do need to use it outside of that, then they need to go to a political entity in that area and ask them to exercise that power of eminent domain for them. So that's what that bill does on that part. It additionally says that private entities would no longer be able to exercise eminent domain on their own. They would still be able to avail themselves of the process, but they would have to go to a government entity, so a county or a city, or-- I think the way the bills was written originally, it only list, lists those two. But if we were to move the bill, I would suggest adding other political subdivisions. But you'd have to go to the county in which the land is situated and say to the county board, we really need this for our railroad spur or our pipeline. And so we ask the county to do that. And if the county then does grant that condemnation for that entity and the person's upset, they would at least have some political recourse. Because they could go to their county commissioner and say, I'm upset with you for granting this pipeline the right to condemn my property. So it-- my bill, LB1366, would require that any exercise of eminent domain is done by a political subdivision--

**ARCH:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President-- a political subdivision who has the land-- in which the land is situated. So you would always have some recourse over the person, political entity that is taking your property. So that's what that bill does, at least the broad strokes of it. I can push my button and talk a little bit more about some other parts and my other broader thoughts. I actually did get the Constitution up here so I could read you all the section I stumbled across, which I'm sure maybe people knew about, but I didn't, that

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specifically gives railroads the right to eminent domain. So I'll push my light and get back in. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. I didn't actually have more to say about eminent domain, but I noticed that Judiciary was still execing. And if we stop talking on this, then we will all have-- everybody will have to come sit back down for Final Reading. So I thought I would just get up and share some of my thoughts, that I'm sure you're all dying to know what my random thoughts are. But we were having a conversation on-- during the budget about roads, and I believe it was Senator Moser that brought up that every legislative district has a certain amount of money allocated to roads. So my staff was listening to this debate, and they came across the city of Chanute, Kansas. The city of Chanute, Kansas has a social media post from this last week that says, "Do you have a hole that needs to be filled? The city of Chanute takes public safety very seriously, which is why we're excited to launch our new hashtag." And for those of you that know how hashtags work, it's all one word, "#ShowUsYourHole" public safety initiative. "To participate, simply send us a picture of your hole along with its location and the tagline 'Come fill my hole' and we will promptly dispatch a crew to come service your hole in a professional manner. Your satisfaction is our priority. #Chanute. #WeFillHoles. #NoMorePotHoles." The only time they use the word potholes is in that very last one. That is quite the expression of public service. I might just offer an edit in the future to indicate that you are speaking about potholes. But I appreciate the city of Chanute's ingenuity and public service to the people of Chanute, Kansas. So there you have it, #ShowUsYourHole. I am very curious, not curious enough that I want them to send them to me, but I am curious what pictures they got from the citizens of Chanute as a result of that posting. So that is just to say, he-- words matter. When you are a public entity and you are putting out public service announcements, perhaps have somebody proofread them, get some critical feedback. Maybe use some different terminology. But it certainly was amusing. So there you have it. I, I don't know if we need to keep talking or not. So OK, I think I'm going to stop talking. All right, great. Well, thanks, city of Chanute for that interesting lesson on social media. I yield the remainder of my time.

**ARCH:** Seeing no one in the queue, Senator Wayne, you are recognized to close on your motion. Senator Wayne would like to pull the motion, as ordered. Senator Bostelman would like to recognize a guest, his wife, Jan Bostelman, who is located under the south balcony. Please rise and

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welcome. Senator Armendariz also has guests, 38 students from the fourth grade from Omaha Christian Academy with 9 teachers, and they are located in the north balcony. Please rise and welcome the guests. Senators, please return to your seat for Final Reading. All provisions of law relative to procedure having-- Mr. Clerk, please read the bill.

**CLERK:** [Read LB1104 on Final Reading]

**ARCH:** All provisions of law relative to procedure having been complied with, the question is, shall-- shall LB1104 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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

**ARCH:** LB1104 passes with the emergency clause attached. Mr. Clerk, please proceed to the next item.

**CLERK:** Mr. President, LB1102. I have a motion to return to Select File for a specific amendment. Senator McKinney, AM2685, with a note you would withdraw that. In that case, Mr. President, Senator McKinney would move to return LB1102 to Select File for a specific amendment, that being AM2744.

**ARCH:** Senator McKinney, you're welcome to open.

**McKINNEY:** Thank you, Mr. President. AM2744 amends my bill, LB53, which would have created a state holiday for Malcolm X. What this amendment does is it basically matches what Senator Conrad is doing, in recognizing Missing Persons Day. And that's all my amendment is attempting to do is recognize March 19 as El-Hajj Malik El-Shabazz Malcolm X Day. And I talked to individuals from the Malcolm X Foundation and I explained why it, it would be difficult to create a state holiday. And a lot of it was financial. So our-- the compromise we discussed was just recognizing a day his-- which is his birthday, as Malcolm X Day. And I'm hopeful for your support. I spoke to Senator Conrad, she was OK with me introducing this amendment to this bill. The original bill was voted out of Government Committee last year,

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actually, and it's been sitting on General File. And this is my attempt to try to do something before we fini-- wrap up the year. Malcolm X was also placed into the Nebraska Hall of Fame. There will be a celebration in May around the time of his birthday, actually. So I think it's a good gesture to recognize May 19, which is Malcolm X's birthday. And with that, I'll open it up for debate. If you got any questions, just let me know. Thank you.

**ARCH:** Seeing no one in the queue, Senator McKinney, you're welcome to close. Senator McKinney waives close. Colleagues, the question before the body is the return to Select File AM22-- amend LB1102 with AM2744. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 33 ayes, 0 nays to return to Select File, Mr. President.

**ARCH:** The motion, the motion passes. Senator McKinney, you're welcome to open now on AM2744.

**McKINNEY:** Thank you. Again, what AM2744 is is just an amendment to LB1102. It's pretty much similar, similar language. Just recognizing May 19 as Malcolm X Day. I originally had a bill for a state holiday and it came out of committee, but it's hard to pass a state holiday, especially with the fiscal note that it had. So I'm asking for your green vote on this to recognize May 19 as Malcolm X Day. Thank you.

**ARCH:** Seeing no one in the queue, Senator McKinney you're recognized to close on AM-- Senator McKinney waives close. Colleagues, the question before the body is the adoption of AM2744 to LB1102. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 39 ayes, 0 nays on adoption of the amendment, Mr. President.

**ARCH:** The amendment is adopted. Mr. Clerk.

**CLERK:** I have nothing-- excuse me, Mr. President. Senator Wayne would remove-- would move to return the bill to Select File for a specific amendment, that would be to strike Section 2.

**ARCH:** As ordered. As ordered.

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

**ARCH:** Senator Ballard for a motion.

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**BALLARD:** Mr. President, I move that LB1102 be advanced to E&R for engrossing.

**ARCH:** Colleagues, you have heard the motion. All those in favor say aye. All those opposed, nay. The bill is advanced. Mr. Clerk, next item.

**CLERK:** Mr. President, next item on the agenda. LB130. Senator Dorn would move to return LB130 to Select File for a specific amendment, that being AM3007.

**ARCH:** Senator Dorn, you're welcome to open on the motion.

**DORN:** Thank you, Mr. Speaker. Good afternoon, colleagues. I'm asking for your support to return LB130 to Select File to adopt AM3007, an amendment that will bring more federal funds to the majority of nursing homes across the state. This session, I had introduced LB942 in the Appropriations Committee to increase nursing facility provider rates. And unfortunately, that request did not make it into the budget. As you know, there have been nursing home closures across the state, and we may still see a few more due to lack of financial resources and staffing issue. However, increased Medicaid reimbursement rates may begin to help curb the trend of these closures. The-- there are counties in our states that have no long-term care options for our citizens. The Legislature must do all we can to help support the remaining nursing facilities, and one way is ensuring an increased rate reimbursement when these facilities are serving Medicaid patients. A few weeks ago, Senator Armendariz raised the issue to increase the quality assurance assessment currently paid by nursing homes from the current \$3.50 per resident/day to \$9 a day. Approximately, this will bring an increase in additional \$23 million in federal funds. The Governor's Budget Office and the Health Care Association, who represent nursing homes, worked with me, and the solutions to increase funding is now-- and you see-- could now be, and you see that in AM3007. We had a, we had a committee hearing on Wednesday in the Appropriations Committee to bring this concept forward. We passed an amendment onto LB942, which now has become AM3007. To ensure appropriate legislative procedures were followed, the Appropriations Committee held that hearing this past week on LB942. The committee adopted the amendment and then advanced LB942, which was in Appropriations Committee, to the General File. My intention is now to take the amendment heard on Wednesday and add it to LB130 as AM3007. This proposal does not impact the state budget. No new state money will be used. Again, AM3007 would simply increase the assessment paid by nursing homes from the current \$3.50 per

