

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 21, 2024

**ARCH:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-eighth day of the One Hundred Eighth Legislature, Second Session. Our chaplain for today is Pastor Mark Ashton from Christ Community Church in Omaha. It's in Senator Brad von Gillern's district. Please rise.

**PASTOR ASHTON:** Let's pray together. Almighty God, maker of heaven and earth, we welcome your presence here. We're grateful for your transcendence and imminence over all things that have been created. And also, we're grateful for your attention to the details of the things that people are interested in on a day-to-day basis. Father, you say that if we ever lack wisdom and we need it, you will give it to us in abundance. So today, we just want to ask for your wisdom, for these leaders to be able to make wise decisions for the state of Nebraska, to be able to care for the people that are here, to bring about justice and love and goodness in our generation. Father, we pray for the folks who know you, that the Spirit of God would be quickened inside of them to be acting on your behalf. And for those who don't yet know you, Father, I pray you'd be at work inside of them to will and to act according to your good purposes, and to draw them to yourself. So this morning, we're grateful for you. We're grateful for your presence here in our midst. We welcome you and we pray in the mighty name of Jesus, our savior, sanctifier, healer and coming king. Amen.

**ARCH:** I recognize Senator Lowe for the Pledge of Allegiance.

**LOWE:** Will you please join with me in the Pledge of Allegiance? I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

**ARCH:** I call to order the forty-eighth day of the One Hundred Eighth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

**ASSISTANT CLERK:** I have a quorum present, Mr. President.

**ARCH:** Thank you, Mr. Clerk. Are there any corrections for the Journal?

**ASSISTANT CLERK:** Excuse me, I have no corrections for the Journal.

**ARCH:** Thank you. Are there any messages, reports or announcements?

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**ASSISTANT CLERK:** Yes, Mr. President. LR336, introduced by Senator John Cavanaugh. That will be referred to the Executive Board. I have a report of the Reference Committee regarding gubernatorial appointments, and a report of the Reference Committee referring LR3--LR335. I have also the list of all lobbyists who have registered with the Clerk's Office as of March 20, 2024. And also, all agency reports that have been received can be found on the Nebraska Legislature's website. Also, the Revenue Committee will hold an Executive Session in room 2022 immediately following Final Reading. That's Revenue Committee in room 2022, immediately following Final Reading. That's all I have.

**ARCH:** Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR322, LR323 and LR326. We'll now proceed to the first item on the agenda. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, LB130A, introduced by Senator Dorn, is an act relating to appropriations; to appropriate funds in aid in carrying out the provisions of LB130. It was introduced on March 18, 2024, placed on General File. I have no amendments, Mr. President.

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

**DORN:** Thank you, Mr. Speaker. This is LB130A, which is the appropriations bill for the hos-- excuse me, the nursing home assessment pay per resident day, which we had-- I had LB942 out of committee that we attached to LB130. I brought it back from Final Reading the other day. This assessment will draw down an additional \$23 million in federal funds. There is no cost to the state. This is a cash transaction, or whatever, or a cash change. So there's no cost to the state on this. Appreciate your green vote on this.

**ARCH:** Seeing no one in the queue, you are welcome to close. Senator Dorn waives close. The question before the body is the advancement of LB130A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Has everyone voted? Mr. Clerk, please record.

**ASSISTANT CLERK:** 35 ayes, 0 nays on the advancement of LB130A.

**ARCH:** LB130A advances to E&R Initial. Mr. Clerk, next item.

**ASSISTANT CLERK:** Mr. President LB287A, introduced by Senator Brewer. It's a bill for an act relating to appropriations; to appropriate funds in aid in carrying out the provisions of LB287. The bill was

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first read on March 20, '24, placed on General File. I have no amendments on the bill.

**ARCH:** Senator Brewer, you're welcome to open on LB287A.

**BREWER:** Thank you, Mr. Speaker. LB287 is a bill that we advanced from Select File on March 15. This is one of our Government Committee priority bills. We picked up a fiscal note on Select File. This is because it is now in this year's Secretary of State elections update bill, my LB1152. You can look at the fiscal note in LB1152 for more details. But basically, the A bill does two things. First, it gives the Secretary of State \$120,000 for some of the one-time updates that we need-- that we've been telling him to do to make this-- the state's voter registration system match. And then the second is that it allows DMV to allocate fees differently. This would take \$1 from every DMV record request fee, and put that dollar into the DMV Cash Fund. This is to pay for the cost of the free state IDs that are required under the voter ID law that we passed last year. The extra dollar will have gone to the General Fund otherwise. This does not take any money out of the General Fund for voter ID, it's just simply changing it over from the fee. It's just, again, some of the fees that are being anticipated for the future. I would ask for your support for our Nebraska elections and for voter ID. I'd appreciate your green vote on LB287A. Thank you, Mr. President.

**ARCH:** Seeing no one in the queue, you are welcome to close. Senator Brewer waives close. The question before the body is the advancement of LB287A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 38, 38 ayes, 1 nay on advancement of the bill, Mr. President.

**ARCH:** LB287A advances to E&R Initial. Mr. Clerk, for the next item.

**ASSISTANT CLERK:** Mr. President, LB867A, introduced by Senator Bostelman. It is a bill for an act relating to appropriations; to appropriate funds in aid of carrying out the provisions of LB287. First read on March 18 of 2024. The bill was placed on General File. I have no amendments.

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

**BOSTELMAN:** Thank you, Mr. Speaker. Good morning, colleagues. LB867A is the A bill for the Natural Resource Committee's first priority bill. Specifically, this A bill contains a cash fund transfer from the

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Nebraska Power Review Fund to the Nebraska Power Review Board for the per diem increase for the Power Review Board members. There is no General Fund impact in this bill. The PR-- the Power Review Board assesses public power utilities for their entire budget, so all of their funds are cash funds. The utilities pay on a pro-ra-- pro-rata ba-- basis, using their respective gross revenue from the prior calendar year. I ask for your green vote on LB867A and its advancement to Select File. Thank you, Mr. Speaker.

**ARCH:** Seeing no one in the queue, you're welcome to close. Senator Bostelman waives close. The question before the body is the advancement of LB867A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 34 ayes, 0 nays on the advancement of LB867A.

**ARCH:** LB867A advances to E&R Initial. Mr. Clerk, next item.

**ASSISTANT CLERK:** Mr. President, LB1169A, introduced by Senator Erdman. The bill is an act relating to appropriations; to appropriate funds in aid of carrying out the provisions of LB1169. The bill was first read on March 15 of 2024. The bill was reported to General File. I have no amendments.

**ARCH:** Senator Erdman, you are welcome to open on the bill.

**ERDMAN:** Thank you, Mr. President. Good morning. Just to give you a little history on the fiscal note here. We started out with no fiscal note when we introduced this bill, and then we had a fiscal note that said \$153,000. And then we have one that states 1-- \$71,000 this year and \$150-some thousand next year. I'll read-- I'm going to read a little bit of the testimony from Director of DAS, Jackson, in the hearing. He said this, the fiscal note prepared by History Nebraska was completely at odds with the administration's expectation that the cost that they would actually incur if they were made a code agency is incorrect. He went on to say he personally spoke with ICIO [SIC], the controller, just this last week before the hearing, and he-- the director assured him his expectations that the agency could be brought into the fold minim-- with minimal cost, and the cost of their legacy systems in place, and the expectations of server upgrades and the things that they would receive from OCIO were things that they would have to do anyway. The security protocols that were at odds with the current best practices, but this would be an expense that would be expected to incur whether they were a code agency or not. So what I want to say is this: not only is History Nebraska have issues with

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their financial issues as far as keeping track of their funds, they are also having issues with their IT. And so it's obvious that when an agency doesn't want you to do something, they will throw in a fiscal note to try to stop you. I have visited again this morning with DAS and those in charge of OCIO, and they have assured me that this is not needed. Because you see, the IT service that they currently use is already figured into the appropriation that we give History Nebraska. So whether they get IT service from a, a individual or private provider, or whether they use the services of OCIO, it is already calculated into their appropriation. And so they're trying to tell you that it's going to be a cost to them to switch to be a code agency, which is totally, totally incorrect. And so I'm asking you this morning to vote no on 1169A. As I described in my comments, it is not needed. Just know that whatever History Nebraska can do to stop this from becoming a code agency, they will do. And I have been here 7 years and 43 days, and I can tell you every time we get a fiscal note from an agency that doesn't want something to happen, this is how they try to kill it. So this is not needed. That will be-- they will be totally taken care of by OCIO and it's already been appropriated in their funds. So vote no on LB1169A. Thank you.

**ARCH:** Mr. Clerk for a motion.

**ASSISTANT CLERK:** Mr. President, Senator Erdman would move to indefinitely postpone LB1169A.

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

**ERDMAN:** Thank you, thank you, Mr. President. Thank you, Mr. Clerk, for pointing that out to me that if we did vote no on LB1169A, it would kill the bill. So what I'm asking you to do is vote to indefinitely postpone LB1169A until April 18. Thank you.

**ARCH:** The question before the body is the adoption of the motion to indefinitely postpone. All those-- this will take a majority of those voting. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 39 ayes, 0 nays on the motion to indefinitely postpone LB1169 [SIC- LB1169A], Mr. President.

**ARCH:** The motion to indefinitely postpone is successful. LB1169A is indefinitely postponed. Mr. Clerk, next item.

**ASSISTANT CLERK:** Mr. President, LB1355A, introduced by Senator Vargas. It's for an act relating to appropriations; to appropriate funds in

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aid of carrying out the provisions of LB1355. The bill was first read on March 19 of 2024. It was placed on General File. I have no amendments, Mr. President.

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

**VARGAS:** Thank you very much, Speaker. Good morning, colleagues. This is my A bill for my priority bill, LB1355. LB1355 will make critical updates to the Opioid Recovery Fund to address serious public health crisis stemming from the rapid increase in the use of prescription and nonprescription opioid drugs by establishing aid programming and infrastructure funds. I want to thank you all for advancing LB1355 to Select File without opposition. I know that we all feel the gravity of this issue, and I'm grateful for your support in moving this bill. We are working on some amendment language between-- probably on Select on here just to make sure that everything is operational. But just as I mentioned, this is cash funds, no general funds will be spent on this. Thank you, and I ask for your green support on LB1355A.

**ARCH:** Senator Vargas, seeing no one in the queue, you're welcome to close. Senator Vargas waives close. The question before the body is the advancement of LB1355A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 37 days, 0 nays on the advancement of LB1355A, Mr. President.

**ARCH:** LB1355A does advance to E&R Initial. Mr. Clerk, we'll proceed to Select File. LB644A.

**ASSISTANT CLERK:** Mr. President, LB644A, I have nothing on the bill.

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

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

**ARCH:** Question is the adoption of the E&R amendments. All those in favor say aye. All those opposed say nay. The amendments are adopted. Mr. Clerk, next item.

**ASSISTANT CLERK:** Mr. President, LB12-- LB1204A. I have an amendment from Senator John Cavanaugh.

**ARCH:** Senator Cavanaugh, to open on your amendment.

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**J. CAVANAUGH:** Thank you, Mr. President. LB1204 is the General Affairs Committee priority package that includes rickhouse, and Senator Hughes's vaping registry bill. We had-- well, this A bill has been adjusted to reflect the work of Senator Hughes and the Fiscal Office to take-- the original A bill has some General Fund allocation. Thanks to Senator Hughes's work on this, it now is only cash fund that is generated as a result of the registration fee. So there's no General Fund obligation, but we still need an A bill to appropriate the cash fund that gets brought in. So I'd ask for your green vote on AM3108. Thank you, Mr. President.

**ARCH:** Seeing no one in the queue, you're welcome to close. Senator Cavanaugh waives close. The question before the body is the adoption of AM3108. All those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 33 days, 0 nays on the adoption of AM3108, Mr. President.

**ARCH:** AM3108 is adopted. Mr. Clerk.

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

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

**BALLARD:** Mr. President, I move that LB1204A be advanced to E&R for engrossing.

**ARCH:** The question is the adoption of the E&R amendments. All those in favor say aye. All those opposed say nay. The amendments are adopted. The bill is advanced. Mr. Clerk, we will move to Final Reading. Members should return to their seats in preparation for Final Reading. We're asking members to check in, please. Senators Erdman and Halloran, please check in. Mr. Clerk, LB43.

**CLERK:** Mr. President, as it pertains to LB43, Senator Conrad would move to bracket the bill to the-- excuse me, to recommit the bill to the Government, Military and Veterans Affairs Committee.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. Let me just start by being clear. I had a chance to flag this with the leadership, including my friend, Senator Brewer and Senator Sanders. This is not a motion that I am going to ask you to take up. I am going to build legislative history for just a few moments as quickly as I

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can and then immediately withdraw the motion so that we can vote to move forward with LB43. Friends, there are a host of important measures contained within the Government package in LB43, from donor privacy to the First Freedom Act, to important updates to our public records laws, and a host of other important measures that had strong consensus from our diverse Government Committee and that have received strong support from this body over each round of debate. I wanted to let you know that our committee did address and anticipate certain issues regarding our Public Records Act and how it plays out in practice in relation to the wave of exorbitant costs that have been charged by government, lawyers, and agencies, and entities to citizens. So in order to address that disturbing trend, the committee has moved forward with a host of remedies in our public records laws to reset the balance in favor of the citizens of Nebraska. So one important change, currently, citizens have 4 hours of free time available to them under public records request. This moves this to 8 hours of free time under the public records law moving forward. There is another component that includes a potential waiver for fees in the public interest, which was adopted from similar Public Records Act in our sister state to allow for citizens to make a claim that the charges being estimated are exorbitant, and that they would have an opportunity to negotiate fee reduction with the agency. And then finally, if you look at page 7, lines 21-22, there is also important language there clarifying that review by non-attorney staff and research should not be subject to exorbitant costs. And that includes an anticipation of some of the issues that were moving their way through the courts and then recently decided in Nebraska Journalism Trust v. Department of Environment and Energy, decided by the Nebraska Supreme Court on March 15, 2024. I think that these are very important updates to our public records law. I would urge your continuing support. I know that myself, Senator Brewer, and others will be introducing interim studies to see if additional changes are needed moving forward in regards to this decision or other issues impacting public records that we can take up as a body next year. Thank you, Mr. President. I would like to withdraw my motion.

**ARCH:** Without objection, so ordered. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in vote-- all those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 37 ayes, 3 nays to dispense with the at-large reading, Mr. President.

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

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**CLERK:** [Read title of LB43]

**ARCH:** All provisions of law relative to-- relative to procedure having been complied with, the question is shall LB43 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, Bosn, Bostar, Bostelman, Brandt, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, Meyer, Moser, Murman, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: none. Not voting: Senators Blood, John Cavanaugh, Machaela Cavanaugh, McKinney, Brewer, Day, Dungan, Hughes, Hunt, and Raybould. Vote is 39 ayes, 0 nays, 4 present not voting, 6 excused not voting, Mr. President.

**ARCH:** LB3-- LB43 passes with the emergency clause. We'll now proceed to LB905.

**CLERK:** [Read LB905 on Final Reading]

**ARCH:** All provisions of law relative to procedure have been complied with, the question is shall LB905 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, John Cavanaugh, Machaela Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, 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 Brewer, Day, Dungan, Hughes, Hunt, and Raybould. The vote is 43 ayes, 0 nays, 6 excused not voting, Mr. President.

**ARCH:** LB905 passes. Senator Brandt would like to recognize a guest, Gale Pohlmann, from Plymouth, Nebraska, located under the south balcony. Please rise and be welcomed by your Legislature. We will now proceed to LB905A.

**CLERK:** [Read LB905A on Final Reading]

**ARCH:** All provisions of law relative to procedure having been complied with, the question is, shall be LB905A pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, 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 Dungan, Hughes, Hunt, and Raybould. The vote is 45 ayes, no nays, 4 excused not voting, Mr. President.

**ARCH:** LB905A passes. Senator Fredrickson would like to welcome some guests from the Nebraska Association of Behavioral Health Organizations, 50 members representing all of Nebraska. Please rise and be welcomed by your Legislature. Mr. Clerk, we'll proceed to LB1087e.

**CLERK:** [Read LB1087 on Final Reading]

**ARCH:** All provisions of law relative to procedure having been complied with, the question is shall LB1087 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, Bewer, Cavanaugh, Cavanaugh, Clements, Conrad, Day, DeBoer, DeKay, Dorn, Dover, Erdman, Fredrickson, Halloran, Hardin, Holdcroft, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, MacDonnell, McKinney, Meyer, Moser, Murman, Raybould, Riepe, Sanders, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: Senator Slama. Not voting: Senators Hansen, Dungan, Hughes, and Hunt. Senator Slama voting yes.

**ARCH:** LB10--

**CLERK:** The vote is-- the vote is 45 ayes, 0 nays, 1 present not voting, 3 excused not voting, Mr. President.

**ARCH:** LB1087 passes. Mr. Clerk.

**CLERK:** Mr. President, Final Reading, engrossed LB1087A, introduced by Senator Jacobson.

[Read LB1087A on Final Reading].

**ARCH:** All provisions of law relative to procedure having been complied with, the question is shall LB1087A pass with the emergency clause

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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, DeBoer, DeKay, Dorn, Dover, Erdman, Fredrickson, Halloran, Hardin, Holdcroft, Hunt, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Meyer, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wishart. Voting no: none. Not voting: Senators Hansen, Wayne, Dungan, and Hughes. Senator Wayne voting yes. Vote is 46 ayes, 0 nays, 2 pre-- 1 present not voting, 2 excused not voting, Mr. President.

**ARCH:** LB1087A with the emergency clause passes. Mr. Clerk for items.

**CLERK:** Mr. President, LB1031A, introduced by Senator Bostelman. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB1031 and declares an emergency. It's all I have at this time.

**ARCH:** While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB43e, LB905, LB905A, LB1087e, and LB1087Ae. We will now proceed to General File. Mr. Clerk.

**CLERK:** Mr. President, General File, LB71, introduced by Senator Sanders. First of all, Mr. President, I have M0229, M0230, and M0231 from Senator Hunt, all with notes that she wishes to withdraw.

**ARCH:** Without objection, so ordered.

**CLERK:** Mr. President, LB71, General File, introduced by Senator Sanders. It's a bill for an act relating to schools; changes provisions relating to the involvement of parents and guardians in the education of their children; requires each public school district to develop and adopt a policy relating to the rights of each parent and guardian to access testing information and curriculum, and excuse their child from certain instructional activities; provides powers and duties to the Commissioner of Education; repeals the original section. The bill was read for the first time on January 5 of this year-- excuse me, of last year and referred to the Education Committee. That committee placed the bill on General File. There are committee amendments. There are additional amendments, Mr. President.

