

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 28, 2025

ARCH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-fifth day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Pastor Doug Collins from Laurel Faith Community Church from Laurel, Nebraska, Senator Barry DeKay's district. Please rise.

DOUG COLLINS: Great God, our father, maker of heaven and earth. May we honor your name and remember that it is holy. I ask your blessing on the work done in this place. Bless those who labor here for truth and dignity. Bless those who struggle to do the work of freedom. Bless those who fight for others who have no voice. May your grace and love be a guide. May you add strength to persistence. As we walk in your provision, may we be careful to return thanks. You are worthy to be praised. May we see you in this day. Forgive our failures, we pray. Cleanse our spirits. May our confession bring pardon both to us and to those who look to us for peace. May we understand humility, tenacity, and honesty. Keep us from temptation. Guide our path. May we find you, and may we be redeemed for your name and for your glory. Because the earth is yours. All power belongs to you. And you are worthy of all praise. Amen.

ARCH: I recognize Senator Armendariz for the Pledge of Allegiance.

ARMENDARIZ: Please join me in the pledge. 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: Thank you. I call to order the Thirty-fifth day of the One Hundred Ninth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections this morning, sir.

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

CLERK: There are. Mr. President. Your Committee on Natural Resources, chaired by Senator Brandt, reports LB590 to General File with committee amendments. Additionally, agency report, reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. And a report of registered lobbyists for

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February 27th, 2025 is available in the Legislative Journal. That's all I have this time, Mr. President.

ARCH: Thank you. Senator Guereca would like to recognize Doctor Theresa Hatcher of Omaha, who is serving as family physician of the day. Thank you for serving. Mr. Clerk, let's proceed to the first item.

CLERK: Mr. President, first item on today's agenda. The Natural Resources Committee would report favorably on the gubernatorial appointments of Kurt Arganbright and Stephen D. Mossman to the Nebraska Game and Parks Commission.

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

BRANDT: Thank you, Mr. President. The Nebraska Game and Parks Commission was created in 1929, and has a nine member board of commissioners that oversees the Nebraska Game and Parks Commission. The Nebraska Game and Parks Commission is the arm of the Nebraska state government charged with managing the state's fish, wildlife, park, and outdoor recreation resources in the best long-term interests of the people and those resources. The Nebraska Game and Parks Commission is the arm of Nebraska state government charged with managing the state's fish, wildlife, park, and outdoor recreation resources in the interest of those resources. Eight commissioners serve eight districts across the state. The ninth serves at large. The commissioners are appointed by the Nebraska governor and confirmed by the Legislature. The Board of Commissioners is required to meet a minimum, minimum of four times a year. According to a 2020 survey, nearly 64% of Nebraskans visited a state property for the purposes of outdoor recreation. The first appointment, Kurt Arganbright, resides in Valentine. He is appointed to District 6, north central Nebraska. The length of his term January 25 to January of 2029, a four year term. Currently, Mr. Arganbright is a practicing attorney and a rancher. Mr. Arganbright appeared before the Natural Resources Committee on Wednesday, February 26, and the committee voted unanimously on his appointment. The other appointment-- and Mr. Arganbright was a new appointment. The other one is also a new appointment. Stephen D. Mossman resides in Lincoln. He's going for a position of Game and Parks Commission District 8, roughly Lancaster County. The length of the term is from January of 2025 to January of 2029, a four year term. Currently, Mr. Mossman is a practicing attorney. Mr. Mossman appeared before the Natural Resources Committee on Wednesday, February 26, and the committee voted unanimously on his appointment. Thank you, Mr. President.

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ARCH: Seeing no one in the queue, you're welcome to close on your confirmation report. Senator Brandt waives close. Colleagues, the question before the body is the confirmation report from Natural Resources. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record 37 ayes, 0 nays. Mr. president, on adoption of the committee report.

ARCH: The report is adopted. Mr. Clerk, next item.

CLERK: Mr. President, the next item on the agenda. The Natural Resources Committee would report favorably on the gubernatorial appointment of Randy L. Gard to the Nebraska Ethanol Board.

ARCH: Senator Brandt, you're welcome to open on your report.

BRANDT: Thank you, Mr. President. Established in 1971, the Nebraska Ethanol Board assists ethanol producers with programs and strategies for marketing ethanol and related co-products. The board supports organizations and policies that advocate the increased use of ethanol fuels and administers public information, education, and ethanol focused research projects. The Nebraska Ethanol Board also assists companies, communities, and organizations in the development of ethanol production facilities in Nebraska. Nebraska is the second largest ethanol producer in the nation, and it has 24 ethanol facilities in the state. They produce 2.6 billion gallons of ethanol annually. Nebraska's ethanol industry contributes up to \$8 billion annually to the state economy, depending on commodity prices. The Nebraska Ethanol Board's seven members are appointed by the governor. Each member represents a specific area or interest related to Nebraska's ethanol industry. Today, we are going for the reappointment of Randy Gard, who resides in Grand Island, Nebraska for a position on the Nebraska Ethanol Board. The length of the term would be from September 2024 to August 2028. He was first appointed in September 2016. Mr. Gard is one of seven members on the board and represents the petroleum marketers in this state. He has served as a secretary of the board for the last seven years. Currently, Mr. Gard is the COO of Bosselman Enterprises. Mr. Gard appeared before the Natural Resources Committee on Wednesday, February 26, and the committee voted unanimously on his appointment. Thank you.

ARCH: Seeing no one in the queue, you're welcome to close. Senator Brandt waives close. Colleagues, the question before the body is the adoption of the confirmation report from Natural Resources. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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CLERK: 37 ayes, 0 nays. Mr. President, on adoption of the committee report.

ARCH: The committee report is adopted. Mr. Clerk, next item.

CLERK: Mr. President, next item on the agenda. Select File, LB286. Senator, I have nothing on the bill.

ARCH: Senator Guereca for a motion.