resident/day to \$9, and allow nursing facility providers to see the overall increase in their Medicaid rates beginning July 1, 2024. By the increase \$9 per day tax payment that these facilities would not be due to the state until October 31 of 2024. This-- to explain this concept a little better, it's a little bit like Senator Jacobson has brought forward with the hospitals and how they now have, because of their level of care, the skilled part of the nursing homes will be able to, by increasing this rate from the \$3.50 to \$9, it will bring in approximately another \$23 million in federal funds. This is the-- nursing homes have to pay in that amount of revenue upfront; they will get that back in the following quarter or the quarter after that. So it is a net result of very little or any cost to the nursing homes by the way they are going to be refunded. But what it does do is increase that Medicaid rate so that now they can acquire those additional dollars. In the committee hearing, there were about seven nursing homes in the state that because of a low number of Medicaid/Medicare patients that they have, this would be a negative them. But all of the nursing homes have agreed to be very much in support of this. As a reminder, LB130, as amended by the committee, puts into establish-- puts into statute the established practice of recent biennial budget cycles with respect to earmarking funds for Medicaid nursing facilities. That's what the original LB130 does within the Medicaid budget program. It also states intent to specify the total amount appropriated to the department for Medicaid nursing facility rates and would include the calculation of the annual inflation factors. Reports by HHS would also be made to the legislative fiscal analysis and the Clerk of the Legislature regarding funds for Medicaid nursing facilities. AM3007 would be in addition to this language, and that original LB130 bill, the department worked with us over the interim on that. That's why we came forward with that. Instead of including that intent language in the budget process every year, now it's going to be in statute. That's why 1-- LB130 was supported earlier. I ask for your support to return LB130 to Select File and then support the adoption of AM3007 to LB130. Thank you.

**ARCH:** Senator Vargas, you are recognized to speak.

**VARGAS:** Thank you very much. Thank you to Senator Dorn for working on this, for a couple different reasons. I know Senator Armendariz is also included in this. One of the reasons I'm standing in support and bringing this up is, for those of you that are especially new these last couple of years, looking at the way that we are funding and supporting nursing homes has been very-- a difficult and tenuous pathway for nursing homes, especially in non-urban-related areas over the last several years. Senator Stinner in work with Senator Dorn over

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the last several years has worked on making sure we're doing better to support our, our nursing homes. And I just want to make sure that it's really clear that this is a creative way of being able to draw down more federal funds, and-- but it is not the solution to the problem in the long term, because we still have to do a lot better in terms of our support, thinking about our budget for nursing homes and for other different providers that are helping. Our growing aging population is going to continue to grow. We're seeing the population grow substantially. Senator DeBoer in her-- the Planning Committee report shows the aging population is growing substantially and is more reliant on, on nursing homes. And so this is, again, a creative way. Thank you again to Senator Dorn and others on their work on this. And thank you to Senator Clements for accommodating this and doing it so quickly in the hearing process. But please remain vigilant because we have to continue to do more for our nursing home facilities, especially in terms of the growing costs, cost of labor. And it's our responsibility to continue to be watchful on this. So thank you again. Thank you for the Nebraska medic-- the Health Care Association and everybody working on this.

**ARCH:** Senator Clements, you are recognized to speak.

**CLEMENTS:** Thank you, Mr. President. I'll be brief. I support the return to Select File, and I'll talk about the amendment when the debate starts. Thank you.

**ARCH:** Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you, Mr. President. I echo what Senator Vargas and Senator Clements had said. One of the issues that I thought about when Senator Dorn presented this amendment-- or this bill this week, it's taking the daily rate from \$3.50 to \$9, and we can go-- the limit would be 6%, which would it be equivalent to about \$117 million a year. It was, it was my thought when that bill was being discussed, that I would put in a motion to go to the full 6% maximum allowed to make sure that these nursing homes would continue and help them recover what they're not getting. But it is the intention of this bill to make sure this works efficiently before we move to a different rate. And so I would, I would conclude that as this goes forward and we find out that it works as we're proposing it to work, that next year, there may be a bill to bring it to the full 6%. So I think this is very appropriate that we try to help those nursing homes who are struggling, especially in the rural communities, that they get the funding they necessarily need. It is foreign to me sometimes why we don't fund things that we require nursing homes to do with Medicaid to

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the full amount that it costs them. So this is an opportunity for us to try to catch up. So I appreciate Senator Dorn bringing this, and I will support these, amendment and the bill.

**ARCH:** Seeing no one in the queue, colleagues, the question before the body is the motion to return LB130 to Select File for a specific amendment. Senator Dorn waives close. All those in favor vote aye; all those opposed, nay. Mr. Clerk, please record.

**CLERK:** 43 ayes, 0 nays on the motion return to Select File, Mr. President.

**ARCH:** The motion passes. Senator Dorn, you are recognized to open on AM3007.

**DORN:** Most of what I talked about in the opening here for returning to Select File included what I was going to say here. This AM3007, this amendment was-- we had a special committee hearing on Wednesday, and I thank Senator Clements and everyone else from the Appropriations Committee, they were all there for that. So I was very grateful for that. We went over the process of bringing this amendment forward that this first year, by increasing it from \$3.50 to \$9, that rate per day, it does increase it. The federal funding is coming back a net increase. This will be a net increase of about \$23 million this next year. Part of the discussion with the Governor's fiscal office and other people, especially that Senator Armendariz had with them, was we're going to incorporate this the first year. There is the possibility of increasing that what just Senator Erdman talked about, instead of that \$9 rates. Because currently in statutes, we need to do this by the \$1 per day rate where we could go by a percentage. And then by next year, hopefully, we'll bring another bill back to increase that to a higher percentage when we see how this is working. And that higher percentage would definitely increase the nursing home skilled part of that, the nursing home back from the federal funds of over \$100 million. So next year, we plan on bringing that part of this back and having that discussion. Also wanted to get this going, wanted to get help out there this year so that we had this approximately \$23 million in help and in aid for the skilled part of the nursing homes.

**ARCH:** Senator Clements, you are recognized to speak.

**CLEMENTS:** Thank you, Mr. President. The Appropriations Committee did have a hearing on Wednesday regarding this provision. We had testifiers from the Nebraska Nursing Home Association. They were a proponent; they're in favor of it. They did say there will be a small

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number of nursing homes will have a, a net cost to them if they don't have a large number of Medicaid patients. Those nursing homes that have a large percentage of Medicaid-- this affects the payment for Medicaid patients, and so if they have a lot of Medicaid patients, they're going to benefit more, which is really what we would like to do with this kind of a provision. Mr. John Meals with Department of Health and Human Services also testified in favor as a-- was a proponent. And the Nebraska Hospital Association also testified as proponents. There were no opponents. And as Senator Dorn says, it's about \$23 million additional federal funds will be distributed to the nursing homes. It's based on Medicaid patient population. And the amendment in the bill was passed out of committee with a 9-0 vote. I heard some other committees had 8-0 votes, but Appropriations calls your 8 and raises it to 9. And so I ask for your green vote on AM3007. Thank you, Mr. President.

**ARCH:** Senator Wayne, you are recognized to speak.

**WAYNE:** Thank you, Mr. President. Thank you, Mr. President. And for those who are watching at home, yes, this was a war-- wardrobe change. My cardigan was shedding. It's like a whole-- just shed everywhere. And it was all over me and I started getting frustrated. So for anybody who is young-- and always keep a blue and black jacket because you can always match it to whatever you're wearing. So you just keep 1, 2 of them in your office, one blue and one black, and you're always OK to if you have a wardrobe malfunction-- or malfunction. Guys, I just got on here because I just had breaking news that I wanted to share with people, and this is not being made up. The Supreme Court just ruled for all of you who have public Twitter accounts, public accounts that you cannot block people. So you need to make sure if you are in your official Twitter, official social media, Supreme Court just ruled that in a decision. And Supreme Court Justice-- Abbie Cornett is the one who kind of authored it. And so they sent another case back down to the Ninth, and they ruled on this one and said, there's a criteria, actually. So I'm not going to give you legal advice, but you should read that and make sure that you are blocking people the correct way if you are blocking them or you are violating their First Amendment right to freedom of speech and to talk to their government officials. So I just wanted to give you a heads up on that, that I learned that the hard way. My second year, there was an individual who used to always write me, and I will say his name because he's always out there, Mr. Ricky Fulton. And he, see everybody laughs. If you've been here long enough, you have gotten an email from him. How are you doing, Ricky? Good seeing you again. So I had blocked him, and he was like, hey, you can't do that. And then I did a little

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research and I was like, no, I can't. And so I unblocked him. So and now he still is-- posts stuff. And so. But yeah, just wanted people to know that. Breaking news here. You heard it here first: make sure you're not blocking people arbitrarily. Because if they are blocking you and you're listening, I will take your case. Thank you, Mr. President.