**ARCH:** Senator Sanders, you are welcome to open on LB71.

**SANDERS:** Good morning. And thank you, Mr. President. Today I am introducing LB71 to update our parental involvement and academic transparency statutes. Thank you, Mr.-- Senator Meyer, for prioritizing this bill as well. Thank you. Last year I introduced LB1158. From October 2021, and throughout the committee process, my office developed this concept with input from the Nebraska Association of School Boards, the Nebraska Council of School Administrators, the Nebraska Student Educators Association, the Nebraska Rural Committee--Community Schools Association, the State Department of Education, and the Education Committee. We made several compromises before bringing it to the hearing. I worked with the committee to make further changes, and the bill passed the committee with no votes against. LB71 is a reasonable, commonsense update to a 30-year-old statute that aims to clarify and strengthen the essential bond between the parent, the child, and the school. As currently in statute, school districts are required to create a parental involvement policy detailing the parents' rights to access the district's efforts to involve parents in school. There was an annual hearing over this policy for every school district. While the bill is short, there are several parts, so I will list them out. The bill provides clarity in places of uncertainty. LB71 also modernizes the statute to account for technology advances. We update some technology such, such as adding the word "guardians" where appropriate. There is a disclaimer to account for the federal Family Educational Rights and Privacy Act of 1974. LB71 guarantees that the annual hearing for this policy includes public comment. On page 4 of the bill, we ensure that the policy is prominently displayed on each school district's website, website. We enshrine in state law federal Title XX provisions that allows parents and guardians to access to learning materials and other materials. Finally, we added an enforcement mechanism. I want to clarify that this mechanism does not take money from schools. This was true on an earlier draft. Instead, LB71 uses accreditation as a mechanism. This bill is designated to empower local control. Each school district decides how to address these issues. LB71 simply requires them to set a policy stating their process. This bill, bill is designed to let parents know that they can work with their local school board to create an academic community that is transparent and effective for parents. Former Commissioner Blomstedt identified, and I quote, a crisis in confidence in our system in light of the standards debate. And it's my hope that LB71 can play a part in restoring that trust. I am proud of the work my office has done on this bill, and I'm thankful for the time that stakeholders and the Education Committee had committed to improve this bill. It has come a long way from our first draft, and for the better. I want to thank the hundreds of Nebraskans that have supported this

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proposal. Thank you to the parents who want to be involved in their children's education and learning process. Thank you also to the educators who are transparent with parents, and who work with students in order for the child's success. Thank you for your time, and I ask for your green vote. Thank you, Mr. President.

**DORN:** Thank you, Senator Sanders. As the Clerk has stated, there are committee amendments. Senator Murman, you're recognized to open on the committee amendment.

**MURMAN:** Can I waive?

**DORN:** He wai-- Senator Murman waives. Mr. Clerk for items.

**ASSISTANT CLERK:** Mr. President, Senator Conrad would move to amend the committee amendments with AM2589.

**DORN:** Senator Conrad, you're recognized to open on AM2589.

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I want to thank Senator Sanders for her leadership in bringing forward LB71. I want to thank Senator Meyer for his leadership in prioritizing this important measure. I know that my friend, Senator Lippincott, had prioritized this measure last year as well. So in addition to those senators and the diverse contingent on the Education Committee, we worked really hard to heed the call from parents and other stakeholders across Nebraska who were hitting roadblocks when they were trying to get more information about curriculum and other matters in regards to what was being taught and discussed in our schools. The good news is Nebraska had a longstanding framework in place to facilitate and empower parental engagement on these very matters impacting their ability to control the education of their children. However, as technology changed and as some of these issues were reaching a frustration point for parents and other stakeholders, we worked together to figure out how to update and modernize the tools that parents have available to understand what's happening in the schools, to engage in that process, and to ensure that everyone has clarity about the process and results therefrom. That is the result of LB71, which it is good that we are taking up to continue our strong and proud tradition of open government in Nebraska. Additionally, I had a chance to talk with Senator Sanders and Senator Meyer. This is a friendly amendment that advances in the exact same line of thinking, additional parental rights in regards to the educational context. AM2589 incorporates what was originally my LB1193, a bill about enhancing parental rights and autonomy in their children's education.

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This amendment is, of course, as I stated, consistent with the fundamental purpose of LB71. This amendment and the, the bill that it's derived therefrom would provide for a statutory right of parents to allow for their child to repeat a grade for the limited reasons of academic needs, illness, or excessive absenteeism. So, colleagues, this does not happen frequently, but when it does, we need to have a clear framework in place. If a child is not progressing for a variety of different reasons and the parents and the school cannot agree as to whether or not the child should be held back, this reinforces the fundamental right of the parent to make that call. And so, like I said, it does not happen that often. When it does happen, when there is not an agreement, we need to ensure that parental rights in decision-making are paramount. I'm happy to answer any questions. I thank Senator Meyer, Senator Sanders, and the Education Committee for advancing the bill, I believe unanimously, and for their work on LB71, which centers open government and centers parental rights. Thank you, Mr. President.

**DORN:** Thank you, Senator Conrad. Returning to the queue, Senator Meyer, you're recognized to speak.

**MEYER:** Thank you, Mr. Chairman. And thank you, Senator Conrad, for adding this friendly amendment. I was privileged to work with Senator Sanders to move this to my priority. I guess I think it's that important. I would request your green vote on AM2589, AM833, and LB71. Senator Conrad's amendment is a commonsense addition to laws in Nebraska that allows parents, if they feel that their child is not accomplishing what he or she needs to in the grade level that they're in, that they have some input with the school to hold that children-- hold that child back. I think that's a very commonsense approach. I do know that at times schools would like to move all students on, which is kind of for the benefit of the school and not the student. So this just kind of gives parents another tool in their toolbox to, to help their own child meet the curriculum needs that he or she has not met yet. So I guess it, it has the backing of the Nebraska Association of School Boards, Nebraska Council of School Administrators, Student Educators, the Rural Community Schools, the State Department of Education, the Education Committee, and the Family Alliance of Nebraska. So with that, I guess I would appreciate your green vote on both amendments and the underlying bill. Thank you.

**DORN:** Thank you, Senator Meyer. Senator Fredrickson, you're recognized to speak.

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**FREDRICKSON:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I am, too, am grateful to Senator Sanders for her hard work on this, and the Education Committee, and Senator Meyer for prioritizing this, as well as Senator Conrad's work with the amendment. I don't know if I-- I, I don't know I had an opportunity to hear-- I, I know there's-- Senator Conrad described her amendment, but there's also, I see, a committee amendment there. I don't know, would Senator Murman be willing to yield to a question?

**DORN:** Which Senator?

**FREDRICKSON:** Murman. Senator Murman.

**DORN:** Se-- would, would Senator Murman yield to a question?

**MURMAN:** Yes.

**FREDRICKSON:** Thank you, Senator Murman. Can you-- I, I don't know if I missed something in there. Can you describe what the committee amendment does for the bill or--

**MURMAN:** Yes, the committee amendment adds "decision maker" to the description of who is responsible for the child.

**FREDRICKSON:** Got it. So it-- some of it was discussed yesterday, so it's the educational decision maker in the household?

**MURMAN:** Yes.

**FREDRICKSON:** Got it. Thank you so much, Senator Murman.

**MURMAN:** Thank you.

**FREDRICKSON:** All right. Thank you, Mr. President. Yeah, I, I appreciate the hard work of the Education Committee on this bill. And thank you.

**DORN:** Thank you, Senator Fredrickson and Senator Murman. Seeing no one else in the queue, Senator Conrad, you're recognized to close on your motion. Senator Conrad waives. Colleagues, the question before the body is the adoption of AM2589. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Mr. Clerk, record.

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

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**DORN:** AM2589 is adopted. Seeing no one else in the queue, Senator Murman, you're recognized to close on-- excuse me. Mr. Clerk, for an item.

**ASSISTANT CLERK:** Mr. President, Senator Murman would move to amend the standing committee amendment with AM3020.

**DORN:** Senator Murman, you're recognized open on your amendment.

**MURMAN:** Thank you, Mr. President. AM3020, I consider a friendly amendment which simply adds two extra sections to LB71. AM3020 is generally the result of listening to the debate on LB441. What I learned from both proponent and opponent testifiers over and over again was that everyone, regardless if they supported LB441 or not, believed that parents played an important role in making decisions on their child's education. Specifically, I heard the argument made if a parent disagreed with specific books in a school, it was primarily the parent's responsibility to oversee this, not the Legislature's. To that argument, I say you're right. However, in order for parents to have that role over what books are available to their children, we really need 2 things put in place. First, we need to make sure parents are fully informed of what content their children are receiving from the school. And second, we need some sort of parental review process for school materials. Without these 2 steps, no matter how much the parent cares and no matter how good the school's intentions are, there is not a wholly complete level of parental oversight and transparency in our school materials, even with LB71 as it currently stands. AM3020 adds those 2 pieces. Something I heard often yesterday and 2 days ago during the LB441 debate was an argument which went something along the lines of, if a book is inappropriate, that is my decision as a parent to decide what my kid is or is not ready for yet. That's a fair argument, but a major assumption of that argument is that a parent is fully informed of what books their child is checking out. A parent, of course, cannot make decisions about what is or is not appropriate for their child if they did-- do not even know what they are checking out. To solve this, I will point you to a section-- to Section 7 of AM3020, which I had passed out earlier in the day. In short, Section 7 simply ensures parents receive an email notification of the books their child is checking out. I consider this a very basic and important step to ensuring parental involvement. Not only does this ensure parents know what books their children are ready for, the principles of parental involvement, but also just at a very basic level, when you have young kids, it would be useful to be able to keep track of what books they currently have checked out to avoid lost books, or in some cases, late fees. One objection I expect to this is that some schools do not have

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the technological capabilities to do this. I've taken this into consideration. So the amendment notes this is only applicable to schools already using digital library checkout software. I also expect some to say they might not be able to figure out this technology. But to that criticism, criticism, I would say email receipts have been common practice at retail stores for years now. Furthermore, I will point out libraries such as the city of Lincoln Public Libraries already have email notification systems put into place. I would simply like to see our schools adopt the same practice to keep parents in the loop. And if a parent has a concern about receiving too many emails, this bill allows for a simple unsubscribe process. Secondly, AM3020 creates a material review process. Something that I heard during the LB441 debate was school districts already have policies in place for parents to be able to object to certain materials, and then have them examined by the school board. To those districts that are already taking parental input seriously, I sincerely thank them for that. At the same time, parents sometimes reach out to me not satisfied that school boards are allowing for adequate public comments or are not hearing the parents out. Section 8 of this amendment simply says that school boards must provide for a hearing in which parents can speak on material they find objectionable, and then the school board must subsequently make a decision. This section absolutely does not make any rules about what content is or is not appropriate, or ban any sort of content. The local control of school boards is wholly and entirely respected. Simply put, Section 8 allows parents to be able to speak to what they find objectionable, and the school board must make a decision. If the school board decides not to support the concerns of a parent at all, that's fine. But making sure the views of parents are both heard and considered should be a top priority for anyone concerned about things like transparency and public input. With that, I'll close. And I truly thank Senator Sanders for her work on LB71. I know she and her staff have worked hard on this bill, with or without my amendment, and I will be a green vote for her bill because I think it's an important bill. I simply want to see the most transparent and reasonable rules set in place for our schools. And I believe without this amendment, LB71 doesn't quite provide the full level of transparency needed. I hope to gain Senator Sanders' support on this, but with or without my amendment, I will be encouraging your green vote today. Thank you. And I yield any remaining time back to the Chair.

**ARCH:** Thank you, Senator Murman. Senator Sanders, you're recognized to speak.

**SANDERS:** Thank you, Mr. President. I, I respect and I appreciate all the hard work Senator Murman has put in on his amendment. I do consider this an unfriendly amendment because of the amount of people I have worked with, the parents I have worked with, to make this a bipartisan bill that we knew from the beginning had to be a bipartisan bill for all parents and for all educators. So I appreciate all the work Senator Murman has done, but I consider this an unfriendly amendment to my bill. Thank you very much, Mr. President.

**DORN:** Thank you, Senator Sanders. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. While I-- no one can doubt the passion that Senator Murman has for these issues, I do want to reaffirm what the primary introducer, my friend Senator Sanders, noted just now. This is not considered a friendly amendment by the majority of the Education Committee, and here's why. The amendment that Senator Murman has put before you contains components of LB374, which was one of the most contentious hearings that we had in the Education Committee last year. Additionally, LB374 has not been Execed on in the committee, and has not been advanced. So you will not find a committee statement on it. It goes without saying, but must be reaffirmed at this moment and for the record that Senator Murman is Chair of the Education Committee. So if he wanted to advance this measure, he could have called an Executive Session on it and sought a vote. But that specific decision was actually carefully deliberated upon by the Education Committee, and we decided that LB374 would unnecessarily create a contentious debate. We were able to achieve the same remedies, which is additional parental engagement and transparency when it comes to school curriculum and other materials through LB71 that all stakeholders agreed upon. When we had the Executive Session on LB71, and I remember we were right under the north balcony last year, Senator Sanders was resolute and clear. She was only going to agree to move forward LB71 to keep it clean, and not as a vehicle for LB374. So perhaps Senator Murman thinks things have changed. Perhaps he's misremembering that Executive Session. Perhaps he wanted to take a swing at it, because that's what you do with a few days left in the session. But let me be clear. This measure is contained in another bill that specifically was not advanced from the committee and that all stakeholders have worked really hard to find thoughtful remedies to the same concerns. That is LB71, as amended with the committee amendment. I'm asking you to please reject AM3020 to prevent a contentious debate, to allow LB71 to move forward, and to advance our shared policy goals of parental engagement and transparency in our school systems. Let me be clear. If AM3020 is

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adopted, it will be considered a poison pill. It will have the potential to take down LB71, which does a whole heck of a lot of good for parents' rights. Thank you, Mr. President.

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

**MURMAN:** Yes. Thank you, Mr. President. My intention with bringing this amendment to LB71 is not at all to bring down the bill. It's, it's to improve the bill. It's not that I don't think LB71 is a great bill. I just think that there are a couple of points that I pointed out in my open that will improve the bill. Number one, I do think parents should definitely be notified of the books that their child checks out. And that's Section 7 of the amendment that I passed out. And number two, although I think most schools in the state, probably almost all schools in the state, have some kind of a procedure for parents to protest a book that is in the school, this provides a really simple procedure. The parents, only one time a year, can protest to the school board and protest a certain book or books to the school board. And that would only be, you know, up to local control. It could be a 3-minute presentation, 5-minute, whatever the local board decides. And then the, the board would have to take a vote on whatever material that the parent or student has an issue with. So very simple. And I think that, you know, that should be in place in all schools. And that's the reason for my amendment. And I would just, you know, with LB441 that we discussed the last few days, it was all about it should be up to the parents as to what material that their child, their student has access to. So that's completely what this is about, and I would welcome any discussion that focuses exactly on what I'm talking about, and appreciate the discussion this morning. Thank you, Mr. President.

**DORN:** Thank you, Senator Murman. Senator Walz, you're recognized to speak.

**WALZ:** Thank you, Mr. President. I stand up in opposition to AM3020, that Senator Murman has brought. I, I feel like it's just not right after Senator Sanders has worked so hard on a bill for 2 years to just suddenly decide that he has some items that he think would improve the bill. I was wondering if Senator Sanders could yield to a couple questions?

**DORN:** Senator Sanders, will you yield to a question?

**SANDERS:** Yes.

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**WALZ:** Thank you, Senator Sanders. I just want to kind of start from the beginning. Can you tell me, like, what was your intention? Why did you decide to come up with this piece of legislation in the first place?

**SANDERS:** It all started with the parents--

**WALZ:** Yeah.

**SANDERS:** --and their need to know. And I give the parents so much credit to wanting to be part of the education system. We have the parents involved. I've been to many school board meetings, and the room was empty. Now they're starting to pay attention, and I, I welcome that.

**WALZ:** Good. Great. I love that. Thank you for sharing that. The other thing that I'd like you to share is tell us about the process that you went through to finally come up with this piece of legislation. What all did you do to get here?

**SANDERS:** Actually, it all seems pretty simple. To help the parents to be able-- to be able to see what their children are learning. But there was a lot of opposition, as well. Schools that could not afford to have a website, schools that did not think they had the time to show what the children were learning and to be transparent, we were having to negotiate. That was the important piece, is what can the schools do? Not putting a lot of pressure on them to come up with a website if they couldn't afford it right now, but keeping it simple of allowing them to put the materials out for the parents to see. Some, some of the-- some of the concerns were really easy to resolve. But the bottom line is that we worked together to resolve every issue.

**WALZ:** Right. Thank you, Senator Sanders, I appreciate that. So honestly, as you were going through that process, you as a group determined that there were some barriers that you needed to overcome prior to putting this legislation together.

**SANDERS:** Yes, and I think we were all the better for that, to work together and to come up with something that I think is great.

**WALZ:** Yeah, I agree, and I think that is why you have so much support around this piece of legislation, is the fact that you really took your time and you were very intentional with this bill. So I appreciate that. I appreciate you meeting with a number of school boards. I would imagine it was rural and urban?

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**SANDERS:** Yes. As well as senators.

**WALZ:** And senators.

**SANDERS:** So, so the meetings were long and they were plenty, but they were-- the end result, I think, was good.

**WALZ:** All right. Colleagues, this is a really, really good example of what happens when you are intentional with your legislation, when you want a piece of legislation to work not only for the community that you're trying to advocate for, in this case, parents and kids, but also for the schools. You've overcome the barriers. You identified barriers, you worked through those. This is a great piece of legislation. I'm not so sure, and I don't-- I can't say for sure, but I-- I'm not so sure--

**DORN:** One minute.

**WALZ:** --that Senator Murman has vetted the amendment in the way that Senator Sanders has with her bill. I'm not so sure, colleagues, that Senator Murman has visited school boards and parents and administrators and kids or whoever it is, and went through that whole process of making sure that this was the very best type of bill that could be brought to the Legislature, and effective. Most important, it's going to be very effective because you've overcome those barriers. I am going to oppose AM3020 and fully support LB71, Senator Sanders. Thank you, Mr. President.

**DORN:** Thank you, Senator Waltz and Senator Sanders. Senator Dover, you are recognized to speak.

**DOVER:** Yeah. I would just like to get up and, and say that I really think that Senator Murman has the children's best interests at mind. But I also realize that Senator Sanders has worked for a long time getting this-- getting LB71 to the floor and positioned in a way that I believe that a majority of-- a majority, if not all of the senators here would support that bill. I'm concerned that Senator Murman's bill would put her bill in jeopardy, and I would-- and I wouldn't want to see that. I think Senator Sanders deserves to have LB71 pass in this session. So I would-- while I would like to see Senator Murman bring back AM3020, in the form of a bill, and work with senators to make sure that he can get it passed, I would hate to see that be the poison pill for LB71. So I would-- I would-- I would ask to not support AM3020, not because of what-- the good intentions behind the bill, but

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because it may put into jeopardy LB71, but I would encourage a green vote on LB71. Thank you. I yield the rest of my time to the Chair.

**DORN:** Thank you, Senator Dover. Senator McDonnell would like to recognize guests underneath the south balcony, John Wolfe and Tyler Wolfe from Omaha, Nebraska. Please stand and be recognize--recognized by your Nebraska Legislature. Also, Senator Wayne would like to recognize a guest underneath the south balcony, Jill Johnson from Lincoln, Nebraska. Please stand and be recognized by your Nebraska Legislature. Seeing no one else in the queue, Senator Murman, you're recognized to close on your amendment.

**MURMAN:** Well, thank you very much for the discussion today. As I said in my open, I just wanted to open the floor up for some discussion on this. I think it's something we need to keep working on going forward. I think the email notification to parents is really important. I assume most all schools with electronic libraries do that. I do think the parents have to be assured that they have some kind of process to protest, and a really reasonable pro-- pro-- proc-- process to do that, which I, I did have in this amendment. And I think parents-- you know, it's, it's like I said many times on this floor, my whole purpose is to encourage communication between parents and schools and with the best interests of the students. And I know educators and parents both have, of course, have the best interests of the students. But I just think with this process of vetting books that go to certain ages in the library, that we could only improve that process of communication between parents and schools, but-- and, and educators. But with, with that, I will pull this amendment. I urge, again, support of LB71. And I think it's a good step forward in the process of encouraging communication between educators, and parents, and students. Thank you, Mr. President.