GUERECA: Oh. All right. Mr. President, I move to a-- I move that LB290 [SIC] be advanced to E&R for engrossing.

ARCH: The motion is to advance LB286. All those in favor say aye. Opposed, nay. LB286 does advance. Mr. Clerk?

ARCH: Mr. President, Select File LB289. Senator, I have E&R amendments first of all.

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB289 be adopted.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. Opposed, nay. The motion is adopted.

CLERK: Mr. President, Senator McKinney would move to amend with a AM309.

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

McKINNEY: Thank you, Mr. President. AM309 is at the request of the Secretary of State. It adds additional language to the section on village board member numbers regarding the petition process. These changes are not new law. They put existing language and processes from Chapter 32 into this section to help village clerks and election-- and county election officials know what to do when someone comes in looking to circulate a petition. That's all this AM does. I would ask for your green vote. Thank you.

ARCH: Seeing no one in the queue, you're recognized to close. Senator McKinney waives close. The question before the body is the adoption of AM309 to LB289. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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

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ARCH: The amendment is adopted.

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

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that LB289 be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. Opposed, nay. LB289 advances. Mr. Clerk?

CLERK: Mr. President, Select File. LB527. First of all, Senator, there are E&R amendments.

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB527 be adopted.

ARCH: You've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted.

CLERK: Mr. President, Senator Jacobson would move to amend with AM373.

ARCH: Senator Jacobson, you are recognized to open.

JACOBSON: Thank you, Mr. President, and good morning, colleagues. AM373 modifies the tax basis outlined in the bill. Instead of basing the tax on the 2025 written premiums for HMOs licensed as of January 1, 2026, it would tax, it would tax calendar year 2026 written premiums within the same year. Effectively, this shifts the tax basis from prior year written premiums to current year written premiums. The Department of Insurance would still have the authority to establish a premium collection schedule consistent with its current practices for other health premium taxes. This, this change should not impact the timeline or the availability of fundings. Importantly, this amendment eliminates any retroactive exposure concerns of HMO regarding the assessment. It also clarifies a potential future use during DHHS pre procurement of MCO contracts. Specifically, if there is a transition of an MCO. Finally, the amendment includes standard language granted DHHS the, the authority to establish rules and regulations. I appreciate your support for AM373. Just as a reminder, this, this bill is effectively what, what it was the equivalent to LB1087 last year that really deals with, with doctors, specifically, the money for LB1087 would go specifically to hospitals. This would open that up

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significantly to others. I know there's a lot of questions with all the chatter in D.C. right now about defunding Medicaid. I don't know what that final outcome is going to be, but I can tell you that there are 18 other states that do have these programs in place. Most of them are in the southeastern part of the United States. Many of them rely-- use their entire Medicaid is funded through this federal program. So I know many people think that, that what the-- that bill move forward from the House here this week to cut \$2 trillion out of, out of the budget, that a lot of that would fall on Medicaid. Understand, remember in Washington you've got two houses, you've got a lot of debate that has to occur. I think once the states all react to what's being proposed, we will likely see a very modified version of what was, what's being forwarded to the president's-- that would be forwarded to the president's desk. So in the end, people say, should we pass this because we may not be able to get it? I will tell you, you're never going to get what you don't ask for. So we're asking for this. We're still waiting for final approval on LB1087. I'm optimistic that we'll get something. It may not be the full amount, but we're going to get something out of this. We should move this forward. So I would encourage you to vote for AM373 and also LB527. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I rise in support of LB527 and AM7-- AM373. Senator Jacobson mentioned what's happening at the federal level and that once states react we will see some modifications happening. And I just wanted to remind everyone that states have to react in order for anything to happen. So reach out to our federal delegation, that's Senator Deb Fischer, her Omaha office is (402) 391-344-- 3411, or D.C. Office is (202) 224-6551. Senator Ricketts is Omaha (402) 550-8040, D.C. Office (202) 224-4224. Congressman Don Bacon, his Nebraska office is (402) 938-0300. Congressman Mike Flood's Lincoln office is (402) 438-1598. Adrian Smith's Nebraska City office is (402) 874-6050. Please reach out to the federal delegation if you want to see legislation like LB527 take effect and help everyday Nebraskans get access to health care that they need. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President, and Senator Cavanaugh, I appreciate you providing that information. I can tell you that I've reached out to many on the federal delegation. They understand the

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need for this. I also want to remind, remind everyone here in the body that this is-- these are dollars that are going to have to be spent. The question is who's going to pay for it? Are we going to have the federal government pay for a large portion of it, or are we going to pay for it at the state level? I can tell you that if we lose this funding or not able to access this funding, then the state of Nebraska will have to pick it up. This is federally mandated benefits that are out there. So I'm just telling you, it's not like we're trying to get new money to create new programs. We're, we're trying to get a different funding source from the federal government to fund programs that are already in place and, and that we must provide. So again, I just want to make sure people understand that what we're trying to get done here really comes down to who's going to pay for it.

ARCH: Seeing no one in the queue, you're recognized to close on AM373. Senator Jacobson waives close. Colleagues, the question before the body is the adoption of AM373 to LB527. All those in favor vote aye, all those opposed vote nay. Mr. Clerk, please record.

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

ARCH: AM373 is adopted. Senator Guereca for a motion.

GUERECA: Mr. President, I move that LB527 be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. Opposed, nay. LB57-- LB527 advances. Mr. Clerk for some items.

CLERK: Thank you, Mr. President. Some items for the record. Your committee on Transportation, chaired by Senator Moser, reports LB374-- excuse me, LB347, LB666, both to General File. Your Committee on Business and Labor, chaired by Senator Kauth, reports LB397 and LB258 to General File, LB258 having committee amendments. Amendments to be printed from Senator Sanders to LB320. New A bill, LB292A, introduced by Senator McKinney. It's a bill for an Act relating to Appropriations; appropriates funds to aid in the carrying out the provisions of LB292. that's all I have at this time, Mr. President.