**ARCH:** Senator Jacobson, you are recognized to speak.

**JACOBSON:** Thank you, Mr. President. First, I just want to say to Senator Wayne, I'm trying to picture this wardrobe malfunction you're dealing with. And I'm just glad that Senator Slama's Will is not in the body right now. I don't want to traumatize him with whatever wardrobe malfunction you've got going on. But seriously, I would like to say that-- Senator Dorn, thank you for bringing this change, this amendment. This is critically important, particularly to rural centers across the state, nursing facilities. This, I would agree with, Senator Vargas, doesn't go enough-- far enough. But we can keep moving on this. And as Senator Erdman, yes, that this is a good start, but this is really-- we're dealing with primarily a lot of Medicaid patients. That's what sinks a lot of these nursing facilities, because you got Medicare, Medicaid who don't pay reimbursement rates that allow nursing homes to recoup their costs. So this is a great step forward. Encourage everyone to support the bill and move it forward. Thank you.

**ARCH:** Seeing no one left in the queue, Senator Dorn, you're recognized to close on AM3007. Senator Dorn waives close. Colleagues, the question before the body is the adoption of AM3007 to LB130. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 43 ayes, 0 nays on adoption of the amendment, Mr. President.

**ARCH:** The amendment is adopted.

**CLERK:** I have nothing further on the bill.

**ARCH:** Senator Ballard for a motion.

**BALLARD:** Mr. President, I move that LB130 be advanced to E&R for engrossing.

**ARCH:** Colleagues, you've heard the motion. All those in favor say aye. All those opposed, nay. LB130 is advanced. While the Legislature is in

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session and capable of transacting business, I propose to sign and do hereby sign LB938 and LB1104e. Mr. Clerk, items for the record.

**CLERK:** Mr. President, your committee on Enrollment and Review reports LB62, LB1169, LB932 and LB1069 to Select File, some having E&R amendments. Additionally, your Committee on Judiciary, Chaired by Senator Wayne, reports LB253 and LB1220 to General File, both having committee amendments. Your Committee on Government, Military and Veterans Affairs, Chaired by Senator Brewer, reports LB2, LR286CA to General File. Additionally, the Government committee reports LB859 as indefinitely postponed. Motions to be printed: Senator Wayne, Senator Slama to LB325 and LB341. New A bill, LB1169A introduced by Senator Erdman. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB1169. Notice of hearing from the Retirement Systems Committee. And an explanation of vote from Senator Aguilar. That's all I have at this time, Mr. President.

**ARCH:** Thank you, Mr. Clerk. Let's proceed to the next item.

**CLERK:** Next item on the agenda, Mr. President, Select File, LB287. 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 LB287 be adopted.

**ARCH:** All those in favor say aye. All those opposed, nay. Mr. Clerk. They are adopted.

**CLERK:** Mr. President, as it concerns LB287, Senator Conrad would move to amend with AM2792.

**ARCH:** Senator Conrad, you are welcome to open on AM2792.

**CONRAD:** Oh, I got it. OK. Sorry. Thank you, Mr. President. And colleagues, I apologize for the delay. I, I didn't realize that this amendment was pending on this bill at this time. This is an amendment that I filed on a bill that I brought to the Government Committee earlier this year. It's to remove the legislative grant of authority on Attorney Generals' Opinions. We had a great hearing on it. I was proud that my friend, Senator-- or Attorney General Mike Hilgers took time out of his busy schedule to come to the committee in support of the measure. There is no fiscal note on this measure. There were no opponents to this measure live at the hearing. After a great hearing, it advanced from the Government Committee unanimously. I had a

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conversation with the Speaker that it would perhaps meet the criteria for consent calendar. He suggested that due to the complexities of it, it may generate more debate than 15 minutes, so it would be better to find another vehicle for it. That's why I filed this measure as an amendment to the Government package bill before you today. So this removes the legislative grant of authority that has been subject to great debate during this session in response to the Attorney General's OIG opinion. It is supported by myself, all members of the Government Committee, and the Attorney General himself. I'd appreciate your green vote and I'm happy to answer any questions. Thank you, Mr. President.

**ARCH:** Seeing no one in the queue, Senator Conrad, you're welcome to close on AM-- Senator Conrad waives close. The question before the body is the adoption of AM2792 to LB287. All those in favor vote aye; all those opposed, nay. Mr. Clerk, please record.

**CLERK:** 34 ayes, 0 nays on adoption of the amendment, Mr. President.

**ARCH:** The amendment is adopted. Mr. Clerk, next item.

**CLERK:** Mr. President, Senator Brewer would move to amend the bill with AM2890.

**ARCH:** Senator Brewer, you're welcome to open.

**BREWER:** Thank you, Mr. President. Just so everyone has a quick refresher on what LB287 is. LB287 was one of our Government priority bills. It contains a lot of information specific to elections and open meetings. As a result of that, we had some issues that needed to be addressed that weren't in the, the bill. And that's what caused us to come up with AM2890. It actually adds two bills. The first one is LB1152, that is a Secretary of State 20-- 2024 cleanup bill. And this would go along with some things that were identified as being short. It updates the voter registration and the voter maintenance rolls and procedures. It makes changes to poll workers' compensation. It makes some additional changes on how data is shared between the Department of Motor Vehicles and the Secretary of State. And it makes some minor tweaks to the voter ID laws that we passed last year. This is at the suggestion of both the Attorney General and the Secretary of State. Second, the amendment that I'm asking to add to this is Senator Linehan's LB861 that had some committee amendments. Her, her bill is pretty simple. It just says that a person should be able to remove their name from a petition just as easy as they added it. With this bill, a voter would have to have their signature removed by submitting a request, a formal letter request to either the Secretary of State or

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to their county election officials. The committee change would just simply clarify that the signature on the letter would be verified in the same way that we used to verify signatures in early voting. We have one additional cleanup item that was missing from this amendment, and I will address it on my next time at the mic. Thank you, Mr. President.

**ARCH:** Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you. Thank you, Mr. President. I wonder if Senator Brewer would yield to a question.

**ARCH:** Senator Brewer, will you yield?

**BREWER:** Yes.

**ERDMAN:** Senator Brewer, did you say Senator Linehan's bill was LB951?

**BREWER:** No, LB861.

**ERDMAN:** LB861? OK. I didn't hear your comment. Thank you.

**ARCH:** Seeing no one in the queue, Senator Brewer, you're welcome to close. Senator Brewer waives close. Colleagues, the question before the body as adoption of AM2890 to LB287. All those in favor vote aye; all those opposed, nay. Mr. Clerk, please record.

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

**ARCH:** The amendment is adopted. Mr. Clerk, next item.

**CLERK:** Mr. President, Senator Brewer would move to amend with AM2982.

**ARCH:** Senator Brewer, you're welcome to open.

**BREWER:** Thank you, Mr. President. All right, during our legislative session, we pile up a lot of bills in Bill Drafters. The bill that we just-- and the amendment we just voted on, AM2890, was 104 pages. Now, a lot of that was minor tweaks with voting law elections. And in that process, there were two numbers that got reversed. So all AM2980 [SIC] does is corrects that mistake. A very minor change, but we needed an amendment to do that. So I would ask for your green vote on AM2982 to LB287. Thank you, Mr. President.

**ARCH:** Seeing no one in the queue, Senator Brewer, you're welcome to close. Senator Brewer waives close. Colleagues, the question before

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the body is the adoption of AM2982 to LB287. All those in favor vote aye; opposed, nay. Mr. Clerk, please record.