**DORN:** Thank you, Senator Murman. So ordered to pull the amendment. Returning to debate on AM833, and seeing no one in the queue, Senator Murman, you're recognized to close on the education amendment.

**MURMAN:** I'll waive.

**DORN:** Senator Murman waives. Colleagues, the question before the body is the advancement of AM833. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 44 ayes, 0 nays on the adoption of AM833, Mr. President.

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**DORN:** AM833 is adopted. Returning to debate on the bill, LB71.  
Seeing-- Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. Senator Murman, I have a note that you wish to withdraw, AM252, AM253, AM254, AM255, AM256, and AM257.

**DORN:** So ordered. Mr. Clerk.

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

**DORN:** Seeing no one in the queue, Senator Sanders, you're recognized to close on LB71.

**SANDERS:** Thank you, Mr. President. And thank you, Senator Murman, for your efforts. I do want to give a big shout out to Bellevue Public School, they've already implemented the transparency, and other schools that are working on it as well. So, thank you very much. To close, I stress that this bill has no curriculum requirements. It does not tell the schools what to teach. It does not tell districts how they should be transparent. This bill only requires that school districts have a policy outline-- outlining how they, they will provide transparency, that public input can be given, and that the policy be made public. I ask for your green vote. Thank you, Mr. President.

**DORN:** Colleagues, the question before the body is the advancement to E&R Initial of LB71. All those in favor vote aye; all those opposed, vote nay. Mr. Clerk, record.

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

**DORN:** LB71 is advanced. Mr. Clerk, next bill.

**ASSISTANT CLERK:** Mr. President, LB1284 was introduced by Senator Walz. It's a bill for an act relating to the Computer Science and Technology Education Act; to amend Section 79-3301, Revised Statutes Supplement, 2022; to require the State Department of Education to establish a separate computer science education exploration program to provide training in computer science and technology education as prescribed; to provide powers and duties to the State Board of Education and the State Department of Education; to state intent regarding appropriations; to harmonize provisions; and to repeal the original section. The bill was first read on January 16 of this year. It was

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referred to the Committee on Education, who has reported the bill to General File with amendments.

**DORN:** Senator Moser would like to recognize 14 fourth grade students and teachers in the north balcony from Immanuel Lutheran School in Columbus, Nebraska. Please stand and be recognized by your Nebraska State Legislature. Senator Walz, you're recognized to open.

**WALZ:** Thank you, Mr. President. Good morning, colleagues. Today I am super excited to bring my priority bill, LB1284. This bill includes some very, very thoughtful legislation from Senator Linehan, Senator Dungan, Senator Conrad, and I hope I'm not missing anybody. I do want to say that I am-- I'm really, really proud of the Education Committee and the work that we've accomplished so far this year. And I want to give a special thanks to the Education Committee staff. You guys have been awesome this year. You've had a lot on your plate, and we really appreciate all your work. Colleagues, some of you may remember that in 2021, Senator McKinney brought LB1112, which established a computer science and technology graduation requirement. Last year, I brought 5-- LB520, which gave schools a bit more time to prepare for the graduation requirement. After the passage of both bills, the first class that will graduate with this requirement will be the class of 2027-2028. The idea behind requiring computer science and technology as a graduation requirement is to ensure that all of our students come out of high school with at least a baseline understanding of programming, computer hardware, and even software development. This helps set our state up to make sure that Nebraskans can enter college or the workforce prepared for modern technology. This idea was also heavily supported by the business community, because it not only makes sure our workforce has a good understanding of technology, but it also makes our state and its people more attractive to businesses looking to locate. Up until recent history, the Legislature typically did not put graduation requirements in statute, and left those standards to the state and local boards. Previous graduation requirements that passed the Legislature have made it fairly easy for schools to integrate into other classes and requirements, like the financial literacy requirement that was integrated into the social studies standards. However, after passing the computer science and technology graduation requirement, schools had a difficult time finding staff, finding time during the school day, and having teachers with proper certifications. The schools typically have to foot the bill to pay for the professional development of teachers, resulting in unfunded mandates that can cause property taxes to increase. I have been working with the education and business community regarding this graduation requirement, and over the interim, I pulled together a

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group to help come up with a solution that would be-- that would help with the best possible rollout of this. The business community is all in on supporting our education community for this requirement. And that is where LB1284 came from. LB1284 simply provides a statutory framework for the professional development system of educators in our state and provides finan-- financial support. LB1284 sets out the parameters for a statewide computer science education expansion program. The purpose of this program is to recruit, train, and support teachers in computer science. It also requires that the Department of Education submit a report that includes the number of training opportunities, format, the number of teachers receiving the training, the number of teachers that have become certified or endorsed, and the costs associated with such training. Finally, a very important part of this bill is the provision of the state funding to ensure the best possible roll out of computer science education. It creates a fund that would appropriate \$1.5 million this fiscal year. Each fiscal year thereafter, upon receipt of private funds from the business community of \$500,000, the Legislature would transfer an additional, additional \$500,000 of matching funds. This is a great public-private partnership, created to ensure ongoing and sustained support for computer science and technology education. Currently, Nebraska is one of 8 states that require computer science and technology as a graduation requirement. However, 36 states provide funding for computer science and technology. And out of the 8 states with the requirement, only Nebraska and North Dakota provide no state funding for this education. As I stated before, this is resulting in an unfunded mandate. I chose this bill as my priority because ever since we passed it in 2022, I've been thinking about the opportunity this graduation requirement could provide for our state. Not only does it ensure that every student across our state is afforded the opportunity to receive computer science education, but it also helps fight the brain, brain drain our state is facing, and can bring in really good-paying jobs. However, this has felt like unfinished business for me, and the funding is the final piece to make sure our kids are receiving great opportunities. This bill came out of committee, 8-0, with no opposition, and has support from the education community and much of the business community, including Nebraska, Greater Omaha, and Chamber-- and Lincoln Chamber, the Nebraska Tech Collaborative, and the Aksarben Foundation. I'll be getting up again to talk through the other bills of mine that are included in the amendment. Thank you, Mr. President.

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**DORN:** Thank you, Senator Walz. As the Clerk stated, there is a committee amendment. Senator Murman, you're recognized to open on that committee amendment.

**MURMAN:** Yes. Thank you, Mr. President. The community-- or excuse me, the committee amendment includes several bills, and, I will yield to the introducers of the bills to describe their bills. And the first one up would be Senator Linehan. I'll yield to her.

**DORN:** Senator Linehan, you're yielded 9:39.

**LINEHAN:** Thank you, Mr. President. And good morning, again, colleagues. And thank you, Chairman Murman, for helping us get to the floor. And thank you, Senator Walz, for letting and helping the Revenue Committee get so much done-- Revenue Committee. I'm sorry, I just left the Revenue Committee Exec Committee, so I'm-- the Education Committee for getting-- for allowing us to work with you on your priority bill. You've been-- it's been-- I think we're doing a lot here. And we owe a lot to both Chairman Murman and Senator Walz for getting us here. LB985 is a cleanup of Nebraska's Teacher Recruitment and Retention Act that was passed last year. Under the law passed last year, teachers endorsed to be certified in SPED, STEM, or dual credit are not required, then, to teach in that endorsement. So if I remember from last year, we passed a bill that said we're short on dual credit, we're short on STEM, and we're short on SPED teachers. So we said, if you go back and you get one of those certificates, the state will give you a state grant of \$5,000. What we didn't do in the bill and we should have done, and what this fixes, is if you are-- you only get the \$5,000 if you're actually going to teach SPED, or teach dual credit, or teach STEM. So you can't just get a certificate and not actually teach it. Next fix is to another bill that we did 2 years ago, which passed in 2022. It came to my attention during the interim. That was a bill-- so going back 3 years ago, met with a lot of superintendents, other school officials. We were having-- they have a hard time, and there's reasons for this, they have a hard time keeping young people in teaching through their first to fifth year. And why is that? Because we know the way teacher salaries work. It takes a while to get to a living wage if you're begin-- this has gotten better in Omaha and some places across the state, but still, beginning teachers get paid less than when you've been in it, so they lose-- they can make more money doing something else for their first few years. So what we did to address that was, say, for all beginning teachers, through one through fifth year, you'll get a \$5,000 grant from the state if you stay in teaching. We didn't make the language clear enough because what happened then-- and this is on me, Lin-- on

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Senator Linehan. What happened is the department, instead of looking at young teachers, they just looked at ratio of pay to student debt. And in one instance, somebody making over \$150,000 who had a very large student debt got the \$5,000. But it's clearly wasn't a beginning teacher. So this part just fixes it back so we're focused on young people who are just out of college, who are trying to get a start in life, to give them \$5,000, so maybe they can get a car to drive to work and can find a place to live that's not, you know, 30 miles from where they're teaching. So that's that fix. Then finally, LB1253 is a grant that would be giving to any group, young startup, that was helping with computer programs to help, not just children, students, children, adults, college students. A program that one group has worked on is called Dyslexico. And there be-- there could be others, but that's one program. We had a hearing. It's a group of students from the University, they're at the Raikes School. They have come up with the program. It's like Word as far as spelling and-- but it's more than that because it all-- it tells you if you're using the wrong word. Say if you use the wrong "to", it's supposed to be t-o-o, not t-o. It's a program that will really, I think, significantly help high school and college students be able to remain in high school and college because, as I've said many times here, if you are dyslexic, and it's difficult to read, we, we've done something for-- I hope, at least I think we've done quite a bit for youngsters, first, second, third graders, making sure they're getting the help. But it's not something you really ever get over. It's just something you have to learn to find tools to help you. And this tool, I think, would help a significant number of young people make sure they finish high school and college. And then finally-- I think finally-- yes. LB1254 is a reading bill. This was brought to Senator Walz and I both, and we merged our 2 versions of it. It's to provide \$10 million of funding to Nebraska Department of Ed to create a reading improvement and mentorship program one year and \$5 million the second year to help teach reading. So I know there's been-- and Senator Meyer, he's, he's in Exec or he'd probably be-- get up-- talk about this. I realize that there's arguments about how kids learn to read, but there's been a significant movement toward the fact that there are-- there are ways to teach reading that work far better than other ways. And the Department of Ed realizes this. There have been other states that have done this. It improved their efficiency scores dramatically. And yes, I know that education has a lot of funding already. I realize that, but I believe if we don't do this, they are not going to be able to carry out this program. Because this is the Department of Ed, not a school, and they will use it through-- they are working well with the ESUs. So those are the parts of Senator Walz's bill that I helped

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with. And I, again, appreciate very much all her hard work and Senator Murman's hard work. And if you have any questions about that, I'd be glad to answer. Just let me know. Thank you.

**DORN:** Thank you, Senator Linehan and Senator Murman. Senator, Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. I rise in support of LB1284. I think it was a couple years ago, I introduced LB1112 to adopt the Computer Science and Technology Act, mainly because the world is changing and I feel like the educational system in the United States of America is behind the rest of the world, which is true. And I think to try to catch up with the rest of the world, we have to do things like requiring computer science and technology for our kids to try to catch up as best as possible. I actually went to a conference over the interim, and I saw some data that showed that even our highest performing students are behind the highest performing students in other countries. So it kind of proved to me that requiring computer science and technology in our schools is important and was important to get passed. So I was happy to see that Senator Walz brought LB1284. And I think it's a, you know, a viable and important nex-- nexus to LB1112. And I think everybody should support it. And that's why I'm standing up in continued support of computer science and technology and just trying to modernize our educational system, because I think it's truly too outdated. And we, we should always think of creative, creative ways to update our educational system, because I think that's the biggest problem with our educational gaps across the board, across the state and in our country is that we're too-- we're too stuck in a box, and we're not being creative, and we're trying to shove a square peg in a circ-- inside of a circle instead of trying to be creative and modernize our system of education. And I think if we start thinking of ways to modernize our system, we will get better outcomes. But thank you.

**DORN:** Thank you, Senator McKinney. Senator Erdman, you're recognized to speak.

**ERDMAN:** Thank you, Mr. President. Good morning. I looked at this-- I looked at this bill this morning. It was a senator priority bill. And then I began to look a little deeper, and I seen there are 10 bills in this, this bill. And if I'm not mistaken, I think the Speaker asked us not to have more than 5 or 6 bills in 1 bill. I'm not a math major, but I think 10 is greater than 5 or 6. So it's kind of peculiar. The second thing that is very peculiar is if you add up the fiscal note on these 10 bills, it's somewhere in the \$20 million range for '24-25,

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and then ongoing, it's somewhere in the \$11 million category going forward from there. So I was wondering if Senator Clements, Chairman of the Appropriations Committee, would yield to a question?

**DORN:** Senator Clements, will you yield to a question?

**CLEMENTS:** Yes.

**ERDMAN:** Senator Clements, thank you for that. So help me understand, if we take \$20.5 million for these bills from the General Fund, what does that leave for the floor?

**CLEMENTS:** Oh, these are bills that are not in the budget that we've passed forward. And, and so this would-- I think this would use up all the money for A bills, if, if, if we even have this much left. And so, right, I, I don't see that there is-- there are, in my opinion, not funds available to fund all these requests.

**ERDMAN:** OK. Thank you. So the next question then is, is, is this your first exposure to this \$20.5 million, or has anyone that has a bill here spoken to you about how to fund them?

**CLEMENTS:** No. This is the first time I've seen this and I did-- I was looking through the bills, and it kept going and going and going, and it added up to 10 bills, and I was surprised about that as well. But I had not heard that we were going to be asked to approve bills totaling this amount.

**ERDMAN:** OK. Thank you very much. I appreciate those answers. So, if you've listened to what Chairman Clements just shared with you, if these bills pass, then this will be the total sum of the money or maybe even more that's available to the floor. And, and that might be something we want to do. It very well could be the body will decide to do that, and that's their prerogative. But I'm here to tell you that if you have an A bill, or if you have a bill that's going to require general funds, or if you have a bill you think is going to come forward and be funded, just know that that's not going to happen. If these bills pass as they're-- they are presented today, that takes all the money. And I'm not sure exactly what the strategy was to put the-- all these together to try to do that, but I can tell you right now it's not going to work. And I had originally considered this morning when I first read these and added up the total that I was going to bracket this bill. It's peculiar to have a Speaker priority-- or a senator priority bill that has 9 other bills attached to it. I'm in agreement with these things that they're trying to do, most of them.

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I'm not sure the one on technology is of any value or as significant value as it's going to cost. But the dyslexia bill makes sense to me and some of these others. But it's quite--

**DORN:** One minute.

**ERDMAN:** --obvious that not all of these are of that much value, that we would spend all of our general funds on these bills. So I'll be listening to see what those who are the authors of these bills suggest we do for funding. And my opinion is if they don't have another source than general funds or cash reserve, this will be a no vote for me. So you decide how you want that to happen with your bill if you have an A bill. Thank you.

**DORN:** Thank you, Senator Erdman and Senator Clements. Senator Walz, you're recognized to speak.

**WALZ:** Thank you, Mr. President. I am going to continue on with the other amendments that are in this bill. So again I want to thank Senator Murman and the Education Committee for the opportunity to amend some great bills onto this priority bill. This amendment includes not only my priority, but also 3 other bills I introduced this session. I passed around a handout that has a brief explanation on each bill that is included. The first bill that I'd like to go over is LB1005, which is a cleanup bill for a provision that was passed in LB705 last year. Something that I've heard about consistently from the education community is that student teachers are not being compensated during their student teacher time. And from experience, I know that that's a-- that's a tough time, a tough time. It's a financial burden to be a student teacher and to not be able to work. So that would allow student teachers to be paid during that student teacher time. Student teachers are typically in the classroom, as you know, the entire day, and either lose a significant amount of money during that time or they're working off on their weekends. What I sought last year to provide a forgive-- a forgivable loan during that student teaching time. I worked with the Education Committee to find a workable solution for this, and we decided to put this under the Attracting Excellence in Teaching Act, and set aside \$500,000 a year for this program. It would provide a forgivable loan of up to \$3,000 a year. However, after it passed, the Coordinating Commission for Post-Secondary Education came to me and asked if we could further-- if we could provi-- if we could provide further language so they could operate this program as intended. And you'll find the updated operational language on pages 24-27 of the amendment. The next bill in this amendment is LB1014, which seeks to update the language regarding

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school psychologists. Currently, schools are statutorily required to provide services, including special education services. However, we are all aware that there is a workforce shortage, especially in our schools, and school psychologists are no exception. So for the schools to meet their statutory obligations, they are contracting special education services through agencies to help deliver these services. This bill simply allows schools to contract outside of school and being-- be reimbursed for those services. Finally, the last bill in this package is LB1238, which adopts the Special Educators of Tomorrow Act. Over the interim, our special-- or our Education Committee held an interim study regarding the crisis at OPS of hiring special education teachers. While at the hearing, I started to think about my time working with Nebraskans with disabilities as a direct support professional, or a DSP. Unfortunately, there is a high turnover of DSPs in our state, and I'm happy to say that the Nebraska Association of Service Providers, along with the Munroe-Meyer Institute, are working incredibly, incredibly hard to turn that around. During that interim hearing, I thought a lot about what could we do to bring more people into the special education field. As a DSP, I know that we receive-- working for a certain agency, we receive a lot of training, and gain a lot of valuable experience, including health relate-- health-related issues, safety-related issues, and programmatic. The most recent teacher vacancy survey found that there are 208 unfilled special education positions. That is almost a quarter of the special education positions across our state. So LB1238 provides that a qualified individual, someone who's working in the field of--

**DORN:** One minute.

**WALZ:** --developmental disabilities right now, and has 2 years of experience as a DSP, and is enrolled or plans to enroll at an eligible institution to pursue a teaching career in special education can receive loan forgiveness and scholarships. So this program begins with the student receiving a scholarship of up to \$2,500 a year for the first 2 years, and after the second year, they will have a forgivable loan of up to \$4,000 a school year available to them. Before they receive the loan, they have to enter into a contract with a school to become a special education teacher. The loan will be fully forgiven after 5 years working as a special education teacher. The hope is that they stay employed as a special education teacher in the state of Nebraska. This bill, along with Senator Dungan's bill, which I'll talk about in a little bit, is also included in this amendment. And both pieces are-- both of these bills are pieces in the puzzle to provide more education, or special education teachers in that-- in that field.

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**DORN:** Time.