ARCH: Next item.

CLERK: Mr. President, next item on the agenda. Select File, LB241. There are no E&R amendments. Senator John Cavanaugh would move to amend with AM474.

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

J. CAVANAUGH: Thank you, Mr. President. Good morning colleagues. So I only was able to tell Senator Hallstrom about this briefly before-- right after I dropped it. But I wanted to get a chance to have this conversation. So if you all recall, LB241 is Senator Hallstrom's bill that limits liability, essentially, in, in class action cases for data breaches. And so it basically says if somebody wants to file under Nebraska law a class action suit, that the standard is gross negligence, or willful, or wanton. And I was actually looking, doing my due diligence on Senator Bosn's bill yesterday, LB504, as we had that debate and had a conversation about changes that we-- she was willing to make in it, I was doing a little bit of research to try and figure out a suggested place to put the rules and regs. And so I was looking through some old sections of statute, doing a little bit of searching, and I came across or rec-- noticed that under the Data Privacy Act that is currently law in the state of Nebraska, there are certain definitions of some of these technical terms that are different than the definitions in LB504, and then are again different than the definitions in LB241. And so I was concerned about that and the potential for confusion. So just by way of one example, in the Data Privacy Act definition section, so Data-- the Nebraska Data Privacy Act is 87-1102. And this is the definitions for the Data Privacy Act. Number 28, publicly available information has a definition that is different than publicly available information in LB241. And so looking at that, and then I was looking at there's a definition of bio-- or there's the use of the word biometric record in LB241, there's a definition of biometric record in 28-1102. And I guess my assumption was that that would be the definition we would use for biometric record. But then there's a separate, different definition for publicly available information. I think there are other-- there are other terms of art or defined words that have different definitions across those three places. So the quickest way, I thought, to make clear that we weren't rewriting the definitions of publicly available information or any of those would be this amendment, which is AM474, which basically just explicitly states that LB241 does not undermine or impede the rights of anyone under the Nebraska Data Privacy Act. So it says that LB241 is not conflicting with the Data Privacy Act. And that's important because, as we all know, and maybe the new folks haven't been around long enough, but when the Legislature passes a law, we are assumed or presumed to be aware of all other previously passed laws. So when we pass LB241, any court is going to interpret that as us doing it knowingly, in conflict or in companion with the Data Privacy Act. So this is my attempt to explicitly say our intention in LB241 is to do what LB241 does, and is not the intention to undermine any other aspects of data privacy in

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the state of Nebraska. So that's what this does. I obviously kind of blindsiding Senator Hallstrom with this. So of course appreciate the conversation from anybody, thoughts on this topic. But that's the amendment. And so at the moment I'd ask for your green, green vote on AM474. Thank you, Mr. President.

ARCH: Turning to the queue. Senator Hallstrom, you're recognized to speak.

HALLSTROM: Thank you, Mr. President. Colleagues. Just to refresh, LB241 is a bill that would prevent a private entity from being liable in a class action lawsuit resulting from cybersecurity events, unless the cybersecurity event was caused by the willful, wanton, or gross negligence on the part of the private entity. This has been a bill that's been supported by multiple business associations that we discussed on General File. We also have the need for the bill as a result of a surge of data breach events that have occurred, doubling from 2016 to 2021, and then doubling again in 2022 and 2023. I really haven't had enough time to look at Senator Cavanaugh's amendment to form any opinion on it. As a result, I would be initially opposed to making the change. When we discussed this bill last time, there was-- actually we weren't discussing this bill, we were discussing LB504, and Senator Cavanaugh was kind enough to give me a heads up with regard to a part of his issue, I believe, which was whether or not there was any conflict between LB241 and Senator Bosn's LB504. And at least with respect to those two, I indicated initially, without much aforethought, that I felt that there was no connection or any relationship between the two. I've done some further review and consideration and my opinion is still the same. LB241 deals solely with private causes of action, i.e., placing limitations on class action lawsuits by establishing a gross negligence standard, while LB504, number one, to my knowledge, does not deal at all with data breaches and secondly, provides for the implementation enforcement by the Attorney General who does not bring private causes of action nor class action laws-- lawsuits. So, at least with regard to LB504's application or interrelationship, I do not believe that any exist and would, would oppose the amendment as provided. The other thing that I talked about during the General File debate on this bill was the fact that we have a situation and a scenario here, when we're talking about cybersecurity data breaches, that no matter what the business happens to do, the bad guys are always a step ahead of us, and they have a way of causing breaches which routinely result in minimal damages to any individual, but provide the fodder for trial attorneys to bring class action lawsuits in which the individuals, again, see very little remuneration and the trial lawyers benefit to the millions, and in

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some cases, hundreds of millions of dollars. So with that, I would recommend and request that AM474 be opposed, and LB241 get a green vote for advancement. Thank you.

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

DUNGAN: Thank you, Mr. President. Good morning colleagues. I rise unsure about AM474. Senator John Cavanaugh blindsided me with this amendment as well this morning, so I'm still getting caught up to speed here. He didn't talk to me about it ahead of time, but I'm glad that he did talk to Senator Hallstrom briefly. I just wanted to stand up and talk a little bit about the interplay between what we're talking about here and exactly what was just being discussed, which is LB504. I do think it's interesting when we start to dive into what the different standards of care are, because what's inherently at issue with LB241 is increasing the standard from negligence to that gross negligence. And I'm, I'm not going to belabor the point like we did last time of, of talking about what is negligence or gross negligence. But suffice to say, it is a significant step up. And I just-- I think it creates an interesting juxtaposition when we're talking about protecting data and consumer privacy with LB241, and that it has to raise or go to that higher standard of the gross negligence when, when we just discussed LB504, which is Senator Bosn's age online verification bill. It only requires that a covered entity exercise reasonable care in ensuring that they're covered design features don't cause certain stated harms. So when looking at those together, I haven't dug deep enough to understand or quite know if there actually is a conflict between the two bills, and I will take Senator Hallstrom at his word that there's not a, a conflict between them. But even beyond a direct conflict between the bills, what I think it's interesting is what it says as a policy choice to set those standards at a different level. And what I think it says, and I guess what part of my concern is, is we are saying that when it comes to companies' rights and whether or not they can be held liable for acting in a way that is taking good care of your biometric data or your private data, you have to reach this very high-level of, of gross negligence. Whereas on this other bill where we're talking about the age online verification, it's just that reasonable care. And so I just think it's important for us as a body to understand that when we set different levels of standards of proof, we are essentially making a policy choice. We are, we are broadcasting not just to the public, but to the courts and to the judges what the level of importance is of those various things. And so I do think that Senator Cavanaugh's amendment, my, my brief reading of it, it seeks to sort of harmonize all of these different sort of tech related, privacy related bills that we've had