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

**ARCH:** AM29-- AM2982 is adopted. Mr. Clerk, next item.

**CLERK:** Mr. President, Senator Linehan would move to amend with AM3004.

**ARCH:** Senator Linehan, you're welcome to open.

**LINEHAN:** Thank you, Mr. President. And good afternoon, colleagues. I know we all want to get out of here, so I'm gonna be quick. So I brought a bill to the Government Committee that would address this situation. So we know if a school board has a meeting or city council has a meeting, county board has a meeting, it has to be posted and public, right? We all expect that, we understand that. But if all the-- if the county board members all decide to join NACO and it's a 501(c)(3), or the school board members all decide to join the State School Board Association and make it a 501(c)(3) or-- you know, just go on down the list. They can have meetings that aren't posted, aren't public and are private. So we won't let 8 school board members meet without public-- making it public, but we'll let them all meet. And this bill is not ready for prime time, but I want to talk about it today because it's something that needs to be addressed. Because much of what they do in these meetings is decide what legislate-- legislation they're going to support and what legislation they're not going to support. And during the hearing-- and I thought this was somewhat shocking-- I made the-- one of the, the-- the committee did a great job with this hearing. They did a great job. They asked really good questions. One of the questions was, well, since you're all funded by public money, shouldn't it be public? And they were like, well, we're not funded by all public money, there's private money involved. Which I was like, OK, now we are-- this is not OK. We're having private meetings with public officials and we don't know who's funding it. So I'm going to pull it. Thanks, Senator Brewer, for letting me talk about it. But this is something that need-- we need to get our hands around, because I don't think we want somebody who we don't know, some organization-- we don't have any oversight of who's buying their lunch, picking up the tab, paying for the room. It's not good business, guys. Anytime something is done in the dark, bad things will happen. Not because anybody is bad, but just because people get sloppy and they-- so there needs to be some sunlight shown on all of these groups that are deciding where everybody's going to agree to be

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on legislation we introduce in the Legislature. So with that, I'll pull the amendment. Thank you, Mr. President.

**ARCH:** As ordered. Mr. Clerk, next item.

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

**ARCH:** Senator Ballard for motion.

**BALLARD:** Mr-- Mr. President, I move that LB287 be advanced to E&R for engrossing.

**ARCH:** Colleagues, you've heard the motion. All those in favor say aye. All those opposed, nay. LB287 is advanced. Mr. Clerk, next item.

**CLERK:** Mr. President, next bill. Select File, LB1215. Senator, there are E&R amendments.

**ARCH:** Senator Ballard for a motion.

**BALLARD:** Mr. President, I move the E&R amendments to LB215 be adopted.

**ARCH:** The motion to adopt the E&R amendments. All those in favor say aye. All those opposed, nay. They are adopted. Mr. Clerk.

**CLERK:** Mr. President, Senator Blood would move to amend with AM3044.

**ARCH:** Senator Blood, you are recognized to open.

**BLOOD:** Thank you, Mr. President. Friends, I bring to you what was LB1373 for your consideration. I thank Senator Hansen for allowing me to potentially amend this on Select File. This bill did come out of the HHS committee with a 7-0 vote and has no fiscal impact. LB1373 was created as other interstate compacts with stakeholders from the industry, Council of State Governments, the Department of Defense and the Academy of Nutrition and Dietitians, and worked on this compact together to facilitate the mobility of licensed dietitians and reduce licensure barriers to portability. The compact takes effect once seven states pass the legislation. This compact, like all the compacts, is constitutionally authorized. I can't hear-- [GAVEL] constitutionally authorized, legally binding, legislative-enacted among states. With approximately 111,000 registered dietitians in the United States, they are currently limited to practicing only in their home states. This would provide multi-state licenses for licensed dietitians wishing to practice in any member compact state. This is especially helpful for licensed dietitians that are relocating, such as our military spouses

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moving to another state, as it allows them to obtain a multi-state license and enter the workforce in Nebraska sooner. It's important to note that the scope of practice in Nebraska does not change with passing this compact, and in order to obtain a multi-state license, a registered dietitian would need to complete an accredited education program, completion of an accredited, planned and documented supervised experience in diet nutrition, and a successful completion of the RDN examination. We reap benefits with yet another industry where we can address our workforce needs, getting qualified people into the workforce faster, patient access is expanded with more qualified dietitians available in Nebraska, and the shared interstate data system between member states improves consumer safety with better verification of licensure status. State sovereignty, as always, is preserved as with the other compacts, and scope of practice is not altered. Friends, I ask for your green vote not just for our military spouses, but to make sure that we are doing everything we can to remove licensure hurdles here in Nebraska. Thank you, Mr. President.

**ARCH:** Seeing no one in the queue, Senator Blood, you're recognized to close. Senator Blood waives close. Colleagues, the question before the body is adoption of AM3044 to LB1215. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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

**ARCH:** AM3044 is adopted. Mr. Clerk, next item.

**CLERK:** Mr. President, Senator Blood would move to amend with AM3043.

**ARCH:** Senator Blood, you're welcome to open.

**BLOOD:** Thank you again, Mr. President. And thank you again to Senator Hansen. I now bring forward what was LB823, which is the physician's assistant interstate compact. This vote-- this bill was voted out of the HHS Committee with a 7-0 vote and, again, has zero fiscal impact. The goal of the physicians assistants compact is to ease the licensure burden for physicians assistants moving to Nebraska. The PA compact specifically began as an initiative in 2019 with the Council of State Governments, Federation of State Medical Boards, American Academy of Physician Associates, and the National Commission on Certification of Physician Assistants. The goal of this compact is to facilitate licensed PAs to practice in multiple states that have joined the compact without having to obtain an individual license. States automatically join the compact by passing the legislation. The Privilege to Practice model applies to this particular compact, where

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a licensee seeks compact privilege to practice in any state within the compact. The process is expedited, as with the other compacts, through the shared database system between states, confirming if an individual is qualified to practice within a member compact state. With all of our compacts passed over the last eight years, it removes licensure hurdles. It is a benefit to all of our military spouses, who move every 2 to 3 years and get to work and hit the ground running. It also helps our rural communities and improves our ability to utilize telemarketing. With that, I ask for your green vote on amendment-- I can't see it, AM3043.

**ARCH:** Seeing no one in the queue, you are welcome to close on AM3043. Senator Blood waives close. Colleagues, the question before the body is adoption of AM3043 to LB1215. All those in favor vote aye; all those opposed, nay. Mr. Clerk, please record.

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

**ARCH:** AM3043 is adopted. Mr. Clerk, next item.

**CLERK:** Mr. President, Senator Day would move to amend with AM3045.

**ARCH:** Senator Day, you're recognized to open.

**DAY:** Thank you, Mr. President. AM3045 would add the amended version of LB1106 into LB1215. This is an amendment that primarily would fix an administrative issue that was unnecessarily delaying when new mothers in Nebraska on Medicaid received breast pumps, and ensure that every pregnant mother in Nebraska on Medicaid, or mother whose child will be on Medicaid, receives a breast pump at 36 weeks or the child's date of birth, whichever comes first. Currently, most insurance, including when the mother has Medicaid, allows the mother to receive the breast pump before delivery. This is very important timing because it allows the mother to establish milk supply before the birth, which is critical for the newborn's nutritional needs and immune protection. Where we have a gap right now in Nebraska is for mothers who are not covered by insurance, but whose child is on Medicaid. So right now, mothers in this situation can apply for a breast pump after the child is born and enrolled into Medicaid. AM3045's goal is to create the mechanism to move this timeline forward and make sure that all babies in Nebraska are getting this nutrition during these vitally important first hours after birth. Furthermore, the bill creates a uniformity for the pump quality for mothers and children on Medicaid and specifies that the breast pump must be electronic. The other piece of the bill provides for an increase in the amount of lactation

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consultant visits that mothers on Medicaid may receive. Currently, the state provides coverage for five visits; AM35-- excuse me, AM3045 would increase this to ten. In the fiscal note, the Department of Health and Human Services reports that 91% of mothers enrolled in Medicaid that utilized a lactation consultant visit only used 1 or 2 of these appointments. So this portion of the bill is meant to improve the outcomes for those that may need a higher continuity of care to sustain healthy breastfeeding. DHHS projects that they can absorb any increase in visits from AM3045 within their current appropriation. This change will not affect the vast majority of mothers on Medicaid, but for the ones that it does affect, it has the potential to make a world of difference. DHHS has indicated that this will lead to a 10% increase in breast pumps given out under the Medicaid program, but with a cost amount that they can absorb, and will have no fiscal impact. LB1106 advanced out of the Health and Human Services Committee on an 8 to 0 vote and contains no fiscal note. Before I conclude, I want to thank everyone involved in this effort, especially Speaker Arch and Chairman Hansen, for their willingness to include LB1106 in the HHS package, and I ask for your green vote.