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

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

**CONRAD:** Thank you, Mr. President, and good morning again, colleagues. I want to rise to talk about 2 component parts of the Education Committee amendment on LB1264. Senator Walz and Senator Linehan have worked tirelessly to make sure that our policies, practices, and resources are in place to support teachers, to support kids, and to particularly make sure we remain on the cutting edge, utilizing best practices when it comes to the science and teaching of reading and addressing needs of dyslexic students. So there's, I think, really, really important provisions in this measure that they've both worked on tirelessly, and are some of the provisions that have the most significant price tags associated with them. To my friend, Senator Erdman and Senator Clements' points, they're absolutely right on to raise questions about the fiscal note as Appropriations Committee members, but also, as they know, and each of us knows, each committee, each individual will put forward priorities that sometimes contain a significant fiscal impact. If those are not advanced from the committee, we don't have an opportunity to get in the mix to make our case for what should be left over for the floor and/or find additional ways to pay for that with other cash funds, perhaps, or, or through other means. So there's-- it's good to note it. That's part of the process. That's what happens from an Appropriations perspective. But if the Education Committee didn't move forward, prioritizing key investments of education, we would have lost our opportunity to have that discussion as the body balances priorities writ large in the remaining days of the session with the budget and the other bills that are out there. So that's a, a quick response to that. Senator Dungan is unable to be here today because he's traveling for work. But I wanted to note the component parts of LB964, which he has in this package, and this is directly responsive, as Senator Walz rightly noted, to the interim study hearings that we had in regards to a exigent need for special education teachers all across the state, but particularly in our largest school districts. So Senator Dungan, along with other pieces that are contained in this bill, provides a forgivable loan to individuals who commit to teaching in Nebraska following certification as a teacher with a special, special education endorsement. The program is very limited, I think, to about 25 students per state institution at this point in time, but would make a big difference in addressing our teacher shortage, and the particular

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need to address the teacher shortage when it comes to special ed teachers. So, I, I wanted to make sure to give Senator Dungan a shout out for that, since he couldn't be with us here today. Finally, I want to lift up part of the bill that I'm very grateful to have included in the Education Committee amendment. There is a provision related to LB1050, which would have-- which would have required all schools to provide free menstrual products to students. Due to fiscal considerations, we peeled that way, way back from the expansive nature upon introduction and talking with the Education--

**DORN:** One minute.

**CONRAD:** --Committee members. Thank you, Mr. President. We decided to create a small investment targeted to the schools most in need to provide for menstrual supplies for their students and to kind of see how that goes, with some additional reporting moving forward to see if that's sufficient or if we need to expand that in future years. I also want to give a shout out to Lincoln Public Schools and some of our other public schools that are out there that are already doing this in a thoughtful and equitable way. This is important to reduce stigma, raise awareness, and ensure that students aren't missing class time as they're dealing with the necessities of life. There was one of the most powerful hearings that we had before Education this year, where young women from across the state in urban schools, rural schools, teachers, their parents, but particularly those young voices--

**DORN:** Time.

**CONRAD:** --organized, stepped forward, and asked us to support this. Thank you, Mr. President.

**DORN:** Thank you, Senator Conrad. Senator Vargas, you're recognized to speak.

**VARGAS:** Thank you very much. I want to thank Senator Walz for her work on this bill. I think she and I are the only former teachers in this body, unless somebody corrects that. Former K-12 teachers, I'll clarify that, as I'm getting the eye from Senator DeBoer. Senator Walz, I had a-- I have a few questions if you'd be able to yield.

**DORN:** Senator Walz, will you yield to a question?

**WALZ:** Yes.

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**VARGAS:** Will you tell me a little bit more about the private matching funds dollars? Where are these schools getting their private matching dollars? Talk to me a little bit about that, please.

**WALZ:** Sure. Over the interim, actually, the past couple of years, we worked really closely with educators as well as the business community to discuss the importance of computer science technology. It just became a collaboration of how we make sure that we're providing quality computer science education to our kids. The business community was more than willing to be a part of funding-- providing funding for training for our teachers as well as, you know, providing funding to incentivize our teachers to go into computer science. So it was, it was, you know, they, they came forward, they stepped up and said, we would love to be a part of helping fund the computer technology education.

**VARGAS:** Well, I appreciate that. The reason I'm asking is because I want to make sure that we're holding them accountable to using the private dollars. Second, I want to make sure we're leveraging federal dollars, too, as well. I'm hoping that-- and I'll, and I'll talk to Senator McDonnell, because there's the CHIPS Act, you know, we put in some funding there this last year to make sure we're getting funding out to community colleges for training our next generation of, of workers. And I'm wondering if there's any of those funds can be utilized to invest in computer science education because it's necessary. I know Senator Dungan's not here. I will talk with him about this between General and Select for 2 reasons. One, I want to make sure that the Special Education Teacher Forgivable Loan Program Act-- you know, the criticism that I had with the Biden administration specific to the loan program is that it wasn't targeting the forgivable loans, low-income earners. And reading this, there isn't a target to low-income individuals, which means that there can be somebody that is upper middle class receiving this forgivable loan. And I want to make sure that these institutions, our state institutions, are targeting them to the highest need individuals, both retaining and attracting people into these high need areas of special education, but also making sure we're giving it to the people that really can't afford it, because that's where it should be targeting. So I'll work with Senator Dungan on that between General and Select. But overall, I do support the legislation. I did have this conversation with Senator Clements, or Chairman Clements. You know, we're moving it forward. Happy to do that. We'll look at the cost. We have to figure out how to find about a \$20 million for this. You know, looking at different programs, Education Future Fund has some funding. We'll have to look at other different places as well. But overall, I

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do want to thank Senator Walz for her work and the leadership of the Education Committee. And we'll talk to Senator Dungan's office about trying to make sure more of these dollars are going out to the highest need individuals, specific to this Special Education Teacher Forgivable Loan Program Act. Thank you.

**DORN:** Thank you, Senator Vargas and Senator Walz. Senator Erdman, you're recognized to speak.

**ERDMAN:** Thank you, Mr. President. As I listened to the conversation and I listened to Senator Walz address the rest of the amendments on her priority bill, I, I, I guess I was waiting to see or hear what their attitude was going to be on how they're trying to find the funding. So if you look on your green sheet and you go to the second page, third page, there's an opportunity for you to review what we've done up until now. And if you look on the third page it says, bills with General Fund impact, and in General File there's \$16 million. And if you go down to Select File, these bills are in E&R Initial, there's \$30 million. So we have already advanced bills to far exceed the money that we have. The, the other issue that has not been addressed or spoken to is, I am very confident that Senator Arch had been putting the brakes on doing 10 bills in one. I know that for a fact, I just asked him. So it's very similar to what we did last year when we got to the end of the session, we put 30, 31, 32 bills in one bill. And what happens when we put 10 bills together in one bill, none of the 10 bills get the discussion, or the scrutiny, or the dialogue, or conversation about what they do. And that's exactly what happens when you do that. And that's what's happening with these bills. So I would be interested in hearing Senator Walz and those who have bills in this Christmas tree to share with me what they think the funding source will be, besides general funds. I'm waiting to hear that, because when we get down to the end, all those bills that have a fiscal impact on the budget, on the funds, will have to be discussed, and we'll have to make decisions on how we go forward handling those and which get funded and which do not. And so add this, if this bill advances to Select, you add this to the \$30 million that we've already designated in the bills that got-- have gotten that far. Now we're, we're going to exceed-- we'll be right at \$51 million. That's a pretty significant lift considering we only started with 23. So I'll be interested to hear what Senator Walz comes up with in her next time she speaks, or anyone else who has a bill in this collage, and see what their attitude is about going forward, how we do funding. So we'll wait and see what they say. Thank you.

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

**WALZ:** Thank you, Mr. President. I do want to-- I will, I will speak to Senator Erdman's concerns in just a minute, but I also want to be able to have time to talk about Senator Dungan's bill, which is LB964, adopt the Special Education Teacher Forgivable Loan Program Act and provide for scholarships under the Nebraska Career Scholarship Act. The Special Education Teacher Forgivable Loan Act will be administrated through the Nebraska Department of Education to assist up to 25 individuals enrolled at a state college in Nebraska or the University of Nebraska to become special education teachers by supporting forgivable loans to individuals who commit to teaching in Nebraska following their certification as a teacher with special education endorsement. LB964 is a pilot program that limits the number of forgivable loans to 25 per state institution. Once they receive their degree in education, they have one year to find employment at an elementary or high school here in Nebraska. They will then have their loans through the department forgiven over 5 years, or the equivalent number of years loans taken out. This bill allows the department to use its judgment when offering deferments. This is the case when-- that somebody-- this is in the case that somebody is severely injured and can no longer work, or maybe they have an ailing fam-- excuse me, family member they need to take care of for an extended period of time. LB964 provides a path for people who want to be teachers and become special education teachers. For a relatively small fiscal impact, we can make a difference in education. And I know that Senator Vargas had talked briefly about some questions that he had with Senator Dungan, and, and he's going to follow up on them. To, to answer Senator Erdman's-- I do know your name-- Senator Erdman's question. As you know, when we put together our legislation, or create our legislation, we don't know what the budget looks like. We will absolutely work with Senator Clements on the fiscal note and figure out how we can-- how can-- how we can reduce that fiscal note. My part is only one part of the bill, and I don't want to speak for the other senators, but I know that they're willing to do the same thing. The funding for computer science does not go, I just want to make sure that you know this, it does not go directly to the schools. We have a real issue, especially in rural Nebraska, with teachers who have computer science technology endorsements or certifications. There, there are just very few. So what we're trying to do is address that issue. We're trying to address the issue of being able to train our teachers so they have those certifications and they can fulfill the, the education requirement that Senator, Senator McKinney had put into

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place a couple of years ago. We're trying to make this a better process, a better, more effective program. The funding, again, will not go directly to the schools, but it will go to NDE to be able to provide-- disburse out funds, and provide training to teachers, and incentives to teachers. The other thing that I wanted to mention is that, again, we are absolutely willing to work with Senator Clements. I think that there may be a possibility that we could use funds from the Education Trust Fund. It is an education trust fund. And, you know, that would make sense to me. So I'm hoping--

**DORN:** One minute.

**WALZ:** --that we can pass this through Se-- on to Select. And in the meantime, we will work with Senator Clements and others to address the fiscal note. Thank you, Mr. President.

**DORN:** Thank you, Senator Walz. Senator Erdman, you're recognized to speak, and this is your third time.

**ERDMAN:** Thank you, Mr. President. So, Senator Walz, I, I appreciate that you've tried to address my issues. You've, you've totally missed why I am opposed to doing these things you want to do. I'm not opposed to what you're doing. I'm not opposed to where the funds go. What I'm opposed to is where the funds come from. That's the opposition for me. We worked in Appropriations diligently, trying to figure out how much money we could possibly bring to the floor so people would be able to fund the things that they want to fund. As I said in my last time on the mic, this would exceed \$50 million in requests for the \$23 million that we have for the floor. So I'm not taking issue to the dyslexia bill, I'm not taking issue to your bill, or anything about where the money goes. You didn't hear me say, I'm concerned about where the money goes. I'm concerned about where the money's coming from. So I had-- I had put in a motion to bracket this to make it-- we go to 33 to move forward. But I'm not going to do that. But what I am going to tell you is this: unless you figure out a way to fund these 10 bills other than General Fund, I will bracket this when we get to Select, because we're not going to go and put ourselves in a position that we have \$100 million worth of requests on \$23 million worth of money. A couple of years ago in Appropriations, we had 250--\$2.5 billion to distribute, and we had requests for \$4 billion to distribute. That's a-- that was a difficult time for us. Difficult to make a decision who gets the money, who doesn't. And so I don't know whether you've understood where I'm coming from or what I'm trying to say, but I just hope that you didn't miss it. I'm not opposed to doing these things, but I'm opposed to where the money comes from. So I'm not going to

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drop the bracket motion in today because we were here until 10:00 last night, and I don't want to be here past 2:00 today, but I am still disappointed, and you can't fix this, but I'm still disappointed that the committee brought 10 bills in one. That was against the desire of the Speaker, what he had said, no more than 5 or 6 bills. Everybody knew that. The other issue is, you knew, all of us should have known, that a long time ago, the Appropriations Committee, Senator Clements, had told the body we have \$23 million for the floor. So I don't take lightly that you say you didn't know what the money was going to be when you brought these bills, because you surely had to know. You had to know that Senator Clements had stood up and said, we have \$23 million, and this is the majority of the money that the \$23 million would be. So those are my issues. That is what I'm concerned about. And I seem to be the only one that's concerned about that. But I can tell you right now, in Appropriations, we worked long and hard trying to figure out what we can fund and what we can afford to fund. And then we come here and people want to do and spend 3 times more money than we currently have. So for the sake of time, and being collegial, I'm not going to bracket your bill, but I surely will when we get to General File if you haven't figured out some other source of revenue. Thank you.

**DORN:** Thank you, Senator Erdman. Senator Albrecht, you're recognized to speak.

**ALBRECHT:** Thank you, Mr. President. My apologies for being off the floor for most of the morning. We were in Exec in Revenue. But I serve on the Education Committee, and I did vote this out. I vote a lot of things out when they are a priority bill for someone or the committee. But that does not mean that I agree with everything that was put into the package. But what I-- the, the way I want to kind of structure this is that I sat on the Governor's committee all summer long and into the fall to try to figure out property tax relief for our state. And we're asking cities and counties to pull back. You know, you're going to get a cap plus growth, plus, you know, a few other things. I won't reveal what we're going to be doing just yet because we all have to vote on it. But the whole thing is, is about spending. And if we're asking them, the cities and the counties and other taxing authorities to, you know, button up, and the Governor was out scrubbing all of the different agencies of funding that has been sitting there for a, a number of years to put it back in the coffers of the, the state so that we can help to reduce the property taxes, but when, when there's so much money to be brought to the floor-- even in the Revenue Committee, we had people asking for \$37 million for a particular project that was reduced to \$1.2 million. If it gets off the ground

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and if it's a great program, then yes, future legislators should add to that. I had some-- I had a bill that we've had for 2 years now that we've approved when, when Governor Ricketts was in, but we've never yet funded it. It's a program from the-- for the farming industry. But I went to Senator Clements and I said, do you think I can, can get \$2 million put in there? Can I get a half a million put in there? No. And when he-- when he stands up as our Appropriations Chair, and those who serve on the Appropriations fully understand this, that you don't always get what you want, and, and maybe now is not the time. But when we're-- we keep bringing this stuff in the next 10 days, I mean, boom, we're-- there's going to be a lot of things that are cut. I have a-- in my district, I mean, it's been an ask-- Senator Hansen carried it-- where they need a, a new water tower put up, \$10 million they were asking of the state. But if the money's not there, it's just not there. And we have to wait till next year. But if everybody, you know, has already frontloaded what they want, and it's already on the green sheet, and I don't know if everything that is on the green sheet's still going to go forward, we have to be prudent with our dollars as well. So the fiscal note on this is, is really my, my problem with the bill. And maybe it isn't the time now. It's just like anything else, you know where-- I was here for 8 years. It can always wait till, till the next round. So I would just implore you that if they're-- if this is a \$10 or \$20 million fiscal note, you need to be thinking about how we can, can help in doing the right thing. Thank you, Mr. President.

**DORN:** Thank you, Senator Albrecht. Senator Clements, you're recognized to speak.

**CLEMENTS:** Thank you, Mr. President. I am going to be voting no on AM3061. As I've been looking at this, the LB1284 is the only bill that has been designated as a senator priority. The other 9 bills, none of them were a, a senator priority. And I think that's why they were being put on here, because they didn't have a priority, and the-- this gets them to the floor, on top-- tagging on with a priority bill. And I think the introducer of LB1284, you know, may find out it's going to be a real negative thing to have another \$19.5 million of spending added on to that bill. And, again, I do agree, what Senator Erdman said, we already have about \$46 million in requests of general funds from, if you look at the back side of the green sheet, bills that are on Select File or Final Reading, and this is, by my calculations, another \$20.5 million would put us to \$66 million plus, plus other bills that we haven't seen yet. And there's, in my opinion, a maximum of \$20 million of funds available. So there's going to have to be reductions made in order to keep the budget sustainable. And it is-- the priority bill comment is something we see in-- a reason, I think,

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we see in pri-- in Appropriations, 59 bills this year, because if they can get into the budget bill, the budget is a priority bill. And people bring us bills for Appropriation requests because it will become a priority if it gets into the budget bill. And that's similar to what's going on here with 10 bills in one. So I, I think there are probably some individual good programs in here. I see there are 3 that have zero fiscal notes. And I'm just having to tell you that there isn't going to be room for all of these expenses. And when we get to the end, we'll see how, how the priorities work out. So I'm red on AM3061. Thank you, Mr. President.

**DORN:** Thank you, Senator Clements. Seeing no one else in the queue, Senator Murman, you recognized the close on the committee amendment, AM3061.

**MURMAN:** Well, thank you, Mr. President. When we put together this package, we did realize that the fiscal note was higher than we had hoped. And I do appreciate everyone that worked together on the Education Committee to put together this package, including the senators on the committee and staff. We want to-- of course, the goal of the committee is to support especially those students that are considering going into the education field, and also students that are student teaching right now, and also as they start their careers, teachers are-- their wage compared to other wages right now in our economy are not as competitive as we'd like to see them. So, that is the reasoning behind having a lot of these bills in this, this package. Also, of course, the concern about reading. It's very important, of course, I'm sure it's been talked about on the floor. And again, I, I've got to apologize, too. I've been in Revenue Committee most of the morning so missed a lot of the discussion. But reading, you know, once a, a student gets behind in second grade or so, second and third grade, if they're behind then in learning reading, it's really difficult to catch up after that time. So, that's why we have a bill in there that really emphasizes funding reading, the, the way that we teach reading. So, I realize that this bill will be probably trimmed down some on Select, but there's a lot of good bills in here. And I appreciate your support on both the amendment and the bill. Thank you.

**DORN:** Thank you, Senator Murman. Colleagues, the question before the body is the advancement of AM3061. All those in favor vote aye; all those opposed vote nay. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

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**ASSISTANT CLERK:** 26 ayes, 5 nays to put the house under call, Mr. President.

**DORN:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Kauth, please record your presence. Senator McDonnell, Senator von Gillern, the house is under call. Please return to the Chamber. All unexcused members are now present. Senator Murman, there was a vote open. Will you accept call-ins? We are now accepting call-ins. Mr. Clerk.

**ASSISTANT CLERK:** Senator Linehan? Senator Linehan voting yes. Senator Dover voting no. Senator McDonnell voting yes.

**DORN:** There has been a request for a roll call vote, reverse order, Mr. Clerk.

**ASSISTANT CLERK:** Senator Wishart. Senator Wayne voting yes. Senator Walz voting yes. Senator von Gillern voting yes. Senator Vargas voting yes. Senator Slama voting yes. Senator Sanders voting yes. Senator Riepe voting no. Senator Raybould voting yes. Senator Murman voting yes. Senator Moser voting no. Senator Meyer voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator Lowe voting no. Senator Lippincott voting no. Senator Linehan voting yes. Senator Kauth voting no. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt voting yes. Senator Hughes. Senator Holdcroft voting no. Senator Hardin voting no. Senator Hansen voting yes. Senator Halloran voting no. Senator Fredrickson voting yes. Senator Erdman voting no. Senator Dungan. Senator Dover voting no. Senator Dorn voting yes. Senator DeKay. Senator DeBoer voting yes. Senator Day. Senator Conrad voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh. Senator Brewer voting no. Senator Brandt voting yes. Senator Bostelman voting no. Senator Bostar voting yes. Senator Bosn voting no. Senator Blood voting yes. Senator Ballard voting yes. Senator Armendariz voting no. Senator Arch voting yes. Senator Albrecht voting no. Senator Aguilar. 25 ayes, 18 nays on the adoption of the committee amendments.

**DORN:** AM3061 is adopted. I raise the call. Senator Walz, you're recognized to close on LB1284.

**WALZ:** OK. Thank you, Mr. President. Again, I just want to thank everybody for listening and to-- and being engaged in this really important conversation. This is a very thoughtful piece of

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legislation. We worked hard in the committee, as a committee as a whole. We discussed these bills. We as a committee voted these bills out, 8-0. We understand the educational needs to support our, our future workforce. And again, we will work hard to address the fiscal note, as well as finding other possible funding sources to make sure that we can provide the educational training to our kids that they deserve. And with that, I would appreciate a green vote. Thank you, Mr. President.

**DORN:** Colleagues, the question before the body is the advancement of LB1284 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all of you voted that care to? Mr. Clerk, record.