in the last year or two. Certainly, this is a whole new arena, and I think it's going to be complicated as we try to figure it out as a Legislature. I know there's been proposals, I think, this year to even have a "Technology Committee" just to have senators who have subject matter expertise or at least hear these kind of bills. And I think that that's probably a good concept to explore, just because as we continue to evolve with privacy protections and AI and things like that, we really need to make sure that our, our laws are harmonious, that they work together. So I'm interested to hear, I guess, a little bit more about the amendment and what the potential interplay is between Senator Bostar's protections from last year, along with Senator Bosn's LB504. I do still have hesitations and remain generally concerned about LB241 as we continue to increase protections for these companies who may be mishandling data. But I do want to remain open-minded as we continue to talk about the interplay between this bill and others that touch on same subjects. So I appreciate Senator Hallstrom's willingness to address this, and I appreciate Senator John Cavanaugh bringing this amendment, and I will continue to listen to the debate. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. And thank you, Senator Hallstrom, for engaging seriously in this conversation. And again, like Senator Dungan just said, I, I'm not in favor of this bill, but my amendment is not an attempt, like, to be sneaky or undermine the intention of the bill. It's more out of my concern that between current statute and the two bills, at least, that we've talked about this week, we have the potential for three definitions in statute, three different definitions of certain things, like nonpublic data or biometric data. And so I think it's-- we need to be clear about our-- what we're doing and, and maybe we, we could-- it might be better to just make explicit reference to the other definitions, or make it clear that we are not intending-- that we're intending to use a different definition for a specific reason. Because Senator Hallstrom's bill is more narrow than the Data Privacy Act. It's not intending to change the Data Privacy Act. And so he's not attempting to go in and strike out the definition of publicly available information from the Data Privacy Act or to change the definition of biometric record. But my-- the purpose of my amendment was to sort of call attention to the fact that there is a surface level conflict. But-- so here's the, the reason I'm, I'm talking about this is if you go through LB241, and you look and you say, what does biometric record mean, you probably would go and look at the rest of the statute. That's how you would make, you know, determination if there's a

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definition. And if somewhere else in statute there is a definition, and in the the Data Privacy Act there is biometric data, which is not, admittedly, not the exact same word as biometric record, but then it lays out a few things of what is biometric data. And I would think, I guess, I don't know, since it's not the exact same word that you would rely on that definition. But then if you go to publicly available information, there's also a definition of publicly available information in the Data Privacy Act. So maybe it'd be better to say in this instance we're using definitions from the Data Privacy Act, in this instance we're using our own definition. That might clarify. But I, I don't think my-- well, my amendment is not intended to undermine the intention of Senator Hallstrom's bill. It is to clarify that we are not attempting to make changes to the Data Privacy Act and to limit people's protections under that. We are only attempting, at least in this bill, or the folks who are in favor of this bill, which again, I'm not one, are attempting to limit the op-- availability of class action suits under state law for these sorts of data breaches. So I obviously open to other suggestions to fix this or to, to address this concern. And I would be happy to take any questions or have further conversations off the mic. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning colleagues, and happy Friday. Happy sunny Friday. I appreciate Senator John Cavanaugh bringing forward this amendment. If you might remember from General File, I had filed an amendment as well that essentially said that in order for entities to receive this special protection granted under law, that they needed to, at the very least, comply with existing law on point and as relevant in terms of protecting online information, acting reasonably, reporting breaches to the Attorney General's Office, etc. That was defeated on General File, but those issues and the relevance and the connection to other bodies of law that are relevant in this discussion were, were squarely raised. I also appreciate that there's probably a lot of different ways to go about kind of where we are and harmonizing these efforts and figuring out a way to move forward. One would be that we could just, perhaps, pass over LB241 on Select File today, so that we have a chance to harmonize that with other areas of law and/or do a line by line in connection with Senator Bosn's LB504. Or if Senator Hallstrom and the body decides to move forward with LB241 today, of course, it won't be on Final Reading immediately, and perhaps we could all work together and with the Speaker to ensure that if there is a need for additional harmony to be found between these different measures that are, A, on the books, and B, moving through the Legislature. We could have a