**ARCH:** Senator Hansen, you are recognized.

**HANSEN:** Thank you, Mr. Speaker. I appreciate all the hard work Senator Day has put into this bill, and the thoughtfulness of it. This is a friendly amendment and I actually think-- I, I-- first of all, appreciate the fiscal note that came out that was zero. And I actually believe this might actually save the taxpayers of Nebraska some money. As opposed to renting out breast pumps to these mothers who desperately need them and, and for their children, we actually get to provide them one, which might actually save some money in the, in the long-term. So I appreciate this bill and this amendment. And so I'd encourage my colleagues to vote green on AM3045. Thank you.

**ARCH:** Seeing no one in the queue, Senator Day, you're recognized to close. Senator Day waives close. Colleagues, the question before the body is the, is the adoption of AM3045 to LB1215. All those in favor vote aye; opposed, nay. Mr. Clerk, please record.

**CLERK:** 37 ayes, 0 nays, Mr. President, on adoption of the amendment.

**ARCH:** The amendment is adopted.

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

**ARCH:** Senator Ballard for a motion.

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**BALLARD:** Mr. President, I move that LB1215 be advanced to E&R for engrossing.

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

**CLERK:** Mr. President, LB1200. First of all, Senator, there are E&R amendments.

**ARCH:** Senator Ballard for a motion.

**BALLARD:** Mr. President, I move the E&R amendments to LB1200 be adopted.

**ARCH:** All those in favor say aye. Opposed, nay. E&R amendments is adopt-- are adopted.

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

**ARCH:** Senator Ballard for a motion.

**BALLARD:** Mr. President, I move that LB1200 be advanced to E&R for engrossing.

**ARCH:** Colleagues, you've heard the motion. All those in favor say aye. Opposed, nay. LB1200 is advanced. Mr. Clerk.

**CLERK:** Mr. President, LB1204. First of all, Senator, there are E&R amendments.

**ARCH:** Senator Ballard for a motion.

**BALLARD:** Mr. President, I move the E&R amendments to LB1204 be adopted.

**ARCH:** Colleagues, you have heard the motion. All those in favor say aye. All those opposed, nay. They are-- the E&R amendments are, are adopted.

**CLERK:** Mr. President, Senator Hughes would move to amend with FA288.

**ARCH:** Senator Hughes, you are welcome to open on FA288.

**HUGHES:** Thank you, Mr. President. I rise today to speak on FA288. I am also in support of the underlying bill, LB1204. LB1204 includes my bill LB1296 was-- which was amended into LB1204 during General File. FA288 will change the per-product certification fee from 25-- \$250 to

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\$75. I'll discuss that in a minute. First, I want to remind my colleagues that LB1296 will put guardrails in place to ensure that vaping products sold in Nebraska are complying with federal and state laws to prevent vape, vaping products from being marketed to minors, and to end direct online sales of vaping products to consumers in Nebraska, which has resulted in illegal products of questionable quality and origin bypassing Nebraska and federal laws being delivered to unsuspecting consumers here in the state. We worked with the Attorney General, vaping manufacturers, vaping retailers, youth nicotine prevention groups and others to carefully craft LB1296. Because we were putting these new guardrails in place for vaping, and we are doing it because the federal regulation has been ruled by the courts to be an arbitrary process, we are trying to make certain that the cash fund generated by the product fees covers the costs of the administering and enforcing of LB1296. We are in the process of getting a revised fiscal note on LB1204, as the LB1296 component underestimates the total amount of fees that will result. The Department of Revenue looked at what other states were bringing in for fees, but those states were basing their certification lists on the FDA lists, and that does not reflect the number of products that are actually on the market. The Fiscal Office was working with us and the industry to refine the fiscal note to show that the vaping product fees at the current \$250 per product level were would far exceed the cost to administer it. We were going to use this revised fiscal note to develop an amendment to reduce the fee to better balance the costs of administration and enforcement. LB1204 came to the floor on Select sooner than we could get that done, so we adraft-- we drafted a floor amendment to put the product fee at \$75. We will see what that fiscal note comes back on that, and if we need to further adjust the fee, whether that be by returning it to Select File this year or during next session when all this takes into effect. That is the update on the vaping regulation portion of LB1204 and an explanation of why we brought FA288 today. I urge your vote on FA288 and on the underlying bill, Senator John Cavanaugh's LB1204. Thank you, Mr. President.

**ARCH:** Senator Hughes, you are next in the queue.

**HUGHES:** I messed up, I shouldn't have clicked in. I already got to talk. So thank you.

**ARCH:** Senator Hughes waives. Seeing no one left in the queue, Senators, the question before the body is the adoption of FA288 to LB1204. All those in favor vote aye; all those opposed, nay. Mr. Clerk, please record.

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

**ARCH:** FA288 is adopted.

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

**ARCH:** Senator Ballard for a motion.

**BALLARD:** Mr. President, I move that LB1204 be advanced to E&R for engrossing.

**ARCH:** Colleagues, you've heard the motion. All those in favor say aye. All those opposed, nay. LB1204 is advanced. Mr. Clerk, next item.

**CLERK:** Mr. President, Select File, LB1262. First of all, Senat-- LB262, excuse me. First of all, I have E&R amendments.

**ARCH:** Senator Ballard for a motion.

**BALLARD:** Mr. President, I move the E&R amendments to LB262 be adopted.

**ARCH:** Colleagues, you heard the motion. All those in favor say aye. Opposed, nay. E&R amendments are adopted.

**CLERK:** Mr. President, Senator Ibach would move to amend with AM2654.

**ARCH:** Senator Ibach, you are welcome to open on AM2654.

**IBACH:** Thank you, Mr. Chairman. AM2654. Today I present AM2654 for your consideration. AM2654 is based upon LB1061, which changes provisions of the Nebraska Corn Resources Act. For background, the Legislature created the Nebraska Corn Development Utilization and Marketing Board, commonly known as the Nebraska Corn Board, in 1978 with LB639. This program was established in the interest of public welfare, so that corn producers like myself are permitted and encouraged to develop, carry out and participate in research, education, market development, and promotional programs. The Nebraska Legislature amended the statutes of checkoff rates in 2012 by a vote of 44 to 0. Today, 12 years later, the effects of higher-than-average inflation rates and 2 years of drought has significantly diminished the actual value of the checkoff. AM2654 increases the current one-half cent bushel corn checkoff rate to 1 cent on October 1, 2024, which brings us in line with our neighboring states and other corn-producing states. Other changes included in AM2654 are an adjustment to the per diem rate and decreases the percentage of the board's budget that can be utilized to work on federal legislation.

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AM2654 also clarifies that the board's annual report may be electronic, and that board members may recommend geographic adjustments to the eight districts when it comes to redistricting. LB1061, as amended by AM2426, which also comprises AM2654, advanced from the Ag Committee without any dissenting votes. Numerous corn producers across the state that I've spoken to say this is actually a no-brainer, and these statutes need to be updated. With that, I urge you to vote green on AM2654, and I thank you very much for your consideration.

**ARCH:** Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you. Thank you, Mr. President. I stand in opposition to this amendment. I have, for the life of me, tried to figure out how you differentiate between number 2 yellow corn in Nebraska and number 2 yellow corn in Iowa. And I was wondering if Senator Ibach would yield to a question or two.

**ARCH:** Senator Ibach, will you yield?

**IBACH:** Absolutely. Thank you.

**ERDMAN:** Senator Ibach, do they spend every dollar they collect on the checkoff every year?

**IBACH:** There are carryover dollars. For instance, when we have good years and yields are way high and we have \$7 corn, we might have a higher-than-average checkoff year. But in years in the cat-- like the past couple of years when the corn prices are down, yields are down, we don't have the override of those dollars. And so anything that's carried over every year, if there is carryover, which the last couple of years has been very nil--

**ERDMAN:** OK.

**IBACH:** --it is carried over, yes.

**ERDMAN:** Have they ever had a deficit where they ran out of money?

**IBACH:** I don't know the answer to that question, but I would-- I don't know.

**ERDMAN:** So what do you think, or what is your opinion of what they'll do with doubling the checkoff? What, what avenue will they develop or what plan will they have to sell more corn? We sell every bit of the corn we raise every year. And so consequently, I'm trying to figure

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out how this enhances more sales of corn that we already sell every year. Can you tell me what the advantage to having more money will be?

**IBACH:** Well, I think when you look at our neighboring states and how we are lower than they are, this brings us up to being equal with what they're able to do with marketing. When you look at what we do with the checkoff dollars, we use it on expansion of our golden triangle, which is what we're very proud of. We also use it on market development. So that speaks to different research. We also use it on education, so--

**ERDMAN:** OK.

**IBACH:** --we, we educate students, we educate the public--

**ERDMAN:** All right.

**IBACH:** --we educate the world, and--

**ERDMAN:** I understand.

**IBACH:** --we use it to expand trade.

**ERDMAN:** OK. So we do those things now, correct?

**IBACH:** That's correct.

**ERDMAN:** So what will we do differently that will get more money that will raise the value of corn in Nebraska because we have a higher checkoff? Is there, is there going to be something that I can say next year, man, I'm glad we raised that because now we have more money to spend because we're going to get more money? So what is the return for the extra half a cent, for doubling the checkoff? What advantage will that be for the average corn grower in Nebraska? Will they be to an advantage? They'll have more money in their pocket because we did that, because their corn price is higher?