**ASSISTANT CLERK:** 28 ayes, 10 nays on the advancement of the bill, Mr. President.

**DORN:** LB1284 is advanced. Mr. Clerk for items.

**ASSISTANT CLERK:** Mr. President, I have a series of amendments to, to LB25-- oh, excuse me, to LB934 by Senator Bosn. Mr. President, I have a new A bill, LB262A, by Senator Halloran. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of the provisions of LB262. I have a notice of committee hearing from the Transporta-- excuse me, from the General Affairs Committee. A notice of committee hearing from the Transportation and Telecommunications hearing. And, Mr. President, the bills read on Final Reading this morning were presented to the Governor at 10:59 a.m. That's all I have.

**DORN:** Mr. Clerk for the next item on the agenda.

**ASSISTANT CLERK:** The next item, Mr. President, is LB934, introduced by Senator Bosn. It's a bill for an act relating to consumer protection; to amend sections 59-1608.01, 59-1611, 59-1623, 87-303.02, and 87-306 Revised Reissued Statutes of Nebraska; to change provisions relating to venue for actions under the Consumer Protection Act; to change enforcement and investigative powers of the Attorney General for violations of such act and Uniform Deceptive Trade Practices Act; to provide for jury trials; to harmonize provisions; to provide for severability; and to repeal the original sections. The bill was first read on January 4 of this year. The bill was referred to the Committee on Judiciary. The committee reports the bill back to General File. There are committee amendments.

**DORN:** Senator Bosn, you're recognized to open.

**BOSN:** Thank you, Mr. President. LB934 was introduced at the request of the Attorney General. It will provide the Attorney General with additional tools to best protect Nebraska consumers and prioritize restitution for victims. Section 1 amends the Consumer Protection Act and provides the Attorney General with the choice of venue to bring an action in the name of the state to enforce the Consumer Protection Act. This would add to the existing options the ability to bring such action in the district court of a county in which the Attorney General brings a related claim arising under the Uniform Deceptive Trade Practices Act. It also adds express authority for the Attorney General to bring a claim for a trial by jury, and also allows a defendant to request a trial by jury. Cases brought under-- so there's 2 acts here. One is the Consumer Protection Act and one is UDTPA, which stands for Uniform Deceptive Trade Practices Act, for unfair or deceptive trade practices that are necessarily fact intensive. Section 2 harmonizes the Consumer Protection Act with both existing and new authorities of the Attorney General as it relates to restitution. Victim-- excuse me, victim restitution should be a pri-- primary objective of Nebraska's consumer protection laws. This section allows, per an order of the district court, the ability to temporarily freeze any financial accounts or impound any money connected with a Consumer Protection Act violation for a period of time until the proceedings have concluded. This allows them to temporarily freeze rather than just impound, in order to better ensure that defendants do not abscond with or expend the money they received from victims for their unlawful practices, better ensuring the prospect of restitution for victims. Again, victim restitution should be a primary objective of Nebraska's consumer protection laws. Section 3 is a cleanup section. Section 4 amends existing authorities, allows them to issue civil investigative demands. Section 5 adds a new section to the UDTPA so the other side of the commercial-- excuse me, to the other side of the Consumer Protection Act under UDTPA, which stands for Uniform Deceptive Trade Practices Act, to provide for them to also bring the claim-- defendants to also bring a claim for a trial by jury. I've done 2 handouts here, both of which were newspaper articles, one entitled Northeast Nebraska couple warning of phony equipment sales scam, which is an article dated January 30 of this year, and also an article titled Nebraska AG: seller of fraudulent Husker ticket package for charity used proceeds for Disneyland tickets. These are stories where Nebraskans have been victims of unfair or deceptive trade practices and have lost their hard-earned money to these businesses. This bill will allow Nebraskans the best opportunity to be able to get their money back. Unfortunately, we are hearing more and more stories about victims of these scams and the unfair or deceptive trade practices.

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I'm asking you to help give Nebraskans hope when they fall victim to these circumstances. There is a committee amendment which makes a few changes to the bill, and Senator Wayne will be introducing that amendment, and I'm happy to answer any questions should you have them. I urge you to vote green on LB934, and the committee amendment. Thank you, Mr. President.

**DORN:** Thank you, Senator Bosn. As the Clerk mentioned, there is a committee amendment. Senator Wayne, you're recognized to open.

**WAYNE:** OK, that's the wrong opening. This is the right opening. Thank you, Mr. President. LB934 makes changes to the Consumer Protection Act that Senator Bosn already-- and the Deceptive-- Uniform Deceptive Trade Practice Act that Bosn on already laid out. The original bill allows for the Attorney General to request a jury trial for claims brought under either act. AM2706 allows both the Attorney General and the named defendant to request a jury trial for the claims brought under the act. The original bill allows the Attorney General to take various actions, like freezing and impounding certain assets and records when there is a cause to believe that it violated the Consumer Protection Act. AM2706 would require reasonable cause before the Attorney General can take such, such action. So we're trying to put a standard in this to make sure that assets aren't just being frozen. The amendment also clarifies that a court order impounding or freezing assets must be for connected accounts and defines what connected accounts are. Finally, AM2706 creates a process for the Attorney General to seek an ex parte order that temporarily freezes impounded connected accounts. This order is only effective for 14 days, and the defendant must provide-- must be provided notice and an opportunity for a hearing. This is a-- I would ask you to vote green on AM2706. This is-- this is an amendment that clarifies and, and makes improvements to the bill. It makes some of the changes that were addressed by the committee, in the committee process. Thank you, Mr. President.

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

**DeBOER:** Thank you, Mr. President. This amendment is an amendment that I worked on with Senator Bosn and with Attorney General Hilgers and his staff to address some of the concerns that I and others had in the committee hearing. And I just wanted to say thank you to all of those folks who helped me to work on this amendment, and for all their grace in doing that. I think this makes a very strong bill now, and I am very pleased with where we all landed. I think there's a lot of

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guardrails, and it also gives the Attorney General the ability to do the things that he needs to do to keep Nebraskans safe, or their assets safe when they are subject to some of these kinds of crimes, or these kinds of bad actions, I would say. Thank you, Mr. President.

**DORN:** Thank you, Senator DeBoer. Senator Kauth would like to recognize 11 students, 9th-12th grade, from Millard West High School, Millard, Nebraska. They are seated in the north balcony. Please stand and be recognized by your Nebraska State Legislature. Mr. Clerk for amendments.

**ASSISTANT CLERK:** Mr. President, Senator Armendariz would move to amend the committee amendment with AM3050.

**DORN:** Senator Armendariz, you're recognized to open.

**ARMENDARIZ:** Thank you, Mr. President. AM3050 is actually a bill that I-- it was LB1096, and it is legislation to combat child exploitation and human trafficking online. LB1096, now AM3050, continues efforts of the Attorney General to strengthen Nebraska statute to better protect potential victims of sex trafficking and sexual assault, particularly children. AM3050 allows protections beyond the geographic limit-- limits of current criminal jurisdiction to reach the world's most prolific purveyors of exploitation of children and sex trafficking victims. AM3050 allows the Attorney General to utilize existing authority under the Uniform Deceptive Trade Practices Act to issue civil investigative demands to potentially gain substantial discovery as to the extent of material exploitative of children, or depicting victims of sexual assault or sex trafficking on some of the most frequented websites on the Internet. The UDTPA allows for the potential recovery of up to \$4,000 per violation and significant injunctive relief. I ask for your green vote on AM3050. Thank you.

**DORN:** Thank you, Senator Armendariz. Senator Bosn, you're recognized to speak.

**BOSN:** Thank you, Mr. President. I just want to make sure, I meant to talk about Senator Armendariz's amendment, and I forgot. AM2706, the Judiciary amendment, is what I worked on with Senator DeBoer. Friendly amendment, please green light that. AM3050, I also worked on with Senator Armendariz. Friendly amendment, please green light both of them. Thank you.

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**DORN:** Thank you, Senator Bosn. Seeing no-- seeing no one else in the queue, Senator Armendariz, you're recognized to close. Senator Armendariz waives. Colleagues, the question before the body is the advancement of AM3050. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Mr. Clerk, record.

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

**DORN:** AM3050 is adopted. Seeing no one else in the queue, Senator Wayne, you're recognized to close on AM2706. Senator Wayne waives. Colleagues, the question before the body is the advancement of-- the adoption of AM2706. All those in favor of vote aye; all those opposed vote nay. Have all voted that care to? Mr. Clerk, record.

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

**DORN:** AM2706 is adopted. Seeing no one else in the queue, Senator Bosn, you're recognized to close on the advancement of LB934. Senator Bosn waives. Colleagues, the question before the body is the advancement to E&R Initial of LB934. All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Mr. Clerk, record.

**ASSISTANT CLERK:** 35 ayes, 0 nays on the advancement of LB934, Mr. President.

**DORN:** LB934 is advanced. Mr. Clerk for next item.

**ASSISTANT CLERK:** Mr. President, LB1023, introduced by Senator von Gillern. It's a bill for an act relating to revenue and taxation; to amend section 77-2701 and 77-2716, Revised Reissued Statutes; to allow income tax deductions for the cost of certain property and for certain research or experimental expenditures as prescribed; to harmonize provisions; and to repeal the original sections. The, the bill was read on January 5 of this year. It was referred to the Committee on Revenue. Committee reports the bill to General File. There are amendments.

**DORN:** Senator von Gillern, you're recognized to open.

**von GILLERN:** Thank you, Mr. President. Good afternoon, Nebraskans and colleagues. I present to you today my priority bill, LB1023, which deals with the expensing of machinery and equipment, as well as the expensing of research and experimentation investments. LB1023 is an improved update from a bill I worked on last year, and now includes

language of benefits cooperative associations. The Tax Cuts and Jobs Act of 2017 temporarily eliminated the factory tax. While this was a very pro-growth change, those eliminations have now expired. The factory tax allowed for full expensing and immediate cost recovery when filing federal tax returns for business property with an asset life of 20 years or less. The assets covered by the federal changes include machinery and equipment, but also include assets such as new roofs, heating systems, and computer software. On January 1 of 2023, the ability to fully expense went away, effectively raising taxes on these invents-- investments, and disincentivizing upgrades and future investments in Nebraska. Under provisions in the Tax Cuts and Jobs Act of 2017, the innovation tax on research and experimentation had also been made fully and immediately deductible. This also ended on January 1, 2022, and now these costs must be amortized over a 5-year period. Innovation is a critical component of both our national and global competitiveness, and particularly in Nebraska's thriving agriculture-based economy. Nebraska should welcome and encourage businesses looking to bring new ideas to the forefront. LB1023 decouples Nebraska from these 2 provisions of the federal tax code and allows for full expensing, freeing up dollars to be reinvested in businesses, increase hiring, or to fund expansions, all good things for Nebraska's economy. I know that this is effective for growing business and putting people to work, because I used it in my past business life. There were several years where we utilized the accelerated depreciation and pumped a substantial amount of capital back into the local economy through the purchase of new trucks and equipment. We purchased locally, we paid sales tax on the purchases, paid licensing and DMV taxes and fees, all of which offset-- more than offset any tax reduction. In turn, the businesses that we purchased from presumably did the same things with their increased revenue and possibly even increased their hiring. Successful businesses don't sit on capital. They reinvest it. I've run some rough numbers and find that those dollars only have to turn over several times in the local economy to offset the decrease in corporate tax revenue. Certainly, they'll have a greater turnover and greater impact than that. There was some traction at the federal level to make this immediate expensing permanent. However, that has stalled in the House and it does not appear that the Senate will take any action. We need to move forward to secure this tool for businesses in our state, regardless of whether the feds do so or not. This is good economic-- this is a good economic advancement bill and will benefit companies and their employees, great Nebraska companies like Valmont, Lindsey, Nucor, Kawasaki, and many others who employ thousands of hard-working Nebraskans, the chief industries and software developer DMSi, who sent

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in letters of support. In addition, representatives from the ethanol, biofuel, and bioscience industries testified that LB1023 will help their, their businesses and their employees. Just as a reminder, this simply accelerates an existing tax deduction for depreciation expense. It's not a new deduction, nor is it to be confused with a tax credit. I appreciate the opportunity to introduce this legislation. Making Nebraska more business-friendly will help both keep existing jobs and create new jobs. And I ask for your green vote on LB1023.

**DORN:** Thank you, Senator von Gillern. As the Clerk stated, there are committee amendments. Senator Linehan, you're recognized to open.

**LINEHAN:** Thank you, Mr. President. AM3034 to LB1023 combines bills into one tax incentive package that provides tax incentives in many different areas to help build Nebraska and the economy in Nebraska. So Senator von Gillern has already talked about his bill. I don't know if senators on the floor have got bills in here. Senator Bostar has LB173, which was amended, creates an exemption to individuals from out of state coming to Nebraska for a conference meeting or training in the state for employees and directors of a corporation attending such for no more than 7 days and earning no more than 5-- \$5,000. So what this is doing, right now, the law in Nebraska, which many, many people I expect don't follow, you come to Nebraska for one day, you work in Nebraska for one day, you owe Nebraska income taxes. So say I'm coming to ABC Corporation in Lincoln, and I'm here for 3 days of training. The way that ta-- our laws are written right now, I owe Nebraska income tax for those 3 days. Now, many ignore this, but some companies have accountants who are very, very particular and they're not ignoring it. So it's a problem. So we're having an exemption, you can be here for 7 days without owing Nebraska taxes. OK. And then, Senator Kauth, I don't know if she can say if she wants to speak to her amendment. Yes. So, Senator Kauth, would you like-- can I ask Senator Kauth a question, please?

**DORN:** Senator Kauth, will you yield to a question?

**KAUTH:** Yes, I will.

**LINEHAN:** Senator Kauth, would you like-- please explain what LB416 is-- does.

**KAUTH:** LB416 is a complement to LB173. It allows people who are employed by companies here in the state but live outside of the state for their own convenience, to be able to come back and visit and work

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in their home offices for up to 7 days without having to pay Nebraska taxes.

**LINEHAN:** Thank you, Senator Kauth. Senator Meyer also has LB1113 as a business equipment exemption for equipment used primarily to capture and, and removal of carbon dioxide from personal property tax under the Imagine-- Nebraska Imagine Act. Senator Bostar. Would Senator Bostar yield to a question?

**DORN:** Will Senator Bostar yield to a question?

**BOSTAR:** Yes, I would.

**LINEHAN:** Senator Bostar, could you please explain what LB1049 will accomplish?

**BOSTAR:** Yeah, absolutely. So LB1049 is legislation to lower the cap on occupation taxes imposed by municipalities on wireless services from 6.25% to 4%. According to the 2023 Tax Foundation report on excise fees and wireless services released last November, Nebraska has the second highest disparity between wireless tax and fee rates and general sales tax rates in the nation, right behind the state of Illinois. And in 2023, our wireless tax and fee rates averaged 12.92% higher than our average combined state and local tax rates. So, just for clarity, the LB1049 provisions would provide tax relief in the following Nebraska communities: Bellevue, Gretna, Kearney, Omaha, Lincoln, Beatrice, Bennett, Chadron, Columbus, Crete, Emerson, Fairbury, Grand Island, Hastings, La Vista, Lexington, Nebraska city, Ogallala, Papillion, Plattsmouth, Schuyler, Wahoo, Waterloo, Waverly, Wayne, and York.

**LINEHAN:** Thank you, Senator Bostar. And as always, Senator Ballard is ready to explain LB1400. Can I--

**DORN:** Senator Ballard--

**LINEHAN:** Yes. I'm sorry. Go ahead.

**DORN:** Senator Ballard, would you yield to a question?

**BALLARD:** Yes.

**LINEHAN:** Senator Ballard, would you like to explain, please, LB1400?

**BALLARD:** Yes. Thank you, Senator Linehan. LB1400 would provide a tax incentive to business and employees for relocation expenses and for

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employees coming to Nebraska who make between 70 and \$250,000 a year, increasing each year by the same percentage used to increase the income tax bracket. It would allow employers to receive a 50% tax credit for any relocation expenses they pay to bring in the employees to Nebraska, with a \$50,000 credit limit per employee. The employee gets a one-time tax deduction. They're allowed to exclude Nebraska wages income for 2 years moving to the state. The employee must remain in Nebraska for 2 years to, to claim their credit. Otherwise they shall be recaptured by the department. And additionally, the committee amendment also caps a tax credit at \$5 million.

**LINEHAN:** Thank you, Senator Ballard. And did you bring this at the request of Governor Pillen?

**BALLARD:** I did, yes.

**LINEHAN:** Thank you. So, as you can see, we've included a broad group of incentives to help address a number of concerns within the state, including providing assistance to grow our workforce in the state, which is a great need right now. I would also mention, and I should have been here for the last discussion on the last bill, I would-- I understand that we're going to pass bills on General that are going to have to be looked at on Select, and we'll have to look at fiscal notes. In the end, everybody's going to have to give up a little. But I also want to mention, we've got-- there is a mistake we made last year in a bill that will bring some money to the floor. Not a lot, but enough that it could help get some other things passed. And it was a mistake, and it's-- we passed it because of a drafting error. So that will be coming. So I wouldn't concern my-selves too much with the current fiscal notes because they're all going to change when we get past General. Thank you, Mr. President.

**DORN:** Thank you, Senator Linehan, Senator Armendariz, Senator Bostar, Senator Ballard. Seeing no one else in the queue, Senator Linehan, you're recognized to close on LB3034. Colleagues, the que-- Senator Linehan waives closing. Colleagues, the question before the body is the advancement of AM3034. All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Mr. Clerk, record.

**ASSISTANT CLERK:** 35 ayes, 0 nays on the adoption of AM3034, Mr. President.

**DORN:** AM3034 is adopted. Mr. Clerk for items.

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**ASSISTANT CLERK:** Mr. President, I have an amendment, AM2150 to LB1030-- LB1023, by Senator von Gillern.

**DORN:** Senator von Gillern, you're recognized to open.

**von GILLERN:** AM2150 I actually addressed in my opening statement that was the change for the-- to add the cooperatives to the bill. So with that, I would again ask for your green vote on AM2150, and then LB1023.

**DORN:** Thank you, Senator von Gillern. Seeing no one else in the queue, Senator von Gillern, you're recognized to close. Senator von Gillern raise-- waives. Colleagues, the question before the body is the advance-- the adoption of AM1-- AM2150, excuse me, AM2150. All those in favor vote yes; all those opposed vote no. Have you all voted that care to? Mr. Clerk, record.

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

**DORN:** AM2150 is adopted. Seeing no one else in the queue, Senator von Gillern, you are recognized to close on LB1023. Senator von Gillern waives. Colleagues, the question before the body is the adoption-- the advancement of LB1023. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Mr. Clerk, record.

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

**DORN:** LB1023 is advanced to E&R Initial. Mr. Clerk, next item.

**CLERK:** Mr. President, turning to the agenda, LB1370 on General File, introduced by Senator Bostelman. It's a bill for an act relating to public power; it defines terms; requires an electric supplier to replace a retired dispatchable electric generator facility as prescribed. The bill was read for the first time on January 17 of this year and referred to the Natural Resources Committee. That committee placed the bill on General File with committee amendments, Mr. President.