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chance to do that either through a Final Reading amendment, or we could do that through, perhaps, additional amendments to Senator Bosn's LB504. I was trying to figure out how to best write an amendment to ensure clarity and harmony amongst LB241 and LB504, but it's a little bit challenging to reference a bill rather than an existing section of law. So if it won't work out from an amendment perspective, perhaps we can work it out with a sequencing and a scheduling kind of issue just to ensure there's enough time to address those concerns. Because the bottom line being, the body has decided to move forward thus far with LB54-- LB504, which has a reasonableness standard in place for online tech and big tech. And then it seems confusing and incongruent that we are saying in this instance, those who utilize big tech and big tech does not need to act reasonably in order to trigger any sort of liability, but are given a special heightened protection, a license to act unreasonably in regards to private information and how that's utilized online and with data breach. So it-- I, I generally have concerns about LB241. I think it weakens consumer protection and access to justice, and gives unnecessary special legal protections to those that don't act reasonably when it comes to the utilization of online data. But nevertheless, if the body's deciding to move forward with this concept, at the very least we should make sure that we have a consistent standard in place when it comes to our approach, and we-- if we can't accomplish that through amendment on Select File or amendment, which may not be possible because we can't really reference LB504 in, in the amendment. Maybe we could bring it forward with an amendment on 504, and I too am working to provide some markups to Senator Bosn on her kind invitation to provide potential amendments on LB504. Finally, there were a host of different arguments raised on General File in regards to this measure, asking, in other states that have moved forward in this regard, has there in fact been a cost decrease for cybersecurity insurance? And then the other question that was posed was, are there other areas in consumer protection law where we have a different standard that weakens consumer protection and gives these kind of special considerations--

ARCH: Time, Senator.

CONRAD: --for big tech and the entities utilizing it unreasonably. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. I rise in opposition to AM474 because it, in my mind, does nothing, it's really off point in terms

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of what we're trying to get done here with LB241. We're really talking about apples and oranges here. LB241 really is dealing with private causes of action in the event of a breach, and really doesn't deal with the-- what's going after on a AM474, it's, it's just a totally separate issue. I think what's important for people to understand before we get too far in the weeds, what often happens, is we move out in the weeds to where we almost forgot what we were originally debating. This is really a very simple bill. What this bill is doing is saying there are certain entities out there, banks and insurance companies are two of them, that are required, required to collect certain personal information from their clients or customers. An example, you cannot open a bank account without showing us your driver's license and giving us a copy of it. You have to give us your Social Security number. You have to give us lots of information that we keep stored in a secure server. I can also tell you that insurance companies now would add to that medical information that they've got to maintain. Believe me, these entities spend thousands and thousands of dollars annually to maintain the patches and all the security that goes with maintaining that data. But cyber-- cybercriminals are always seemingly one step ahead. So that's why this bill, bill deals with you can only have a cla-- state class action lawsuit brought against you if you've been grossly negligent. Grossly negligent, because we're going to make sure that our patches are in place. If you didn't do that, then you would be grossly negligent, because we're talking about information that we want, that needs to be protected. But for us to be in business, we have to collect this information, and we take the steps to be careful about maintaining that information. What's really going on here, folks, is the trial attorneys see this as a win. They see this as a way to-- don't, don't pass this bill because they want to file frivolous lawsuits against anyone who has a data breach. If they've got deep pockets, or perceived deep pockets, they want to be able to sue them, get them to settle, give those people that signed up for the class action a few cents on the dollar, and they put the rest of the money in their pocket. It's like shooting fish in a barrel. This bill prevents that. It forces only federal actions. And I will tell you, there's a lot of those being filed in, in spite of this, and they're squeezing out settlements. But this is about money, this is about squeezing settlements, this is about the cottage industry of suing parties that have been, that have been harmed themselves. Trust me, no one wants a data breach. Anybody who's been through a data breach, and fortunately, we have not, but I do know a bank that went through a data breach, and their life was living hell. And then on top of that, you worry about, are you going to get a class action lawsuit brought against you and have additional costs and additional time

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spent defending that. This bill is intended to stop the frivolous lawsuits from coming. It still allows you to privately sue if you feel you've been damaged. It also does not prevent a federal lawsuit. That's all LB241 does. There's no need for amendment, the votes are here to pass the bill forward. The only thing that's happening today with AM474 and any other amendments that may be brought or any ideas to, to pass over this bill, is just a stall tactic. It's time to move on, get the bill passed, do the people's business, and move on with the agenda. So with that, thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I appreciate the conversation from folks taking our job seriously. So this is a-- this bill, and the reason I oppose it is, we are eliminating-- yes, there's other ways, you can sue in federal court, you can sue individually. But the bill, the reason I oppose the bill, is we are eliminating the requirement that a bui-- these businesses have to act reasonably. That's what negligence means. So that's why I oppose the bill. And reasonably is the standard. Yes, they have to collect this information, they have to do all of these things, so there's a absolute necessity in doing them. But it is not unreasonable of us to ask them to act reasonably. And to change the statute to eliminate that requirement is a mistake. I think I've already lost that argument with the rest of you, but that's why I oppose this. This amendment, as I said at the beginning, is not intended to undermine that intention, though I disagree with it. It is to prevent all of you who are for this bill from making a mistake. Which again, and we're talking in the standard of care, reasonableness, I would argue if you aren't willing to take a few minutes and think this through goes to gross negligence. That's what this is about. If you are refusing to even look at what is the reasonable thing we should do and have this conversation, that is becoming, shifting you into unreasonable behavior. That's all I'm asking people to do around here is to take a few minutes, slow down, think things through. This is a complicated area about how data privacy works. Not a space that I am especially comfortable talking about. As you guys all know, I'm not a tech savant. But it is important that we take a little bit of time and talk these things through. And we're just trying to rush something through because people get defensive when somebody opposes a bill and they say, well, you're just trying to slow things down, you're just playing games. We have an obligation to actually have conversations about what the implications of our actions are. And so I was taking my job seriously and looking at this bill and others and seeing that there a potential conflict in law, unintentionally or intentionally. If it's