**IBACH:** Well, I would hope so. And any time that you market any business, not just corn, not just ethanol, not any of our commodities, any time you market them and you do as, as good a job as our state does in explaining what our products are, what the benefits of our products are, how we use our sustainable programs to, to produce the best product in the world. And when you say-- when we market Nebraska ag products, we say we feed the world. And, and this is just one more component of that.

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**ERDMAN:** OK. So obviously we're doing a pretty good job with the half a cent we now collect because we're selling all the corn we raise. So I'm trying to figure out the value of going to the extra half a cent and saying that we're lower than other states is not a qualification, not a, not a need to raise the value or the checkoff. I-- that doesn't make any sense to me to say, well, we're behind Iowa or Illinois or Indiana or whatever other state, because our checkoff is less. It would make sense to me--

**ARCH:** One minute.

**ERDMAN:** --we're efficient in doing what we're doing. And anything that you've said today or anything I've read about this has not changed my mind about charging another half a cent to corn producers when the price is going down. And so I'll be opposed to this. And those of you who are in agriculture should be as well. Thank you.

**ARCH:** Senator Jacobson, you are recognized to speak.

**JACOBSON:** Thank you, Mr. President. I'll just be really brief here. I just want to follow up really on Senator Ibach's bill and my support for the bill. I also am a corn producer, and I can tell you that, yes, every bushel of our corn gets sold. The question is, for what price? What price do we sell that corn for? I can tell you that basis, basis is the difference between our cash price and the Board of Trade, our basis is stronger when we have demand locally. So anything that the Corn Board does to further create demand for Nebraska corn in various localities. I'm looking right now at the rail park being built in Hershey. That rail park will be set up for export. To the extent that we can export more Nebraska corn loaded on the rail, we're going to improve the basis, the local basis for producers in those areas. The more we can do with corn processing here in Nebraska, whether it be through ethanol or other value-added processes, that's going to provide more demand for Nebraska corn-- or for corn in the areas where we produce it, making for a stronger basis. So a half a cent is a drop in the bucket if you can see a much, much stronger basis. And I think that's why we need to trust the Corn Board to use these dollars to further develop the uses in Nebraska. When prices are lower, what's the, what's the cure for low prices? Low prices. When you have low prices, it's all the more reason why you want to create more local demand to move prices higher. Thank you, Mr. President. I'd encourage everyone to vote for a AM2654 and the underlying bill, LB262. Thank you.

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**ARCH:** Senator Aguilar would like to recognize some guests in the north balcony, Spaces of Democracy from Creighton University. Please rise and be recognized by your Legislature. Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you, Mr. President. I listened to Senator Jacobson's comments. It's only half a cent. I'll give you a, give you an example of what that means. Several years ago, when I was a county commissioner, the NRD was going to raise their mill levy from 4 to 5, and they said, it's only 1 cent. And I said, that's a 25% increase. So Senator Jacobson said it's only half a percent. That's 100% increase. 100%. So his comments about getting more money for the producers, I don't know that there's any proof that they have that it's going to generate more income for those who are paying the checkoff. But that's the goal here. We can't be behind Iowa or Indiana or Illinois when it comes to checkoff, so we're going to, we're going to sell every kernel of corn that we have in Nebraska. We always have. We always will. I don't know what is in their coffers today, but I would assume they probably have revenue left over. And until they find themselves in a deficit position to where they need more money to spend to enhance corn sales, I don't know the need to raise the checkoff. Just to have more money because you want more money is not a good reason. So I would encourage you to vote against AM2654, because I'm here to represent those who raise corn and those who have to pay the 50% increase in checkoff. I don't, for the life of me, figure why we have to go to 50%-- or 100%, excuse me. Why don't they try 25% or maybe 50% before they move completely to doubling the value-- doubling the checkoff? So I'm, I'm not in favor of AM2654, and I encourage you to vote red as well.

**ARCH:** Senator Dorn, you're recognized.

**DORN:** Thank you, Mr. Speaker. I stand in strong support of our AM2654 and the underlying bill, LB262. Senator Jacobson made some good points there. We are in a situation in Nebraska where we raise so much corn and how we market that, how we create markets for that through the export market, through the ethanol market, all of these other markets that we create are a big part of what the checkoff goes for. It supports many of those things that we now help develop a market for our corn so that we get higher prices. It's something that I have always strongly supported. I believe very much that we have to go out there and market our product. We have to go out there and show people what the positive things are for our corn market, for our ethanol market, not only here in the United States, not only here in Nebraska, but also overseas. Some of these funds are used for the export market.

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I had talked to the director of agriculture the other day. They are planning another trip this summer to go and market more of Nebraska's products. We need to continually be very strong, very supportive of how we market these products so that we get the best price for our producers. Thank you.

**ARCH:** Senator Brandt, you're recognized.

**BRANDT:** Thank you, Mr. Speaker. Real quick, maybe to address one of Senator Erdman's questions. Since the rate was increased in 2012-- that's when we increased it to one-half cent-- they have seen continued inflationary pressure, lowering the true value of the checkoff by nearly 25%. Add in the effects of the drought the past two years, and in total, the result is a \$3.8 million in fewer investments. A one-quarter cent increase does not break even with the effects of the drought and inflation. And I can tell you, as a member of the Corn Growers and as a farmer, I'm all right with a, with a half in-- half-cent increase. Originally, when this was created many years ago, it used to be one and one-eighth cents. And that was both the Ethanol Board and the corn checkoff. Thank you, Mr. President.

**ARCH:** Senator Erdman, you are recognized to speak. This is your last opportunity on this amendment.

**ERDMAN:** OK. Thank you. Thank you, Mr. President. And I wonder if Senator Brandt would yield to a question?

**ARCH:** Senator Brandt, will you yield?

**BRANDT:** Yes, I would.

**ERDMAN:** Senator Brandt, so have you, or do you understand that they've ever ran out of money or they've had a deficit that the Corn Board has? Have they been short of funds to do what they need to do?

**BRANDT:** Well, I think that's just good management. They, they are not going to spend themselves out of money. They're going to quit funding projects before they run out of money.

**BRANDT:** OK. Do you know of projects that they had to suspend or not do because they didn't have the funds?

**BRANDT:** Not specifically. I would have to get back to you on that. But I, I can tell you, when I was a member-- well, I'm still a member of the Corn Growers, and I was active on the Southeast Nebraska Corn Board. There were-- they functioned much like the Legislature. You

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have a project where maybe the state wants to spend \$2 million or \$3 million, and they come back and only spend \$1 million. Blender pumps are an example of what they do. Work with foreign markets trying to increase livestock consumption of corn here in the state. It's, it's a wide range of things to try and promote the number two yellow corn that you referenced.

**ERDMAN:** But wouldn't it make sense that if you're the Corn Board, and you're encouraging a 100% increase in the checkoff, that you would have presented ideas or concerns that you have with things that you wanted to do that you couldn't do? Wouldn't that have been something they should have presented to say, this is evidence that we need more money? Is that-- would that be appropriate?

**BRANDT:** Yeah, I think that would be appropriate. And, and given the short time today, I'm going to see if I can find that and get that to you. But, but I don't have it right here in front of me.

**ERDMAN:** Well, once this advances, once this amendment is adopted into LB262, it'll be difficult to take that back out of there. Today is the time to talk about that. It's an issue that I think is something we need to deal with today, because if they had those issues that they were giving up something or not doing a project that they wanted to do because they ran short of funds, that should have been something that was presented at the hearing. We should have heard about these are the reasons why we need to raise the checkoff a half a percent-- half a cent, which is a 100% increase. They should have been able to provide that information that said, these are the following projects that we're not able to do. OK? They didn't do that. They just said, we've got to keep up with Iowa, Indiana, Illinois or whatever it is, or inflation has taken away some of our spending power. And so those kind of things should have been made available at the hearing, so that those of us who are not concer-- not, not on board with raising it 100% would be able to point to that and say, yes, they need more money. But-- were you at the hearing, isn't this-- didn't it go to Ag Committee? Are you in Ag Committee?