**DORN:** Senator Bostelman, you're recognized to open.

**BOSTELMAN:** Thank you, Mr. President. And good morning, colleagues. LB1370 is the Natural Resources Committee's second priority bill. The bill is amended by a white copy amendment that was worked out with our public power companies. The bill creates a review process between the

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Power Review Board and a utility when the utility decides, decides to decommission or close a dispatchable electric generation facility in excess of 100 megawatts. It also defines dispatchable generation that includes flexibility for future technologies and generation. I will explain more later. First, let me explain why this is important. The North American Electric Reliability Corporation, or NERC; the Federal Energy Regulatory Commission, or FERC; the Midwest Reliability Organization, MRO; and the Southwest Power Pool, SPP, have identified as a serious issue of retiring dispatchable or on-demand electrical generation at a rate that is unsustainable and the need to ensure dispatchable generation exists to meet current and future demand. The NERC's 2023 Winter and Summer Reliability Assessments, SPP was placed in a-- in an elevated risk category, with NERC finding that, and I quote, the anticipated reserve margin of 38.8% is over, over 30% lower than last winter, driven by a higher forecasted peak demand and less resource capacity, end quote. SPP specifically had a shortfall of 8,500 megawatts. Even more concerning was NERC's Long Term Reliability Assessment, released last December, which includes projections for 2024 through 2033. NERC indicated that our neighboring regional transmission organization, MISO, was projected to have a 4.7 gigawatt, gigawatt shortfall if the expected generator retirements occur. NERC's report also indicated that SPP's surplus capacity will fall sharply, sharply over the next 5 years, driven mainly through generation retirements. Just this January, during the extreme cold weather event, Winter Storm Gary, SPP's grid condition entered into the Conservative Operations Advisory Category. This is just one step away from SPP's Energy Emergency Alert Level-1, which is declared when all available resources have been committed and SPP is at risk of not meeting requiring operating reserves. On January 18, the chairman of FERC, Willie Phillips, stated on the record during their January open meeting that SPP had to import a record 6.8 gigawatts of electricity from neighboring states. Remember, MISO is projected to be 4.7 gigawatts shortfall in the near future. LB1370, as amended, is a step in the right direction to approach the concerns NERC, FERC, MRO and SPP have been warning us about for years. The bill creates a requirement for when public power district-- public power and irrigation district, an electric membership association, an electric cooperative company, or a municipality decides to decommission or close a dispatchable electric generation facility in excess of 100 megawatts, they must first provide a written notice to the Power Review Board on their intent to close or decommission the facility. Then, within 60 days, the board, in its discretion, may set a time and place for a closed hearing for the entity wanting to decommission the dispatchable facility to explain to the board their reasoning as to

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why it should be decommissioned. Following the hearing, the board will provide the entity, in writing, recommendations, that's recommendations whether decommissioning the facility is in the best interest of that entity and the entity's customers. The entity will then consider the recommendations before making a final decision on whether to decommission the facility. The bill does not apply to any previously announced closures of a dispatchable generation facility. I want to thank Public Power, who was willing to work with me when coming to an agreement on this language. The committee adopted the white copy amendment to LB1370 with an 8-0 vote. Mr. President, I would like to now move to the committee amendment.

**ARCH:** Senator Bostelman, you are welcome to open on the committee amendment.

**BOSTELMAN:** Thank you, Mr. Speaker. AM2680-- or AM2863 is a committee amendment to-- for LB1370, which also includes the provisions of LB956, introduced by Senator Bostar, LB969, introduced by Senator DeKay, LB1260, introduced by Senator Jacobson, and my bill, LB120 as amended. I will provide a brief introduction to each bill, and then ask each Senator to provide additional information regarding their bill after this introduction. LB956 from Senator Bostar requires FAA approval light mitigation technology be installed on wind turbines. This technology is used to reduce light pollution emitted from wind turbines. LB969 from Senator DeKay increases the minimum dollar thresholds that require advertisement for sealed bids prior to contracting for project development by a public power district or public power and irrigation district. LB1260 from Senator Jacobson allows for board members of a public power and irrigation districts who are irrigators or leaseholders to discuss and vote on a limited basis on contracts in which they have financial interest. Finally, LB120, which is my bill, was the result of work with both NPPD and OPPD to come to an agreement on the language of the amended bill. Specifically, LB120 requires, before an electric supplier, public or private, begins construction of any electric generation facility, transmission lines, or related facilities within 10 miles of a military installation defined as a military base other than a National Guard base, or fixed wing aircraft or strategic weapon assets are on a permanent or temporary basis assigned, stored, operated, or otherwise located, the owner must provide a notice to the Power Review Board certifying that the electric generation facility, transmission lines, and related facilities contains no electronics, materials, or any other components manufactured by a foreign government or foreign non-government person determined to be a foreign adversary pursuant to 15 C.F.R. 7.4. Entities who sell electricity at retail are exempt from

these requirements as long as they certify to the Power Review Board that they are in compliance with any North American Electric Reliability Corporation critical infrastructure protection requirements. Over the past few years, there has been a growing national security and cybersecurity concern involving electric generation facilities containing technology that was manufactured in China. In March of 2023, the Senate Energy and Natural Resources Committee held a hearing with members of the Department of Energy and the private sector testifying that the unknown amount of Chinese-made grid equipment poses a risk to the energy sector and national security-- poses a risk to the energy sector and national security. Senator Angus King of Maine echoed those thoughts by saying, and I quote, I think determining the Chinese origin of crucial parts of the electric system is a hair on fire urgent matter. That is an enormous opportunity for malicious activity, end quote. Just last year, the Legislature passed Senator Bostar's LB63, which required communication providers to annually certify to the PSC that their equipment contained no equipment that posed a threat to the national security, and restricted grant funding to communications providers who have not replaced technology. Likewise, we should institute similar protections for our electric grid. I would also like to speak to Senator DeKay's bill, since he is off the floor right now. LB1370 would just a-- Let's see. I'd like to touch briefly on LB969, which is in LB1370, which was heard February 7 of this year and amended into LB-- or AM2863, with an 8-0 vote. LB969 would increase the dollar threshold for the advertisement of sealed bids for public power districts. These thresholds were last updated in 2009. With supply chain shortages and inflation, we are now at a point where power districts are now having to get sealed bids for simple routine items such as transformers, in, in addition to multi-month wait times to actually get the items due to order backlogs. Currently, in the district with a gross revenue of less than \$500 million, such as Norris Public Power District, the threshold is \$250,000. In a district with a gross revenue of \$500 million or more, such as NPPD, the threshold is \$500,000. LB969, as amended into LB1370, the threshold for a small district is raised to \$750,000, while the threshold for the large district would raise to \$1.5 million. LB969 as included in 13-- LB1370 would better reflect current costs and needs of our public power districts. I would like your vote for AM2863 to LB1370. The committee voted to amend all bills into LB1370 with an 8-0 vote, and LB1370 was voted out of committee with a 7-0, one not voting. I ask for a green vote on AM2863 and LB1370 for its advance to Select File. And I'd ask those members who are here that have bills included in the amendment, if you would like to please speak now. Thank you, Mr. Speaker.

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**ARCH:** Returning to the queue, Senator Bostar, you are recognized to speak.

**BOSTAR:** Thank you, Mr. President, and good afternoon, colleagues. As was mentioned, I have one piece of legislation, LB956 included in the committee amendment, AM2863. LB956 is legislation to replace continuously blinking aviation warning lights that are mounted on top of wind turbines with light mitigating technology systems approved by the Federal Aviation Administration. LB956 requires that any new wind energy development or any existing wind development that undergoes a repower, which constitutes a substantial physical modification of at least 75% of the wind turbines and wind energy conversion system, shall make an application to the Federal Aviation Administration for approval to install a light mitigating technology system. This light mitigating technology can detect nearby aircraft and allows for safe air travel in the area of wind turbines without the nuisance of continuous blinking lights. Aircraft detection lighting systems, sometimes referred to as aviation detection lighting systems, are radar-based systems that prevent wind turbine lights from turning on unless an aircraft is approaching or descending toward a wind development. With ADLS, the Federal Aviation Administration requires lighting to be activated and flashing if an aircraft is at or below 1,000 feet above the tallest wind turbine and is approaching a 3-mile perimeter around the facility. This legislation goes on to clarify that all costs associated with installing light mitigating technology systems will be incurred by the owner of the project and will not fall to taxpayers. We've also taken steps to make it clear that nothing in this regulation will be carried out in a manner that conflicts with the federal law or requirements of the Federal Aviation Administration or the United States Department of Defense. This legislation is similar to legislation already passed in Wyoming, North Dakota, and Kansas. This legislation was amended by the committee with AM2613. As amended, a developer, owner, or operator of any wind energy conversion system that has 5 years or fewer remaining on its power purchase agreement is exempt from having to apply to the FAA for light mitigating technology installation until a power purchase agreement is extended, renewed, or newly executed. Light mitigating technology systems are a ready alternative to keep air travel safe and keep nuisance to a minimum. This legislation was brought forward with the intent to lessen the impact of wind development on neighboring communities. And I thank you for your time and consideration, and I would encourage your support of these provisions. Thank you, Mr. President.

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

**HARDIN:** Thank you, Mr. President. I rise in support of AM2863, as well as the underlying bill, LB1370. The Sentinel Project is a \$1 trillion project. You may read in places like Bloomberg that it's a \$117-billion project that is running over in its costs as well as in time. The fact is that when you speak with military members, they will assure you that this is not a \$117-billion project. In fact, they'll pat you on the head when you say that, and they'll tell you that this is the most expensive thing that has ever happened in the history of the United States. The most expensive thing before this project, and this is the replacing of the ICBMs in the Minuteman III system with the Sentinel system, was the building of Glenwood Canyon I-70 in western Colorado that basically placed 4 lanes of Interstate, a railroad, through a-- an 18-mile long canyon with a river in the bottom of it. This is more expensive than that. And so a project like that one is going to attract all kinds of attention, a lot of it negative. Why? Well, because, frankly, those are the biggest guns in the world. And just like the Minuteman III system, they're aimed at specific enemies. We'll get to more of that in just a moment. The Department of Homeland Security, the FBI, and the Office of Special Investigations of the Department of Defense have all been paying particular attention to these things going on in District 48. That's my district. What is their concern? Two basic things: Espionage and sabotage of that system. How is espionage done in the 21st century? Well, 3 ingredients. Massive amounts of electricity, large computers that use that electricity, and physical proximity to what's being spied upon. Why not put a big building full of powerful computers for spying on the other side of the world? In a nutshell, milliseconds. Milliseconds are a wilderness of opportunity. In the 21st century. Wind and solar projects have popped up all over District 48, proposed projects. Well, that's the first of those 3 ingredients to baking a spy cake today. And so the equipment that's used inside of a wind or solar project becomes very important, because those big guns are in part aimed at the people who are providing us the hardware. They don't like to have those big guns aimed at them. And before you attempt a virtue signal on that one, do keep in mind that their big guns are aimed at us. It's national defense that we're talking about. And so I can say that inside this bill is a caution about using Chinese-made hardware inside of solar and wind projects. It's not theoretical, it's actual. And the threats will continue for probably a decade and a half, or however long it takes to rebuild this missile field that started out with JFK-era technology. It was built during the Nixon administration, and now we're going to replace it with the latest and the greatest. So inside of AM2863, you'll see references, and those references have to do with where does the equipment come from that is

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used in these sensitive areas. That's why this is so important. I would remind you that just a year ago, this body tossed Huawei out on its ear. A particular wireless carrier was--

**ARCH:** One minute.

**HARDIN:** --using Huawei equipment, and they didn't get to have any of the money from ARPA because they had ignored, for 5 years, the warnings pertaining to using Chinese equipment in sensitive areas. I would caution and say, why on earth would we invite Chinese-made hardware back into the sensitive area where we disallowed Chinese equipment 12 months ago? What this says in LB2863 is that NERC can essentially say, as long as we approve it, it can go in. So we do need both this amendment and this bill. Thank you--

**ARCH:** Time, Senator.

**HARDIN:** --Senator Bostelman. Thank you.

**ARCH:** Senator Vargas. You're recognized to speak.

**VARGAS:** Yes. Thank you very much. I had a few questions for Senator Bostelman, if he'll yield.

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

**BOSTELMAN:** Yes.

**VARGAS:** Thank you. Appreciate you bringing this bill. In particular, you know, one of the parts that I had questions about as a former school board member and as somebody that likes transparency, line of sight, I was curious about the hearing process here in the amendment. If a public power district, public power, and so on, is deciding that an entity should be closed or decommissioned, and there's obviously an allowable use, that there's going to be a hearing on the matter. It may be set, time and place by the board at its discretion. But this says any such hearing shall be closed to the public. Given that this deals with public power and other public entities, why is this closed to the public? Shouldn't this be open to the public to have line of sight, especially since the decision isn't being made necessarily to disclose-- usually we close down the public meetings to the private when we're discussing HR, individuals. Why not have this be a public meeting?

**BOSTELMAN:** Yeah, yeah. Good question. There's a couple reasons, I think. One is this is a decision-making process of that public power

utility, that entity itself, that whole decision process is, is private anyway. So when they're, they're talking about it, they're deciding it, whether they're going to close it or not, it-- it's private, and it's, it's already private. So there may be some proprietary information discussed or otherwise. So the hearing is private, that's what they're already doing, and they haven't made a final decision. They haven't made a decision whether they'll close it or not. But it's a make-sure that they have a-- have a discussion with the Power Review Board who-- to understand why they're going to shut down this facility-- potentially shut down this facility, and then they make recommendations. It's prior to a, a, a decision on that. But if you think of it another way, is if I'm thinking that I'm going to close down this power plant 5 years from now, 15 years from now, and I make that public announcement that I'm thinking about it, what are the employees going to do? Probably they're going to leave, and we don't want that to happen. We want to make sure those utilities have that opportunity to stay functioning and working so we have that generation. So really this just puts it into the process in a sense of what they're already doing, and giving the Power Review Board that opportunity to review it, because they're the ones that-- they'll look across the state as to what's generation, as well as listen to the SPP. So it gives us-- gives them, the Power Review Board, that opportunity to make a response to them before a final decision is made. Once that final decision is made by the utility, then it's announced. It's, it's public.

**VARGAS:** I, I appreciate the answer to the question. I think-- I think the concern I have and the issue is in the scenario you described-- look, we have public hearings right now where we are not increasing funding for different agencies. That will mean cuts to some different entities if we're not funding them correctly. So-- but we, we have transparency. We, we have the ability for the public to come in and testify. Employees have the, the opportunity or representatives of employees have the opportunity to testify. In what matter does the public or employees or entities have the ability to weigh in on such big decisions if it's not public?

**BOSTELMAN:** Do they have the current opportunity to weigh in and have that with, with their board already?

**VARGAS:** That's what I'm asking right now. We're, we're saying that if these--

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**BOSTELMAN:** What, what my question is, is-- I'm sorry. If the public-- if the utility itself, the entity itself, is making a decision, a management decision on looking at whether they're going to--

**ARCH:** One minute.

**BOSTELMAN:** --close a facility or not, that's-- they don't let people come in and, and testify on that or talk on that, I don't believe, at this point. So this is a-- this is a third-party review, in a sense, of should that facility be closed or not, and a recommendation on that, and then at some time later, when it's announced, then it all becomes public. So no, I don't-- I think that the, the challenge is, is if you're looking at something 5 or 10 years out and you're say, well, we're looking at closing it 5 or 10 years from now, then the people leave. I mean, the idea is to make sure that we have a dispatchable facility that's there, that's needed, and we keep those employees there. And that's part of what the Power Review Board can provide back to the, the utility or the entity at the time.

**VARGAS:** I'm still concerned. And I'm, I'm looking at Erdman, because I imagine if a Game and Parks, although he'd probably be OK with this, you know, decided to close something and there wasn't a public hearing associated with it--

**ARCH:** Time, Senator.

**VARGAS:** --and the public couldn't weigh in-- I'll get in again.

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

**JACOBSON:** Thank you, Mr. President. I'll try to be brief here. I'm, I'm just going to speak to my bill, LB1260, which was amended into AM2863. This bill really deals with public power and irrigation districts. There are three public power and irrigation districts in Nebraska: Central Public Power and Irrigation District, Middle Loup Public Power and Irrigation District, and North Loup River Public Power and Irrigation District. These were all created under Chapter 70 of the statutes. It's important to note that LB1260, fundamentally, what it does is it allows board members who have been elected to serve on theirs-- on those boards to vote on master contracts. So, for example, if they're going to vote on irrigation rates for the entire district, currently, they are-- if, if you are an irrigation user who is voting on-- you can't be involved in voting on setting the pricing for everyone as a single this is what everybody pays. The problem with that is that your expertise is important to do this. You're not voting

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on your own personal contract. That's exempted, or that's, that's, that's excepted out of this bill. But you're voting on a broad contract. So we have worked with Accountability and Disclosure on drafting the bill through their guidance so that we have language that works for these master agreements, so to speak. This also is impacted, and you look at these public power and irrigation districts, not only do they have irrigation users, they typically also are dealing with lakes with lots around them. So if you happen to be leasing a lot with a home there, you can also set the overall cost of lots or lease rates for those lots, even if you live there. Again, you're not setting your individual rate, you're setting it for everyone. In my case, I, I'm looking at there are-- there are currently-- Central as a-- as an example, Central Public Power and Irrigation District currently has twelve board members. This past year, only six of the twelve were allowed to vote and discuss the yearly water rates for the district, as six were irrigation customers. So this is a problem that needs to be re-- that needs to be fixed. Accountability and Disclosure's been involved in the process. This just cleans up a problem that needs to be done. It's part of the bill. I would encourage you to, again, vote yes on AM2863, and the underlying bill, LB1370. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. Good afternoon. I listened to what Senator Hardin had to say. Senator Hardin explained very thoroughly and appropriately the issues that we're dealing with in the western part of the state. I know of no one who's been more involved in this issue than Senator Hardin. And when Senator Hardin speaks about this, we should listen. I've been involved somewhat with him in some of the discussions that he's had. This is a very serious-- what he was telling you is very serious. And consequently, if you don't live in that region, if you're not personally affected by those calls that people give you or call you about, you don't understand the reality of what's happening. We are under siege there by many adversaries, and none of them are our friends. And it doesn't make any sense to me that we would give any opportunity for those who don't care for us, those who hate us, to have them access anything that would remotely look like they have information that they shouldn't have. So we're going to have-- later on there will be a bill also to create EV, electric vehicle charging stations. Those also need to be restricted from using Chinese equipment or foreign equipment from governments that don't like us. This is an issue that we have to deal with broadly and distinctly and quickly, because these are not the only people that are going to charge into our districts or area to try to do things, there

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will be many more. This is just the first flush. One of the things that does concern me, though, is this. Some of these folks are out in the open where we can see them. They're very open and transparent about what they're trying to do. What concerns me is the things that we do not know about. And so we need not give any type of information away by having some kind of foreign equipment next to any of these sensitive places, so that we can be assured that our national security is guarded and protected. Senator Hardin, I appreciate what you're doing. I appreciate the fact that you've made us aware of the issues that are very significant, not only for Nebraska, but for the whole United States and the free world. So thank you very much, and I appreciate his comments and ask you to support this amendment. Thank you.

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

**VARGAS:** Yes. I'm still trying to-- look, I'm going to support the underlying bill. Hopefully I can work with Senator Bostelman to get a better understanding or if there's language changes we need to do. Because I see this is permissive, right? Like there's language in here that it's at the discretion of the board, it's not required, right? So if it's at their discretion to have a hearing, they don't even have to actually have a hearing. They can determine in writing if they make a decision. But I'm still hung up on this idea that we're somehow protecting employees by not having a public hearing in regards to any type of decommissioning or closing of a facility. And regardless of the, the content, again, we're not talking about an employee, I don't understand why we wouldn't make a hearing public. And that is the only hang up I have, just because that's what we do here. You know, we, we provide an opportunity-- unless I'm missing that there's not another opportunity for the public to weigh in. I understand we have, like, Executive Sessions, we make decisions. But if there isn't an opportunity for the public to weigh in on something, like we currently have with every single bill, I-- I'm confused as why we wouldn't at least have a hearing on it. And I, again, wondered if Senator Bostelman can yield to a few follow-up questions on this?