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intentional, that's fine. That is what we are intending to do. I am calling your attention to something that I think people might have missed. And that's what this amendment is about. Senator Conrad brought up some great points about the, the potential for conflict between this bill and LB504. Senator Hallstrom and I talked about it, and he again talked about that he doesn't think there's a conflict. I think I disagree with Senator Hallstrom. I was again looking at these two bills yesterday, and there's a definition of private, private entity shall not be-- no, that's not the definition. So let's see. Private entity means a corporation, religious or charitable organization, association, partnership, limited liability company, limited liability partnership, or other private business entity, whether organized for-profit or not-for-profit. That's essentially every company. So that includes TikTok, right? And so this bill, 5-- LB241 does not have a limitation on age, right? It doesn't say you can be grossly negligent, or you can be negligent with people's data if they're older than 16, right? Or-- but LB504 says you have to exercised reasonable care with that data. So there is there, is a conflict there. Reasonable care again is the negligence standard. So there's, there is on its face conflict between these two bills. So we have some obligation to clarify that there is no conflict. And one of the ways to do that is to put it explicitly in statute. So when we pass a bill, we say we know we are passing this, we are also passing another bill. We shall-- they shall not be in conflict, or whenever in Senator Kau-- in Senator Bosn's bill it does say, this shall control for kids. So that, I guess, begs the question, what if there are both children whose data is subject to breach and adults? Then do you get a class action in state-- estate court? Or are the kids bootstrapped into the adults' standard? Those are questions that you might want to answer before you pass these two bills that have a conflict. So does it take a little time to do the job right? Yes. Should we take that time? Absolutely. So I appreciate the people who are engaging and having this conversation. I would like to see maybe a little bit more of what people think. I assume you're all going to vote against my amendment because I brought it, and you think you don't know what it does. So I would ask for your green vote on AM474 at this time. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning again, colleagues. And I, I want to perhaps make an additional comment in regards to the thread that my friend Senator John Cavanaugh was just helping to weave into the dialog in this regard this morning. But I take to heart the thoughtful comments that Senator Clements brought forward on General

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File and that Senator Jacobson brought forward today as well. Every single one of us is understanding and sympathetic to the fact that technology is moving quickly. And small entities, large entities, governmental entities that utilize a variety of different tech tools that capture and use our personal data. Everybody's really trying their best to adhere to best practices, whether that's through setting tech policies at the school board level, whether that's having a tech policy in the workplace, whether that's getting the insurance requisite or whether that's having trainings with employees about phishing scams and how to meet best practices when utilizing and working with sensitive online data. So whether it's at my friend Senator Clements' Bank or Senator Jacobson's Bank, where they spend a great deal of time and energy, setting internal policies, getting appropriate firewalls in place, having the insurance, training staff, giving notice to customers. Those, those are all instances and acts and examples of acting reasonably. So that's a good thing. Everybody's absolutely sympathetic to that. And any entity that meets those basic reasonableness standards, which is our typical approach in civil law, right? We act o-- we ask only that individuals and entities act in a reasonable manner. And so when you as a governmental entity, or you as a small or large business, are taking those thoughtful kinds of steps to exhibit reas-- reasonableness in how you are conducting this kinds of business in regards to sensitive information and protecting it from data breach, you don't need a heightened standard of protection because you're already meeting a reasonableness standard. What this measure says is that you don't even have to do that. You have to be grossly negligent before we'll allow for any sort of consumer protection and accountability in the state justice system. We're giving a special immunity, a special license to governmental entities and to large and small corporations to act unreasonably, which just doesn't make sense. So if folks are going to conduct their due diligence, get the right softwares in place, try and build the right protections and firewalls, trained staff, set policy, those are all wonderful and appropriate examples of acting reasonably, which would show that you're thinking and working thoughtfully. So by moving to a heightened standard, we're saying you don't have to do those things. You just have to be flagrant in your approach to these issues, which is a very, very odd public policy statement and standard to set, when we all have recognized multiple times this year and otherwise as grounded in common sense. But there are concerns about big tech, there are concerns about data breach. People should act reasonably in that regard to protect sensitive online information. So whether it's a link or adherence to other areas of law, whether it needs to be an act of harmony between LB504 and this measure, there's a lot of different

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ways that we can go about it. But it just simply doesn't make sense to allow people to act unreasonably in this instance when it applies to something that we all care about, our sensitive online data. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. President. Just in, in response to Senator Cavanaugh's amendment, again, I certainly, subject to the patience of the Speaker and the body, don't mind spending time with legitimate discussion and conversation. I don't take exception with the thought behind or the intention behind his amendment. I just take exception to the fact that it is not necessary. I've shared with Senator John Cavanaugh off the mic that the Data Privacy Act has provisions providing for the exclusive enforcement authority with the Attorney General. With regard to the interplay between Senator Bosn's LB504 and LB241, I don't believe any exist. While there is a reasonable, reasonableness statement in that bill, her bill has nothing to do with data breach, so the two have no interplay. And again, while I don't take exception to the intent behind the amendment, the discussion surrounding it is, is rather disturbing. Senator Conrad's talking about confusing and incongruent standards. We're talking about data breaches, and we're talking about private causes of action constituting class action lawsuits, which don't have any bearing or relationship to either LB504, or to the existing data privacy breach. If there was a need to do it, I'm certainly open. Senator Conrad suggested that if the Speaker would allow us some time before this comes back up on Final Reading and the time to change the bill if necessary. I'm certainly open to that. That's an issue that would have to be determined between us and the Speaker, obviously. But I would either like to have Senator Cavanaugh withdraw his amendment, or I would encourage you to vote no on his amendment. And then hopefully we could move quickly to move the bill yet this morning and get on to other, other, issues before the body. So with that, I would yield my time to the chair.