**BRANDT:** No, I'm not.

**ERDMAN:** OK. OK, thank you. Would Senator Ibach yield to a question?

**ARCH:** Senator Ibach, will you yield?

**IBACH:** Yes, I will, thank you.

**ERDMAN:** Senator Ibach, are you on the Ag Committee?

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**IBACH:** Yes I am.

**ERDMAN:** OK. When this bill had its hearing, was there any opposition?

**IBACH:** No, there was not.

**ERDMAN:** So did the corn board come in and give you instances where they were short of funds to do certain projects that they can't do because they were short of funds?

**IBACH:** They did not present me with any specific examples. All I know is that, if you look at where we are comparably per acre according to the other commodities, we're well below where the other commodities sit. And so this is an effort, because we, we promote our product, we market our product, we engage in education. This is one way to expand on the efforts that we already have in place.

**ERDMAN:** OK. You've, you've brought a question to mind then. What other commodities and checkoffs are we behind that we need to catch up with?

**IBACH:** Well, funny you should ask. I have that here. So soybeans right now, checkoff investment per acre. They're--

**ARCH:** One minute.

**IBACH:** They're at \$3.50. Sorghum is at \$2.40. Wheat is at a, at \$1.35. And corn is clear down to 0.41 cents. So when you look comparatively at what corn's able to do, according to the other checkoffs, which are all very important--

**ERDMAN:** Are you saying that soybeans is \$3.50? What, a bushel?

**IBACH:** Checkoff investment per acre.

**ERDMAN:** Or per acre. OK. OK. So that, that's-- you base that on acre, not on per bushel. So what is the checkoff for soy-- it's not by the bushel, it's by the acre?

**IBACH:** No, it's by the bushel. As a corn producer, we all know that.

**ERDMAN:** OK. So then what is the checkoff per bushel on soybeans?

**IBACH:** Checkoff per bushel for soybeans. Yes, I knew this. Hang on.

**ARCH:** Time, Senator. Seeing no one in the queue, Senator Ibach, you're recognized to close.

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**IBACH:** Thank you very much, Mr. President. I would just note, in closing, I, I hope everyone supports this because I don't have any opposition except Senator Erdman. But to answer his question and can, can-- to give a little bit of clarification, the corn checkoff has four main pillars, and those are market development, those are focused on expansion of demand, both, both domestically and internationally. It, it bases it-- one of the pillars is research, which is focused on applied and basic research opportunities. And the other piece is education. And I know from experience that we use a lot of those dollars to educate K through 12 kids. And any time we can get into the classroom and educate folks on agriculture, it's a win. And so I appreciate what the Corn Board does. I appreciate what the corn checkoff and my dollar does to enhance all those efforts. And I would encourage your green vote on AM2654, and the underlying bill, LB262. Thank you.

**ARCH:** Colleagues, the question before the body is the adoption of AM2654 to LB262. All those in favor vote aye; all those opposed, nay. Mr. Clerk, please record.

**CLERK:** 29 ayes, 1 nay, Mr. President on adoption of the amendment.

**ARCH:** AM2654 is adopted. Mr. Clerk, next item?

**CLERK:** Mr. President, Senator Halloran moved to amend with AM3015.

**ARCH:** Senator Halloran, you are recognized to open.

**HALLORAN:** Thank you, Mr. President. AM3015 would strike most of the LB263 provisions of the committee amendment and insert those portions of LB999 heard before the Judiciary Committee, and would essentially transfer licensure and regulation of hemp cultivation to the USDA. As you recall the 2018 Farm Bill, Congress removed hemp from regulation under the federal Controlled Substance Act, but provided for the regulation of commercial production of hemp under a new hemp subtitle of the Agricultural Marketing Act. Congress allowed states and tribes to assume primary regulatory oversight over hemp production, provided such regulation is a-- is in according to a, a state plan consistent with minimal requirements specified in the Farm Bill, and as further defined by USDA regulations. USDA published a final report on January 19, 2021. Currently, LB262, with the provisions of LB263 added by the committee amendment would make a series of revisions to the Nebraska Hemp Farming Act to bring the act into alignment with USDA final rule. The federal act provides that if a state elects not to retain a state hemp program, then the regulation of hemp production would revert to

the USDA, and licensure and regulation of hemp cultivation would occur under the federal hemp plan that replicates the elements we have in our state hemp plan. The federal hemp program requires licensure of growers and registration of hemp growing sites. Like the state program, the federal government requires sampling and testing of hemp lots prior to harvest. Hemp exceeding 0.3% Delta-9 THC would be subject to destruction, and growers would be subject to greater oversight to undertake corrections to avoid non-compliant crops in the future, and referral for potential prosecution for violation that exceeds negligence. Nebraska would join a growing trend of states that have either elected not to implement a state plan, or that at one time had a state program and elected to discontinue state regulation of hemp production, handing regulations back to USDA. Examples of those states, Mississippi, Missouri, New Hampshire, Vermont, North Carolina, Utah, and Wisconsin. The number of licensed growers under the Nebraska Hemp Program has declined from 84 in 2020 to under 20 today. Those interested in growing hemp in 2024 will be applying for a renewing license now, so we won't have final count of expected licensees for a little while yet. There would be some advantages for growers under federal license. For example, there are no license fees, and the license period is for three years. The federal program already incorporates some of the flexibilities for growers that reduce costs and risks that the LB263 provisions of this amendment would have added to the state program. Essentially, AM3015 would modify or repeal provisions of the current Hemp Farming Act that assigned duties and authorities to the department sufficient to support a state hemp plan meeting the requirements of the USDA under the 2018 Farm Bill and the USDA final rule. Under the Hemp Farming Act that remains, growers would need to be licensed by USDA, or a tribal program if grown within a tribal area to legally grow hemp in the state. Any hemp being transported through the state would be still-- would still be required to carry documentation required under current law that the hemp was produced by a licensed grower under a state-- a state or tribal hemp plan, or USDA licensure in compliance with the 2018 Farm Bill, and documentation of the testing verifying the THC content does not exceed the THC limit of 0.3 percent Delta-9. The amendment would also terminate the Hemp Commission, which is-- which has very little viability as a stand-alone state agency. The Hemp Commission was envisioned as operating like other commodity boards, and was to have been funded by the hemp checkoff. That revenue source has never been realized, as hemp production has fallen below expectations from when the commission was created. Thus far, the bare minimum operations of the commission have been funded through the transfers of the Noxious Weed Fund, and the amendment would transfer any residual funds from

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the Hemp Promotion Fund back to the Noxious Weed Fund cash fund. The amendment would provide a January 1 operative date for the revisions contained in this amendment. In other words, the Department of Agriculture would complete its regulatory oversight through the current growing year. This would avoid confusion of having producers having to apply for federal licensure in the middle of a growing season. Additionally, the delayed effective date would accommodate step, steps the state would need to, to notify the USDA of its intentions to discontinue its state program, and to enable USDA, USDA, some time to prepare to take over hemp production regulation. Mr. President, I would ask for you-- the body's support for AM3015.

**ARCH:** Senator Lowe, you're recognized to speak.

**LOWE:** Thank you, Mr. President. I'm confused on some of this. When we first brought the hemp bill up, I don't remember what it was, five years ago now? They said that the THC level in hemp can never go above 0.3%. And then later, when we found out that if they-- if they left it in the field a little bit longer, it may go up to 0.5%. And with this now we're moving it up to 1%. Hemp was not marijuana, was what was said, because it could not go above 0.3%. And here we are moving it to point-- or, to 1%. I'm confused. Are we talking about marijuana, or are we talking about hemp? Thank you, Mr. President.

**ARCH:** Senator Wayne, you're recognized to speak.

**WAYNE:** Thank you, Mr. President. I want to thank Chairman Halloran, and also Senator Ibach. This is part of LB999, which is in Judiciary. You may say, how did it get over to Ag? The bill actually had two major components. One was a, a criminalization, legal component. The other one was strictly Ag. And so through working with Senator Ibach and Senator Halloran, they came up with the great idea of focusing on the ag piece, what the ag farmers want, and what the hemp farmers want. And I have no problem with that. It's the other part that we're still trying to work out, on the, on the criminal side. So I didn't want anybody to get confused if you look up LB999 and say it's in Judiciary and it's-- how did it get over here? It's because they already had a bill in their committee that dealt some-- that dealt with hemp on the ag side. And this amendment does just the ag stuff. So there's really-- there's no jurisdictional issues, and I am in full support of AM3015. Thank you, Mr. President.