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

**BOSTELMAN:** Yes.

**VARGAS:** So again, I support a lot of the intent, obviously, the, the other work. I appreciate all the work that you've done. I get my hang up is just on how we treat ourselves. We make executive decisions in-- and, and usually do that in Executive Session. But we do have a public

hearing so the public can weigh in on big decisions. And it sounds like, unless I'm reading this wrong, there isn't a separate public component outside of the actual decision-making. And would you be amenable to working on language that provides the public with the ability to weigh in on the subject matter of commiss-- decommissioning or closing a facility?

**BOSTELMAN:** We can discuss it. I think I've talked, talked to, maybe, Senator John Cavanaugh about an amendment, what that might look like. Another thing to remember is, I don't know that the general public or an employee of that utility or that entity would have standing in that hearing, because a hearing specifically is on the technical aspects of the decommissioning and how that relates within the power grid and generation within the state. I'm not certain that they would have standing, even if it was open to the public to come testify. And, and currently, like I said, there's proprietary information that's there that the utility or the entity will want to make, make sure keeps proprietary, keeps out of the public eye. And the other is, is if they would have standing or not, I'm not really sure that the public would have standing, to make sure that, again, that the utility or the entity is looking specifically at the generation, what the generation is, what the need is, and not looking at other aspects of that. So it'd be more of a technical side of it that I think the management would have with, and then the Power Review Board has that knowledge from SPP and the entire grid and how that fits together.

**VARGAS:** Well, I appreciate it. I'm, I'm happy to hear that there's at least an amendment or conversations with Senator John Cavanaugh. Again, the reason I'm bringing this up and what I'm hearing is that you don't even think they might have standing. We passed this language as is, and again supporting it through General working on Select. They definitely would not have any standing. Nobody in the public would be able to attend this hearing. And the issue I have is the subject matter. Right, like, I trust that individuals that are concerned about their proprietary information wouldn't disclose it if that meeting is open to the public. But what I'm concerned about is excluding the public from things that the public may or may not deem necessary. It's just accountability, it's transparency. And it's what-- how we treat ourselves. It's how most boards, public boards and public entities treat themselves. And I, I want to make sure we're just consistent. Again, all the rest of this stuff that we're working on in this, and the overlying intent, I think it's good. I appreciate the committee. Echo a lot of what Senator Erdman's words about Senator Hardin's work and expertise on this on, on the other things in terms of foreign national affairs and national security. But I just want to make sure

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that we're being consistent. And maybe it is that there's a separate hearing that is for final decision-making, like we do, but there is a public hearing on the subject matter, so that the public can still weigh in, whatever-- if, if the subject matter is on closing, what you put in here, either a-- in excess of 100 megawatts owned by--

**ARCH:** Time, Senator.

**VARGAS:** Thank you very much.

**ARCH:** And you are recognized, Senator Vargas.

**VARGAS:** Thank you-- in excess of 100 megawatts owned by any such entity should be closed or decommissioned, that that decision, the public would be able to weigh in, public entities would be able to weigh in, staff, I guess entities that represent the, the, the public, workers would definitely be able to weigh in, too. There are organized union workers and-- that are-- that are working in facilities that they should be able to have line of sight and transparency when these decisions are being made, and, and actually weigh in on whether or not it should or should not be closed. I think that process should still be there. And I support whatever amendment would be worked on to be able to do that. So, colleagues, I just want to make sure this is not against the bill, definitely not a filibuster. It is in the record making sure we're really clear, we treat public meetings, when we're discussing things that concern the public, with, with public either infrastructure or buildings, and contracts that have to do with public entities, we, we want to make sure the public can engage and can weigh in. And I appreciate Senator Bostelman asking-- answering questions. Also appreciate any of the work that the committee's done and will do between General and Select, and, and trust that there's something that will be done, maybe two different hearings, I don't know, but there should be some solution to this for accountability and transparency. Thank you.

**ARCH:** Seeing no one in the queue, Senator Bostelman, you're welcome to close on AM2863.

**BOSTELMAN:** Thank you, Mr. Speaker. I'd ask for a green vote on AM26-- AM2863. All these amendments into these bills were all unanimous votes in committee, 8-0, so I'd ask for your support in AM2863. Thank you.

**ARCH:** The question before the body is the adoption of AM2863. All those in favor vote aye, all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

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**ASSISTANT CLERK:** 29 ayes, 0 nays on the adoption of committee amendments.

**ARCH:** AM2863 is adopted. Senator Bostelman, you are welcome to close on LB1370. Senator Bostelman waives close. The question before the body is the advancement of LB1370 to E&R Initial All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 29 ayes, 0 nays on the motion to advance the bill, Mr. President.

**ARCH:** LB1370 does advance. Next item-- excuse me. Announcement, Mr. Clerk?

**ASSISTANT CLERK:** An announcement, Mr. President. The Revenue Committee will hold an Executive Session in room 2022 at 1:00 p.m. That's all I have at this time.

**ARCH:** Next item on the agenda, Mr. Clerk. Mr. Clerk, next item on the agenda.

**ASSISTANT CLERK:** LB1017, offered by Senator Bosn, is a bill for an act relating to workers compensation. Amends Section 48-121; change the schedule of compensation for loss or loss of use in more than one specific part of the body from injury or illness resulting in disability as prescribed; and repeal the original section. The bill was read for the first time on January 5 of this year. It was referred to the Business and Labor Committee. That committee placed the bill on General File with committee amendments.

**ARCH:** Senator Bosn, you are welcome to open on LB1017.

**BOSN:** Thank you, Mr. President. LB1017 was introduced on behalf of the Nebraskans for Workers' Compensation Equity and Fairness. This bill is designed to clarify the provisions of Nebraska Revised Statute Chapter 48-121, relating to the-- which the Workers' Compensation Court can award benefits based upon loss of earning capacity in cases in which a loss or loss of use of more than one hand, arm, foot, leg, or any combination thereof has resulted from the same accident or illness. We call this the head, shoulders, knees and toes bill. Under the bill, the loss or loss of use of multiple parts, including foot and toes, resulting from the same accident or illness would not entitle the employee to compensation for loss of earning capacity. In addition, LB1007, excuse me, LB1017 would clarify that, quote, loss of use for purposes of loss of earning capacity determination means permanent loss of function. So to back up a little bit, in 2007, the Legislature

adopted the workers' compensation reform in LB588. In 2007, the primary component of that legislation revised the manner in which large hospitals were reimbursed in connection with workers' compensation claims, thereby reducing employer expenses. In addition, the legislation revised the manner in which benefits could be determined in cases in which an employee suffered injuries to more than one hand, more than one arm, foot, leg, or any combination thereof. That is the issue that is addressed in the bill before you today. With the passage of LB588, a substantial change in policy was adopted which benefited injured workers. The rationale for the change was that when more than one hand, arm, foot, or leg was injured and limited the employee, the impact of the injuries may be far greater than recognized by the schedule of benefits for injuries to any individual member. In such instances, the employee should be entitled to receive more benefits than the schedule allows. Conversely, if only one hand, arm, foot, or leg is injured, then the justification to compensate the employee based on a loss of earning capacity rather than a statutory benefits for the schedule member. Since the passage of LB588 in 2007, a number of court decisions have been rendered which run counter to the original intent in LB588 with respect to the loss of earning capacity issue, most recently culminating with the Nebraska Supreme Court decision in the case of Espinoza v. Job Source USA. In conclusion, LB1017 is designed to address adverse impacts resulting from 2 separate decisions of the Nebraska Supreme Court. First, it defines loss or loss of use to mean permanent loss of physical function to clarify that permanent restrictions or-- of each hand, arm, foot or leg, or any combination thereof has to exist for that earning capacity determination to apply. This bill would also address the decision in Rodgers v. Nebraska State Fair, where the Nebraska Supreme Court held that it was not necessary for an injured employee to sustain functional loss in the form of permanent physical restrictions to more than one scheduled member in order to receive benefits based on the loss of earning capacity. Secondly, this bill addresses the Espinoza decision, which held that injuries to multiple parts of a single member were eligible for benefits based upon a loss of earning capacity determination. LB1017 will require injuries to 2 separate or distinct extremities or limbs for the loss of earning capacity determination application, thereby returning the state of the law to what was originally intended by the Legislature in the passage of LB588 in 2007. I will also note there are amendments on file, one of which was filed by Senator McDonnell, which I believe he is planning to pull. We worked out a committee amendment that was a compromise amendment and removed the language regarding the Rodgers v. State of Nebraska decision. And I believe

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Senator Riepe will be introducing that amendment. It's my understanding that Senator McDonnell supports that amendment as an alternative to the amendment he had previously filed. It's our belief that that addresses the concerns of the opposition that were held in the time of the-- at the time of the hearing, and now I would eliminate that opposition. I would urge you to vote green on LB1017 as well as the committee amendment. Thank you, Mr. President.

**ARCH:** There is a committee amendment. Senator Riepe, you are welcome to open.

**RIEPE:** Thank you, Mr. President. The Business and Labor Committee held a hearing on LB1017 and designated it as a committee priority on February 12. Although seen as a workers' compensation cleanup bill, clarifying ambiguous statutory language and solidifying an agreement between the Nebraska Association of Trial Attorneys and the business community was given, there was a-- opposition to this bill. The committee voted to adopt AM2683 to LB1017, an amendment which addressed the trial attorneys only issue with this particular bill. AM2683 strikes language define-- defining loss of use, which would have overridden *Rodgers v. Nebraska State Fair*, a Nebraska Supreme Court decision. As a result, the Nebraska Association of Trial Attorneys are no longer opposed to this bill. As amended by AM2683, LB1017 will overturn the recent Nebraska Supreme Court *Espinoza* decision and return the law to that which was intended when originally enacted. I encourage your green vote on AM2683, as well as LB1017. Thank you, Mr. President.

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

**CLERK:** Mr. President, Senator McDonnell, I have AM2769 with a note he wishes to withdraw.

**ARCH:** No objection. So ordered.

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

**ARCH:** Seeing no one in the queue, Senator Riepe, you're welcome to close on AM2683. Senator Riepe waives close. Question before the body is the adoption of AM2683. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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

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**ARCH:** AM2683 is adopted. Senator Bosn, you are welcome to close on LB1017. Senator Bosn waives close. Question before the body is the advancement of LB1017 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

**CLERK:** 29 ayes, 1 nay, Mr. President, on the advancement of the bill.

**ARCH:** LB1017 does advance. Mr. Clerk, next item.

**CLERK:** Mr. President, General File, LB253 introduced by Senator Brewer. It's a bill for an act relating to the Nebraska Law Enforcement Training Center; provides for another location for the center; provides for administrators; harmonizes provisions; repeals the original section. The bill was read for the first time on January 10 of last year and referred to the Judiciary Committee. That committee placed the bill on General File. There are committee amendments as well as additional amendments, Mr. President.

**ARCH:** Senator Brewer, you are welcome to open on LB253.

**BREWER:** Thank you, Mr. Speaker. All right. Take everything that Brandon told you and forget it. What we have done is we have taken LB253, and because of the statute it fit in, modified it so that we could have a, a Veterans Court. The idea came to us from the former Secretary of Defense, Chuck Hagel. He took the time to come here and testify in the hearing. And after he was done, we realized that this was an opportunity for us to do something that needed to be done. And so with that, I'm-- I want to start to kind of share with you. I've had a number of people come up to me and question the need or whether this is something that veterans are worthy of. And I will share a little of my own personal experience. When I found out I was going to war for the first time, I always figured that it would be with, with the infantry and that it would be a group of, of Army Rangers or Special Forces. But the reality of it is that you end up with a mix-match of folks that come from all walks of life and all skill sets. And I'll share just a quick story. In the fall of 2011 at Inland Depot outside of Kandahar, Afghanistan, we were inspecting vehicles that were coming out of Pakistan. And it was the end of the day and we were coming back to consolidate and do a convoy. And in a flash of light, about a third of the platoon was gone. A 12-year-old had come through the gate and had come into the area where we were at. He had a suicide vest on and he detonated the vest. I was fortunate in I was on the backside of an up-armored Humvee when that happened. But unfortunately for those that were near where it happened, in an

instant we had a number of casualties. And what was surprising about those casualties is some were Navy, some were Air Force, many Army. But when you raise your hand and take the oath, there's no way to know where you're going to be or what you're going to do. Doesn't matter the service. So as we look at veterans and we, we try and make a decision about whether or not this is something we should do, just remember that that decision changed the lives of all of those individuals there. For the 5 that died, obviously it changed it for their families. But what we're going to ask of you here is to take special consideration for the veterans. So I'm going to go ahead and read through the, the part of the bill that will help you to better understand what we're about to do. So what we're trying to do with what will be AM2668 is that when a veteran is accused of a crime, I think the court system should hold him accountable. I want to stress that. I do not think that being a veteran should be a permit to commit crimes. But I think we need to make sure that the system works to address those issues that are specific to that veteran's service. We will know if the system works if we do not see the folks that are participating or part of the program returning to the courthouse. That ultimately is what we're hoping to see out of this. We've had a couple of decades of history with problem-solving courts here in Nebraska. I think we should build on that. So let me get into a little more details of this amendment. AM2668 would create a veterans justice program in each of the jurisdictions across Nebraska. It would tell the courts that when a veteran should be eligible for a veteran program. It-- let me be clear, though. If the judge thinks that putting a particular veteran in a program would be unsafe to the public, this legislation lets the judge make the call. When the program-- but when the program-- but these programs are not supposed to be a cakewalk. There would be a very detailed case plan for each of the cases. The plan would be developed by the court with input from the probation and other experts. The case plan would contain specific supervision and treatment goals. The case plan would include the rules that the veteran has to follow to successfully complete the program. If the veteran successfully completes the-- these objectives at the end of the procedure, the case would be dismissed. If the veteran does not follow the plan successfully, the court would go and be in a position to find him guilty and sentence him. There is no free ride with this bill. The bill also recognizes that in cases where there is a victim, the victim's rights are to be heard by the court during this process. In any case where a veteran is convicted of a crime, the bill would tell the judge to consider a veteran's service as a factor when it comes to sentencing. Individuals-- and these are the categories that they would look at: individual awards or merits of service. So

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that would be like if they had received a Purple Heart or Bronze Star. They would also look at overseas deployments. These would be the noncombat deployments such as Poland, Romania. Exposure to danger, this would be combat deployments, places like Iraq and Syria; and service-connected disabilities. So this would run the whole gamut from posttraumatic stress to traumatic brain injury to the actual loss of limbs. This amendment would also direct the State Court Administrator to keep track of some things: participation in these programs, including the success rate; housing and employment status of these veterans; and further details on the types of offenses. The State Court Administrator would file an annual report that would be given to the Judiciary Committee, including all this data. Now, what I'd like to do is share a little of why I think you see cases where veterans need to have a extra look at their situation. After I was wounded in 2011, I came back and went through about 2 years of surgeries. The VA has the ability to give you a lot of meds during any period that you have surgery. So I had 21 surgeries over that period, and it's easy to get into a position where those meds become your life, or the transition from the military to the civilian world leaves you in a position where you want to crawl into a bottle or change your life in a very negative way. So sometimes it's that experience in life that sets a course for you beyond the military that unfortunately causes some to fall off the rails and have challenges. What we're trying to do with this Veterans Court is to give them a chance to still have a life, even though they may have stumbled after they've left service. So I would ask for your support on LB53, which will become the amendment that I'll be followed by Senator Wayne on. Thank you, Mr. President.

**ARCH:** As mentioned, there are committee amendments. There is a committee amendment, AM2978. Senator Brewer, you are welcome-- Senator Wayne, you are welcome to open.

**WAYNE:** Thank you, Mr. President and colleagues. I'm going to talk about why, first, this bill is important to me and then I'm going to talk about what the bill does. And I'm also first in the queue. So just keep-- don't-- I mean, I don't have to stop. So that's intentional. It's no secret Senator Brewer and I are friends. But what is probably not known to a lot of people is a conversation, I won't reveal the whole conversation, but I'll tell you the topic. In February of 2019, Senator Slama had a bill about social studies. And Brewer did not know I was going to say this so he'll be mad here in a little bit. But a colleague of ours was talking to Senator Groene at the time, talking about respect. And that colleague of ours got up and said, I don't respect that rag, and was pointing to the flag up there.

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And later on another bill, Senator Brewer responded, and he responded in a way that made me struggle. He said, it rips our heart out to hear someone say that they refer to this flag as a rag, because those of us that have bought-- brought home and we have lost, lost many of those, and it's hard to refer to as a flag as a rag, because you have to fold it and give it to the parents, and that is awfully hard to do. The reason why that touched me is because I can never understand how someone who has a similar history as far as cultural of how this country treated their people so negatively. And finally, I had the courage to ask Brewer about how does he do it? Because as an African American, I come in here sometimes angry that the-- this country owes a debt to us. But Brewer has always took it a different way. And we had some confidential conversations about how he approaches it. And I thought at a minimum, I should figure out how to help him and people like him. And so that's how the conversation started on the mountain about PTSD. And that's how the conversation started about Fort Robinson. And when Secretary Hagel approached us with this idea, I literally set it for a 7-day hearing. We did an amendment because of our confidential conversations around what it's like to go through a war zone and what it's like to come back at the same time, give so much to a country that took so much from its people. So this is personal in the sense of this is my homage to him for inspiring me to continue to fight. So I want to start by just saying, here's what this bill does, but I wanted you to understand the background that what I gather from our conversations is it's easy to support a veteran on Veterans Day. It's easy on Memorial Day to say, we support those who serve our country. What's hard is when they make a mistake that is directly tied to what we put them through. It's easy to support when it's convenient. It is hard to support when they make a mistake when they come home for what they're struggling with to make sure we're OK. And so we probably won't get through this bill, and maybe we will. And there's going to be some tough conversations. But this bill is about an individualized approach to individuals who have served this country and came back and are having some mental health issues that we can resolve or try to resolve and surprise-- and give supports, oftentimes in which this country has failed to support them. So what this bill tries to do, it says the Veterans Justice Act in Nebraska. It came out of committee 6-2, but there's 2 main parts. And the first one is the veteran justice program. This already occurs in Douglas County, Lancaster County. But where it doesn't really happen right now is in rural Nebraska, where veterans don't have the same opportunity to participate in problem-solving courts because those local county attorneys have decided to do it. Many times in rural Nebraska, we can't even get county attorneys. We often contract with other

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counties. So this bill is trying to give tools for a judge to find the totality of everything that happened in this individual's life and give them a chance. It doesn't change their sentence in this regard. It is-- it takes probation, if they're eligible, and puts it on the front end. And if they complete everything, what that means is a case plan; what that means is making sure they're going to treatment; what that means is doing everything right through that probation. Then they get an award at the end-- reward at the end of their record being clean from that charge. But if they don't, if they fail, if they make more mistakes, they get sentenced at the end of this. So this isn't a get out of jail free. But we are paying respect to those in this particular class who have seen some of the worst things and are coming back home to struggle with it. So this program operates similar to a deferred judgment that was passed here. What deferred judgment is, is what I just describe of putting probation on the front end with an award after-- reward afterwards. We expand it a little bit, and what you'll hear is this is a bad bill because it involves domestic violence or DUIs. I want you just to imagine how do our veterans interact with our criminal justice system when they come back? They often self-medicate, which involves drugs and typically getting in a car. That's where DUIs come in and they become violent. As Sen-- as Secretary Hagel said, we have trained them in that capacity, and many of them are serving the longest tours that they've ever served, because we've had the longest war going on that we've ever had. Many of them are serving 5 to 6 tours, which was unheard of. And when they come back, the least we can do, the least we can do is provide them with the opportunity to get some help. And our criminal justice system can solve that problem. This gives flexibility to the court to look at the mental health condition as it relates to the, the military service and the psychological effects of their deployment and the conditions that contribute to the criminal offense that they are charged with. Again, I am not getting into the underlining bills of our laws of what is eligible for parole and what is not. I wish I could, but we have a complete task force with the Attorney General, LB50 Task Force, that Senator Bosn is on, and actually, her subcommittee is going through pretty much almost all the laws and trying to figure out what things can be better, what things can be-- we need to change and what things we can keep the same. So I'm not having that debate. But if they're currently eligible for probation and they are a veteran, they are currently eligible, if this bill passed, for Veterans Court. That doesn't mean that they automatically get to participate. There are factors that have to be considered, and some of those are going to be an additional amendment from here to Select File that we are working on with the advocacy groups that we are working on. I just got one