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

JACOBSON: Thank you, Mr. President. Let me just add one more thing that I didn't mention before. I know that banks and insurance companies and other regulated industries, we have policies, not only policies in terms of cybersecurity, but we also have examinations. So we have federal examiners, in our case, for a state chartered bank we have state examiners who have expertise in cybersecurity. So they're going to also come in and examine us to ensure that our policies are

adequate, that we're actually getting the patches done timely, that we're doing all the things we need to do. But the reality of what happens here, folks, is that doesn't matter. That's not good enough. If you don't set that standard extremely high to dissuade attorneys, trial attorneys, to come in and file a class action suit and shake you down for a settlement, because that's what this is about. You don't see many of these going to court. No, they just take you right to that brink, make you spend a bunch of money on attorney's fees, and then shake you down for a big settlement on top of all the other things you're dealing with. That's what this is about. That's why this bill was brought. Because we need to protect those victims, and in this case, it's the companies that had been breached. We weren't the bad guys. The bad guy was the person who conducted the breach. If we did everything we needed to do, we shouldn't have to defend ourselves on some frivolous class action suit because it's an opportunity to shake you down for some additional money. That's what this is about. So again, I would urge you to vote no on AM474, yes on the underlying bill, LB241. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Again, good morning. Colleagues, I just wanted to add one more quick note for the record, and I appreciate the perspectives Senator Hallstrom brings to the body and to this debate. And we may not have a meeting of the minds in regards to this amendment or the underlying legislation, but I think I am following his train of thought in regards to why he sees this as unnecessary or separate, and distinguishable. And so not to get too in the weeds about it, but kind of one of the, the general principles that they really hammer home in regards to, like, a law school education is kind of this standard equation to help analyze things, where basically they teach you over and over again, X is the Y for the purpose of Z. And I, I, I think what Senator Hallstrom is doing is, is utilizing that kind of well understood approach in the law, where he's looking at this particular measure for this particular purpose and using that to make this measure with a perhaps different standard, separate and distinguishable from the other existing areas of law or the other bills moving through the Legislature, which is legitimate, and understood, and I appreciate, and that is helpful. I think the other perspective that Senator Cavanaugh, Senator Dungan, and I are bringing forward is we're just not sure if we have a meeting of the minds on whether or not to look at it that discretely, or whether or not we need to have kind of a broader lens applied to ensure clarity, harmony, and uniformity in regards to the existing statutes and other

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statutes moving through in regards to protecting data privacy and reining in big tech. So I appreciate Senator Hallstrom's comments in that regard, and, and thank my other colleagues for offering their thoughtful points of debate today as well. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. I had just talked to Senator Hallstrom about the fact that I likely wasn't going to speak again, and I just, I have to address one thing that was said. It's hard for me not to talk. When Senator Jacobson was talking about what the, the problem is, I just want to be very clear that in my opinion, and I said this both in committee at one point and also on General File, LB241 does not address the problem of these lawsuits being filed. Right? So if the concern is these lawsuits are being filed and they're allegedly frivolous, and then it takes a really long time for them to get resolved, and there's attorney's fees and they ultimately result in a settlement, raising the standard doesn't prevent somebody from filing the lawsuit. If we raise the standard, that may mean they ultimately are less successful at trial, but it doesn't necessarily have any impact at all about whether or not an attorney is going to friv-- filed a frivolous lawsuit. Now, first of all, I disagree that there's a bunch of frivolous lawsuits being filed. But if we assume that that is true, an attorney who's filing these lawsuits in an effort to just sort of drag things out and ultimately try to get a settlement by bleeding, you know, the law, the company all the way down the line, this doesn't prevent that at all. So if that's the concern, if the expressed stated harm that we're trying to prevent is the filing of the lawsuit in the first place, LB241 does nothing. And so I just want to be very clear about that. We can have a legitimate debate about the standard of proof that is necessary at trial, we can have a legitimate debate about whether or not these lawsuits are in fact frivolous, but there's nothing in LB241 that stops the process from starting and then continuing down the path until it gets to that point of summary judgment or trial. So I just want to be very clear about that. Colleagues, I do still encourage your, I suppose, green vote on a AM474, but a red vote on LB241. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. Well, just to say-- put a point on the last statement that Senator Dungan made, by having this bill in place and raising the threshold to what it is, I will guarantee you trial attorneys will think twice about bringing a class action suit

that they know they're going to lose. Because there's no gray area when we move up to this higher threshold. Now you're going to have to prove gross negligence, which you're going to have a very, very hard time doing. So it will have an impact. If you lower the threshold, then you're still going to be potentially exposed for some judge ruling some other way, which gives leverage for the settlement. Again, no one wants a data breach. And anyone who's been doing all of the right protocols that are out there today should be protected if they've done everything they can to safeguard. There's always something new in terms of a way to breach. And we also need to understand that one way to get into someone's system is to have an employee click on a link on an email that breaches your system. So you do all of these desktop programs, you do all this testing and training of your employees. That's how it can happen. You're not grossly negligent when you do that, when it happens to you. Things happen and you should be able to be protected as long as you've done all the things necessary. That's what LB241 does. Thank you, Mr. President.

ARCH: Seeing no one in the queue, Senator John Cavanaugh, you're recognized to close on AM474.

J. CAVANAUGH: Thank you, Mr. President. Thank you, colleagues, for the conversation. I always appreciate it. And I, you know, appreciate Senator Hallstrom's thoughtfulness on this and helping me understand some of the other issues. And just since we're on close, I'll kind of set the, the whole scene again, is that this amendment just puts a-- adds on to Senator Hallstrom's bill that nothing in this bill shall limit people's rights under the Data Privacy Act. And so Senator Hallstrom thinks it's unnecessary. I'm not convinced that it's unnecessary. And so that's why I, I haven't pulled the amendment, and folks can vote how they want to vote. But Senator, just so you're clear, Senator Hallstrom doesn't want people to vote for it. So just so you all know that. And again, voting for this amendment is not going to make me vote for the bill because I still oppose the idea of the bill. But the reason I brought this was looking at, at all of these different data privacy statutes that we're talking about here, which there's a lot of data, cell phone limitations, restrictions this year, and there's definitions in statute already. We're creating our own definitions, we're not referencing other definitions. That's kind of what my concern is that when we pass laws, we are presumed to know all of the other laws that have been passed by the state of Nebraska. And so when we pass something that is contradictory or in conflict with another existing law, then the thing we passed will be supreme, right? It'll over-- overtake the previous thing. So that's why I brought this AM to say we are not intentionally repealing,