**IBACH:** Senator Ibach, you're recognized.

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**IBACH:** Thank you, Mr. Chairman. Senator Lowe, I would just clarify for you. I had the same question after we visited. And so I did consult with the Department of Agriculture, and their explanation, which I felt pretty confident in, is that the negligent amount is 0.1%. So if they come in and test your crop and it doesn't meet that 0.05 that it's lower-- or higher in this case, if it's at that 0.1-- you have the opportunity to remediate, or if you don't remediate, then you have the opportunity-- they have the opportunity to destroy your crop. And so that really-- by that definition, that's just the, the threshold. But the 0.3-- 0.03 is still the legal limit. Does that make sense? Anyway, I-- additionally, I would thank Senator Halloran and I'm very supportive of AM3015. And as Senator Halloran explained, if adopted, AM3015 amends the Nebraska Hemp Farming Act to cede regulatory authority back to the USDA, which is where, as Senator Halloran noted, all of-- I, I didn't have any producers that said, please don't do that. AM719, which is-- was adopted on General File updated the state of Nebraska hemp regulations with the federal regulations. And so, we're adopting, adopting the exact same regulations, and this makes perfect sense. So with that, I would urge your green vote on AM3015. Thank you, Mr. Chairman.

**ARCH:** Seeing no one in the queue, Senator Halloran, you're recognized to close on AM3015. Senator Halloran waives close. Colleagues, the question before the body is the adoption of AM3015 to LB262. All those in favor vote aye; all those opposed, nay. Mr. Clerk, please record.

**CLERK:** 34 ayes, 1 nay, Mr. President, on adoption of the amendment.

**ARCH:** The amendment is adopted. Mr. Clerk, next item.

**CLERK:** Mr. President, Senator Brandt would move to amend with AM2997.

**ARCH:** Senator Brandt, you are welcome to open.

**BRANDT:** I know the time is getting short and this is not going to take long. AM2997 was what we call an expansion of the Cottage Food Act or the cheesecake bill. And so cottage foods, commonly known as home-based foods, are products that are made in private homes and sold directly to consumers. These products can include baked goods, jams, jellies, pickles, and more. The Cottage Foods Bill was passed in 2019. One of the benefits of cottage foods is that they provide a way for individuals to start their own small business from home. This can be especially beneficial for stay-at-home parents, retirees, or anyone looking to supplement their income. Cottage foods allow customers to purchase foods that are made locally. Over 1,000 cottage food

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producers have registered with the state Department of Ag since the program's creation. The changes that this bill will make to the Cottage Foods Law will allow producers to sell non-refrigerated foods like cheesecakes, and other time/temperature controlled foods like non-meat casseroles. The idea for these changes came from the cottage foods producers themselves. Currently, our neighbors in Iowa, South Dakota, and Wyoming have already expanded their cottage foods laws to sell the products that are proposed in this legislation. AM2997 is a white copy amendment from the original bill. This amendment comes from discussions with the Department of Ag that addresses the issues they had with this bill as it was originally written. The changes the amendment makes is exempting these cottage foods producers from being labeled as milk distributors, and listing out foods that are nonexempt. I thank Senator Halloran and the Ag Committee for allowing me to add this to their priority bill. I ask for your green vote on AM2997.

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

**RIEPE:** Thank you, Mr. President. I just-- I served on the Ag Committee, and we addressed this particular topic about 2017. The concern at the time was with the standards that would be consistent in the various producers in the homes with the idea that there are cats and dogs and everything else running around the house. And so I would ask Senator Brandt if he would take a question.

**ARCH:** Senator Brandt, will you yield?

**BRANDT:** Yes, I will.

**RIEPE:** Thank you, good Senator. Do they-- have they tightened up the standards since that point in time? At that time, I think it was you had to have a commercial kitchen.

**BRANDT:** This happened after-- when you were on vacation those four years. So. So, basically, they have to take a food safety course. They have to register with the Department of Agriculture. And at the time of the hearing last year, over 1,000 people have registered with not one complaint to the Department of Agriculture.

**RIEPE:** OK. I'm not terribly responsive, I guess, to the number of people that sign up. People are inclined to-- put something in front of it, they'll often sign it, including us as senators. I'm just concerned about the, the-- I'm, I'm concerned about these standards. And, and I've purchased those things at county fairs myself a number

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of time, and they're excellent in my experience with them. Anyway.  
Enough said. Thank you, Mr. President.

**ARCH:** Seeing no one in the queue. Senator Brandt, you're recognized to close. Senator Brandt waives close. Colleagues, the question before the body is the adoption of AM2997 to LB262. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 34 ayes, 0 nays, Mr. President, on adoption of the amendment.

**ARCH:** The amendment is adopted. Mr. Clerk, next item.

**CLERK:** Mr. President, Senator Albrecht would move to amend with AM3042.

**ARCH:** Senator Albrecht, you are recognized to open.

**ALBRECHT:** Thank you, Mr. President, and I'll make this real quick. This bill was heard in the Agriculture Committee on February 13th with no opposing testifiers. It was voted out of committee to General File 7-0. It has no fiscal note. We are only adding insect production into the definition of agricultural products listed in Nebraska Statute 2-3804. I'd ask for your green vote to amend AM3042 into LB626. Or-- I'm sorry, LB262. Dyslexic.

**ARCH:** Seeing no one in the queue, Senator Albrecht, you recognized to close.

**ALBRECHT:** I'll waive close.

**ARCH:** Senator Albrecht waives close, colleagues, the question before the body is the adoption of AM3042 to LB262. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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

**ARCH:** AM3042 is adopted.

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

**ARCH:** Senator Ballard for a motion.

**BALLARD:** Mr. President, I move that LB262 be advanced to E&R for engrossing.

**ARCH:** Colleagues, you've heard the motion. All those in favor say aye. All those opposed, nay. LB262 is advanced. Mr. Clerk.

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**CLERK:** Mr. President, Select File, LB867. 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 LB867 be adopted.

**ARCH:** Colleagues, all those in favor say aye. Opposed, nay. E&R amendments are adopted.

**CLERK:** Mr. President, Senator Albrecht would move to amend with AM3054.

**ARCH:** Senator Albrecht, you are recognized to open.

**ALBRECHT:** OK. This particular bill is a little bit older. It's been around. I'll try to go quick. It was heard, let's see, in 2021-2022 session and, brought back up again this biennium, and it was heard in the Natural Resource Committee. It came out 6-2. We had a tremendous amount of people supporting the Black Hills Energy who brought the bill to me. You can certainly look online, I won't list all of the proponents. The only opponent was the Sierra Club, and one person in neutral, which was the League of Nebraska Municipalities. And, with that, I just want to just quickly say that, that there are over nearly 540,000 Nebraskans that rely on safe and reliable natural gas service. Eliminating the energy choices increases the energy costs significantly and reduces discretionary spending. Bans can cost jobs in the industry and rely on affordable indi-- affordable energy like agriculture can hurt a community's competitiveness and negatively impact the economy. So they're just trying to continue to protect the interests of the substantial investment they have here in Nebraska. And I just ask for your green vote on LB-- or AM3054 into LB867. Thank you.

**ARCH:** Senator Bostelman, you're recognized.

**BOSTELMAN:** Thank you, Mr. Speaker. I do consider this a friendly amendment and would encourage your green vote. Thank you.

**ARCH:** Seeing no one in the queue. Senator Albrecht, you're recognized to close on AM3054. Senator Albrecht waives close. Colleagues, the question before the body is the adoption of AM3054 to LB867. All those in favor vote aye, all those opposed, nay. Mr. Clerk, please record.

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

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**ARCH:** The amendment is adopted.

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

**ARCH:** Senator Ballard for a motion.

**BALLARD:** Mr. President, I move that LB867 be advanced to E&R for engrossing.

**ARCH:** Colleagues, you've heard the motion. All those in favor say aye. All those opposed, nay. LB867 is advanced. Mr. Clerk for items?

**CLERK:** Mr. President, the Committee on Judiciary, Chaired by Senator Wayne, reports LB1092 to General File with committee amendments. Additionally, amendments to be printed from Senator Wayne to LB137. Senator Machaela Cavanaugh, motions to be printed to LB137; Senator Clements, motion to be printed to LB1027; Senator Bostelman to LB1031. New LR, LR330 from Senator Erdman; that will be laid over. Name add, Senator Brewer-- excuse me, name withdrawal, Senator Brewer-- name withdrawn from LB951. Finally, Mr. President, a priority motion, Senator Hardin would move to adjourn the body until Monday, March 18, 2024 at 10:00 am.

**ARCH:** Colleagues, all those in favor say aye. Opposed, nay. We are adjourned.