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about which I consider not true, but I'm willing to adopt this other statute regarding masking, even though we don't mask. We'll put more clarity into that. I'm OK with all of that. And we're going to have a meeting Monday or Tuesday with a group of people. We're working that out literally by text message right now. So part of it is if they get in this program, they're going to have to develop a case plan. They're going to have to work with the Veterans' Affairs. They're going to have to get help. And I want to put this in perspective. If someone gets charged with a DUI, if someone gets a domestic violence, that's what I keep hearing floating around, both of those are misdemeanors. What does a misdemeanor mean? The most you can be sentenced to is up to one year. If you add good time into that factor--

**ARCH:** One minute.

**WAYNE:** --the most that person is going to sit in jail is for 6 months. And you tell me how many county jails in rural Nebraska have the programming that is needed to help that individual? Hardly any. This allows a judge to make sure a program is in place for this individual; that they're not sitting in jail for 30 days and go back home and do the same thing; that somebody is actually watching and helping them for a year to a year and a half-- that's typically how long these programs last-- instead of just saying you got a DUI, 5 days in jail, 10 days in jail, we'll give you another 10 days of house arrest, you're good. We never deal with the underlining issues, and this is a bill that will deal with the underlying issues. If you haven't read Senator Brewer's book, you need to read it. When you start understanding--

**ARCH:** Time, Senator. Colleagues, we have several guests with us today. I'd like to introduce them now. Senator Murman would like to recognize 25 12th grade students and 2 teachers from Southwest High School in Bartley, and they are in the north balcony. Please rise and be welcomed by your Legislature. Senator Hansen also has guests: Leadership Washington County, 16 members of that group from Washington County, and they are also located in the north balcony. Please rise and be recognized by your Legislature. In the south balcony, we have 80 4th grade students from Aurora. And Senator Linehan's grandson is also in the group. Welcome. Please rise and be recognized by your Legislature. In addition to Luke, her grandson, Senator Linehan would also like to welcome Alexis, her daughter-in-law from Aurora, and she is located under the south balcony. Please rise and be welcomed. Senator Wayne, you are recognized to speak.

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**WAYNE:** Thank you. So, colleagues, there are a-- there's a lot of noise going around in the room and I want to give-- or in the lobby. And I want to give just a little perspective. I found out about some of these issues during committee hearing. Really I found out most of the issues this morning. That is why we are going to meet on Monday at noon and then again on Tuesday I'm blocking out to, to fix whatever the issues now are. And we've pretty much agreed to a lot of them. The one thing that we are going to disagree, and I'm just being transparent, is the DUIs and DVs. I think we cannot just put people in jail for less than a year, which is actually 6 months or less, and not provide people the services that are needed to make sure we're dealing with the underlying issue. And I-- my staff reminded me this is not a Veteran Court. This is a veteran program. There are Veteran Courts that are already established in Sarpy, Douglas County, Lancaster. We are creating a veteran-- more of a veteran program for everybody else so an individual judge who doesn't have access to this in Douglas County can say, hey, this is a candidate. I think this person, because of their military service, is meeting all these findings about their veteran status and creating some mitigating factors. Here is another tool in the toolbox that this judge can do. So I would ask for a green vote on AM2978. And additionally, I would ask for a green vote on AM or LB253. And I would like to get another opportunity on Monday and Tuesday to sit down with all the parties and figure it out. We've literally agreed to pretty much everything. I will tell you just a funny story. Last night I was told this was going to be on the agenda. I said, oh, bleep. Can we put it last because we haven't finished putting all the amendments together that now I'm asking you to wait till Select on, because we're working with the advocacy group but we just haven't got it done yet. So I like the surprise of it being on the next day. And I would ask for a green vote and so we can move this forward and move this bill forward. Thank you, Mr. President, and thank you, Senator Brewer, for being the inspiration of this bill.

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

**CLERK:** Mr. President, the Urban Affairs Committee will have an Exec Session at 1:40 under the north balcony; Urban Affairs Committee, 1:40 under the north balcony, Exec Session. Additionally, Mr. President, as concerns LB253, Senator Lowe would move to amend the committee amendments with AM3160.

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

**LOWE:** Thank you, Mr. President. Boy, do I feel like a can of Friskies in a cat fight right now. Nobody I respect more than Senator Brewer.

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And nobody I respect equally more than Senator Wayne, two of my classmates. Colleagues, today I rise to introduce and ask you for your support on AM3160. I'm not offering this amendment as a way to move forward with the goals of establishing a statewide veterans service program, but in a manner that takes more measured and cautious approach. First of all, let me state I support our military and our veterans, and I owe my freedom to them. Let me also state why the Judiciary Committee should not be accept and reported from committee. While I know it is very well intended, it unfortunately goes way too far. It is based on deferred judgments which were established by this Legislature in 2019 through LB686. Under deferred judgment, after a defendant is found guilty, the defendant can request the court defer the entry of a judgment and goes to probation. That means they serve no jail time, and when they are done, the plea is withdrawn by the defendant and the action is dismissed without entry of judgment. I witnessed this, along with Senator Holdcroft and Senator Ibach just the other day with a DUI court here in Lincoln. The problem with the Judiciary "commendment" is that it expands eligibility for deferred judgments beyond-- beyond what is available today. The amendment requires that nearly all crimes by veterans, except for those not eligible for probation, shall be eligible with a presumption for, for participation in a proba-- probation programs that only can be overcome with narrow judicial finding. This list of crimes includes first-degree sexual assault of a child, third-offense DUI, crimes of violence against intimate partners, kidnapping, second-degree murder, and pandering of a child would all be presumably eligible for probation and no conviction, not even a plea to lesser offense. For the judicial finding, there will be no consideration of a justice for victims, only public safety. It doesn't matter if a defendant is a habitual criminal, that is, this is his 10th DUI for someone, or that a person was killed in the commission of a crime. The presumption stands. With deferred judgment, there will be no record of conviction. The charge will be dismissed. There will be no record that can be used to prohibit firearm possession or enhanced char-- charges for future crimes. For these reasons, I have offered AM3160. My amendment will still establish veteran justice programs statewide, but it would more carefully limit eligibility. And it would require the Supreme Court to do the rulemaking for the creation and operation of the veteran justice programs. With input from county attorneys, criminal defense attorneys, the Legislature, and veterans, this will allow for more thoughtful approach to what the programming should look like and what programs and supports need to be in place for these to be successful. Thank you, Mr. President.

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

**BOSTELMAN:** Thank you, Mr. Speaker. I do support the amendments and the underlying bill as long as I understand that going to Select File, we're going to have some discussions on how to appropriately build a program that's going to be sustainable and, and beneficial to all veterans that we have. I'm a veteran myself, 20 years, although I do not have the combat experience anywhere near what Senator Brewer does. And I respect that very much, and I respect all those who are there. I do have close friends and, and my close family friends that do or have had struggles that they've needed to overcome. I want to make sure that when we put something in statute that we're going to do something that's going to be able to provide the services, provide the opportunities for those veterans that need that help. I don't believe that we need-- I don't know that we have the resources or the facilities, the probation officers or the judges right now to be able to handle the workload that potentially could come their way. That's one of my main concerns is that we make sure that the bill gets passed as a bill that will address concerns that our counties have, because there is an opportunity here to do a lot of good and a lot of help. We need to make sure we do it the right way. We need to make sure we've got the, the backstops in place. We need to make sure we got the people in place. We got the ability, the opportunity, that we can put the best foot forward and we don't leave people out because that's the worst thing we can do. So at this point, I do support the amendments. I do support the bill, but I do believe we need to make sure as we plan this, as we put this out, that we do have-- we are going to be able to handle the workload. We are going to be able to take care of the veterans. We are going to meet the needs that are out there in the best way possible. And I'm not so sure we're at that point right now. I can see the benefits of problem-solving courts. I can see the benefits out of drug courts and veterans courts. What I hear on our problem-solving courts is the amount of time, personnel, the judges, probation officer is significant and we don't have enough. We want to do more. And in the veterans' side, I especially want to do more. I want to make sure as we go through this process that we're looking at all those things and that we have it done to the best of our ability so that we make sure we meet those needs that are out there. Thank you, Mr. Speaker.

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

**BLOOD:** Thank you, Mr. Speaker. Everybody wants to stand up and say they support veterans, but I'm not going to say that. I support veterans. I support the underlying bill and the changes in the

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underlying bill, because I trust Senator Brewer and I trust Senator Wayne to do the right thing and make sure that this happens in a way that is beneficial to the state of Nebraska. Because, friends, our veterans are in crisis. There is nothing that we can do ever in this body that will ever compensate them for what they have done on our behalf. Nothing. You can do the ceremonies, you can do the meals, you can get on the mic and say how much you love our veterans, but none of that will change anything for those that are suffering right now and need our help. And so I do support this bill. I know that you're not all comfortable with how it's being done. But as the senators who are veterans in this room and the senators who serve veterans as a state legislator, as, as I do, Senator Sanders does, because we have the largest group of veterans in the state in our area, we know that Nebraska and other states are in a crisis. And anything that we can do, especially if Chuck Hagel was here because I don't know a stronger fighter for veterans in D.C. than he was, we can figure this out. And I'm not going to wait for somebody from the AG's Office or somebody who's concerned with the circumstances to come and hand me something to read. Let's figure this out. Let's make this happen because this is a good thing, friends. With that, I would yield back any time that I have to Senator Wayne.

**ARCH:** Senator Wayne, 2 minutes, 50 seconds.

**WAYNE:** Thank you, Mr. President. So I want to be clear. I personally, as an attorney, don't think the masking issue that's going around about losing federal dollars is an issue and I'll explain why. But then I'll, I'll tell you that it doesn't matter, because I still agree to the Mississippi-- Minnesota statute on that particular one. The reason why I don't think it is, is because there's this-- when you get in trouble with, like, say, a DUI, there is a separate revocation process that is an administrative proceeding through the Department of Motor Vehicles. We don't touch that. So even if I have a client who is found not guilty of a DUI, their administrative proceeding already happened. You have 10 days from your arrest to file an appeal, and then you have a hearing. That's already done. And typically, I don't even waste time doing it because they always find my clients guilty. And it's not even the same standard as a reasonable doubt. So I don't ever do it. But that's already done. So that doesn't change. And so I don't believe masking applies. And because I don't, I'm like, well, if you want the belts and suspenders, OK, we'll add those, too. So we are going to add the Minnesota statute. There is a concern regarding federal funding for prosecutions of DVs. I guess if we change the word from a "shall" to a "may," it doesn't. I'm working with Senator Bosn to research that to find out exactly, not an issue. My whole point is

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I want to cast a broad net to get as many veterans eligible. Then the next step is to actually be able to participate. And those are the things where you would be eliminated if you couldn't meet these kind of things. Now, at the end, we added public safety exception because we always want the judge to say at the end of the day, which they make these decisions every day--

**ARCH:** One minute.

**WAYNE:** --when you get a bond hearing, the first thing you get is an arraignment and a bond. They make the decision on whether you should go back out or not on a public safety concern. There's other factors, but that's one of them. I do agree with Senator Lowe that he pointed out about victims having the ability to have a victim's right. They should be able to talk to the prosecutor, and they should be able to either have a statement or something that they can lay out about treatment or jail time. So we can work that in. I, I agree with that. So I don't really feel like there's a whole lot of opposition as far as what I'm agreeing to. But I'll know after, after Monday. So I've already talked to the AG. We are planning on meeting Monday, I think, at noon and we'll figure that out. And hopefully by Wednesday the Speaker will reschedule it and we can move this forward. That's how happy I am. Thank you, Mr. President.

**ARCH:** Thank you, Senator Wayne. And you are next in the queue.

**WAYNE:** About to punch out. Thank you. I was just about to punch out. But I really do appreciate all the concerns that are coming up. And for the-- my colleagues, I don't want to lecture people who are a little bit less senior than me, but get used to the idea of the lobby and the constituents on the day that the bill comes out asking for changes. It's just the nature of being down here. Be flexible. Be able to fly on your feet and change direction. You wish that they can give you stuff earlier, but just like everybody, we have lives. It happened the other day on Senator Holdcroft's bill. I didn't even get a chance to look at it until the night of. And then the morning of it just-- and I give the same respect to the lobby. So it happens and that's why we have 3 rounds. And I would ask for a green vote on AM2978 and the underlying bill, and look forward to the amendment on Select File. Thank you, Mr. President.

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

**BOSN:** Thank you, Mr. President. I rise in support of the amendments. I want to start by thanking Senator Brewer for his service and the

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others in this room who have served our country, and those who may be watching and, and paying attention to how this is going. I have long been a supporter of problem-solving courts, including and certainly including veterans courts. I think that the intent here is good. And part of the difficulty with our Legislature is we file bills at the beginning of session. And unless we can sort of massage them into a way that works with the filed bill in the first 10 days, we're stuck with what we've got. This bill was brought to the attention of the team of individuals that supported it at a late time. And so we're working as hard as we can to get to a place where everybody feels that we're providing for the respect that veterans deserve, the respect that victims deserve, and the public safety that all the rest of us deserve. So-- and I think we're essentially there. It's a matter of getting things to and from Bill Drafting on time at this point. So I, I think it's worth saying that we've worked really, really hard on this. Certainly, he's right. There's been amendments that-- Senator Wayne is right. There's been amendments that have come at the last minute. I'm sure all of you are really, really, really sick of those coming out of the same committee. But Judiciary does a lot of things that have a lot of moving parts, and we're making laws that are affecting everyone. With regards to the domestic violence and the DUI issues, I think it just requires some clarification that they are unique in that we receive that federal funding. And so this isn't someone trying to be difficult or think that those cases, someone-- a veteran shouldn't be able to participate in this program solely due to the fact that they were charged with a DUI or a domestic violence. And I don't say that to minimize those charges at all, but there's funding that's tied to those in a way that does require some careful consideration of how we word this. And in my conversations with Senator Brewer and Senator Wayne, they understand or they've at least voiced to me that we're all wanting the same thing, but we just have to make sure that we don't set ourselves up for problems based on how we word this in statute. So I, I do support the amendments. I think there's some work that's going to be done, and I look forward to having something that all of us can be proud of for all Nebraskans going forward. Thank you, Mr. President.

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

**LOWE:** Thank you very much. Would Senator Wayne answer a question for me?

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

**WAYNE:** I have a mint in my mouth, but yes.

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**LOWE:** I'll give you a second.

**WAYNE:** No. You're fine. I'll just [INAUDIBLE] like this.

**LOWE:** Senator Wayne, can a DUI not be a misdemeanor?

**WAYNE:** Yes.

**LOWE:** Can it be a felony?

**WAYNE:** Yeah, it can be if it's second, third offense or aggravated, an aggravated. So, yes. But not your-- not your first one under .08 or under .15.

**LOWE:** OK. Thank you, Senator Wayne. Like I said, there's nobody I respect more than our veterans and, and those that serve with us here on the legislative floor. Thank you for your service. And, and as Senator Blood said, that's a pretty flippant thing to say to our veterans, because they did it, and we did not. But it's all I got for them right now is just my thank you for what they did for our country. And I attended the, the hearing that Senator Chuck Hagel was at and brought forth this. And, and at the time, I thought this was great. This is something we need to do. But then facts started filling out, and so that's why I brought this amendment. And Senator Wayne, Senator Brewer, the district attorneys association or-- and the County Attorneys Association and, and I, and the Attorney General will work on this next week. And with that, I pull AM3160.

**ARCH:** Without objection, so ordered. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, I have nothing further to the committee amendments.

**ARCH:** Seeing no one in the queue, Senator Wayne, you're welcome to close on AM2978.

**WAYNE:** Thank you. And I'm going to say this again. It has been an honor being in this body. It's been an honor with Senator Lowe at our last hearing. I said some words for him. But this was fast tracked not because it's a bad bill. This was fast tracked because it's working in other places, and you have to look no further than our own Veterans Courts that we have established. What we don't have is the ability to do this everywhere else. And this bill gives this opportunity for outside of the big 3 to really engage in this and have another tool in the toolbox for the-- for a judge. And that's all we're trying to do here. We recognize the concerns. I'm not trying to change the

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underlining penalties. If you are eligible for probation, you're eligible for this. If you're a veteran, we are going to put some strings around it. So I look forward to working with everyone on Monday to figure this out and get this done. So I'd ask for a green vote on AM2978 and the underlining bill. And again, I just appreciate everybody who, in the last 4 hours, have been working on this and coming to consensus. Thank you, Mr. President.

**ARCH:** Colleagues, the question before the body is the adoption of AM2978. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 34 ayes, 0 nays on the adoption of committee amendments.

**ARCH:** Mr. Clerk.

**ASSISTANT CLERK:** Senator Wayne, I had AM2534 with a note you wish to withdraw.

**WAYNE:** Yes. I withdraw.

**ASSISTANT CLERK:** In that case, Mr. President, nothing further on the bill.

**ARCH:** Colleagues, the question before the body is the advancement of LB253 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 38 ayes, 0 nays on the motion to advance the bill, Mr. President.

**ARCH:** LB253 is advanced to E&R Initial. Mr. Clerk, for items/announcements.

**ASSISTANT CLERK:** Mr. President, I do have items. Your Committee on Enrollment and Review reports LB1412 as Final Reading as well as LB1413. Committee on Revenue reports LB1356 to General File with amendments. Motions to be printed from Senator Murman to LB1092. Senator Walz, an amendment to LB1329. New A bill, LB635A offered by Senator Albrecht. It's a bill for an act relating to appropriations; to appropriate funds to carry out the provisions of LB635. I have notice of committee hearing from the Natural Resources Committee regarding certain gubernatorial appointments on April 2 and April 3. The Executive Board gives notice of hearing on LR335 for Thursday, March 28. Name adds: Senator Dover to LB71; Senator Vargas to LB126;

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Senator John Cavanaugh to LB840; Senator Vargas to LB905; Senator Blood to LB1023; Senator Dover to LB1092 and LB1096; Senator Vargas to LB1284; Senator Blood to LB1284. And finally, priority motion. Senator Fredrickson would move to adjourn until Monday, March 25, 2024, at 10:00 a.m.

**ARCH:** Colleagues, you've heard the motion. All those in favor say aye. Opposed? Excuse me just one minute here. Senator Aguilar, for an announcement.

**AGUILAR:** Thank you, Mr. President. Just a final reminder that tomorrow at noon is the deadline to submit interim study requests to the Bill Drafting in order to guarantee that your request will be ready for introduction on the 50th legislative day. Thank you, Mr. President.

**ARCH:** You've heard the motion for adjournment. All those in favor say aye. All those opposed nay. We are adjourned.