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intentionally or unintentionally repealing any parts of the Data Privacy Act. That's what this amendment does. To the underlying question of why I oppose Senator Hallstrom's bill, it, it is this thing that I think I agree with Senator Jacobson, that banks and financial institutions, and of course, this applies to all other businesses, that they do need to collect data in the world we're in, and they need to have it, and store it and things like that. And they are perpetually victims of data attacks. And that even when you act with a be-- above and beyond due care, that you could still be victim of a data attack, because there's this constant push to get better and better on the attacking side, but that we should have the same pressure on the defensive side. That we should hold everyone who is-- needs to stand up for, for the legitimate purposes, we should hold them to at least the standard of being reasonable when they are taking care of our data. And this bill has the definition of biometric record. And I pointed out earlier that the Data Privacy Act has a definition of biometric data, and that's one of the ones that really freaks me out, honestly, that there's the potential that somebody could be unreasonable with my fingerprints, voiceprint, retina image, iris image, unique biological pattern or characteristic. I don't know what that one means, but like that just-- I don't know. I don't like that. I don't like that companies could be unreasonable with how they are protecting my data. And there's been some conversations I'm gonna run out of time, but again, the reason I oppose LB241 is that we don't want frivolous lawsuits, but this only forecloses people from filing in state court, they can still file in federal court. So the advocates for this bill are basically saying all we are doing is making a statement that we, as the Nebraska Legislature, think under Nebraska law, you should be able to be unreasonable in your behavior. That's why I think I don't like this bill. But again, AM474. I'm asking for your green vote on AM474 because all it says is that we are not intentionally repealing or undermining the Data Privacy Act. So even if Senator Hallstrom is right, I don't think my amendment causes his bill any problem. If I'm right, my amendment at least helps make sure that we are not eroding people's personal privacy under an act that we previously have passed. So I'd ask for your green vote on AM474, and I guess I'll do a call the house. Mr. President, since people have moved on.

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

CLERK: 27 ayes, 0 nays to place. House under call, Mr. President.

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ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the chamber, please return to the chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Hardin, Ibach, Dover and Hansen. Please return to the chamber. The House is under call. Senator John Cavanaugh, may we proceed? Colleagues, the question before the body is the adoption of AM474 to LB241. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 9 ayes, 26 nays, Mr. President, on adoption of the amendment.

ARCH: AM474 is not adopted. Mr. Clerk.

CLERK: Mr. President--

ARCH: I raise the call.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote just taken on MA-- AM474.

ARCH: Senator Machaela Cavanaugh, you are recognized to open on your motion.

M. CAVANAUGH: Thank you, Mr. President. I guess you could say I took the bait, Senator Jacobson. I am reconsidering this because, well, a couple of reasons. One, I'm pretty sure that most of the people that voted against it don't even know what the amendment was because they weren't on the floor for the debate, so this is another opportunity to learn what the amendment is. And two, because of the conversation happening between Senator Jacobson and Senator John Cavanaugh about really what our role and responsibility is in the Legislature. And our role and responsibility is to actually put forward the best, strongest policy possible. Now, I've had conversations with Senator Cavanaugh about AM474, and not 100% certain that this is what we need or don't need. But the reality is that it's our job to engage in the conversation about it, and to pull up on your lovely state-provided laptops and look at the amendment because it's posted on the internet, read it, and decide for yourself. If you have questions, you get on the mic and you ask questions, or you go over and you ask questions. But that's what we're supposed to do here. This right here this morning, this is the sausage being made. This is it. And what we pass and what we put into statute matters. We had a bill, I think it was yesterday, just yesterday, Senator DeKay opened on a bill that we had to-- had to be introduced to fix the fact that we had passed a bill that prohibited indigenous people from owning land in America or in

Nebraska. That's bananas people. And we did that. We previously put that into statute, and we had to fix that because they are a sovereign nation, but they are also citizens of America. That alone should make everyone feel a responsibility to do better. Because what if that got tied up in committee? Or what if it didn't occur to anyone to fix that until somebody lost their land? So this job should be tedious. It should be labor intensive. You should have to sit through hours and hours of conversation and dialog and debate and reading. That is the job. That's the job. The job is not hanging out in the lobby. The job is not going to receptions. The job is in this chamber and in our committee rooms. It is reading what is on the board. It is reading the statute. It is making decisions based on information. It is asking questions. And it takes time. And it is 100% tedious. It is. I came into work this morning and my, my-- Margaret in my office asked how I was and I was like, I'm tired. And I'm like, I don't even know why I'm tired. I went to bed at a reasonable time last night, but I'm still tired. I'm like, I guess my brain is tired. I think I need a new prescription, actually, because my eyes are tired, but I'm tired. But I still am doing it. I'm still showing up. I'm still reading everything. So I would encourage you, colleagues, while you sit here, and I'm not, I am not filibustering this bill. I really only did this because of the conversation of we just need to move things along. No we don't, we don't need to just move things along. We need to do our jobs. We need to do our due diligence. We need to hold ourselves accountable. So pull it up on your laptop. Look at AM474 and then make an informed decision for yourself. Don't just vote the party line on the board, no matter what the party is. Don't just vote the party line on the board. Look at the amendment and make a decision for yourself, for your constituents. Represent them. Show up to work this morning and represent your constituents and do the hard work. And if you have questions, participate in the debate. That's all I'm asking of you, colleagues. Participate in the debate. So I think I have probably several minutes left. How, how much time, Mr. Chair?

ARCH: Five minutes, 20.

M. CAVANAUGH: OK. I'm not going to use all of that, and I will be waiving my close, but I am going to just once again reiterate, citizens of Nebraska, if you want to see a change at the federal level, you have to call the federal delegation. I have to call the federal delegation as a citizen of Nebraska and ask them to speak up and to stand up for health care in Nebraska and for funding in Nebraska, because if we lose our funding, we are screwed. So, Senator Deb Fischer's office, her Omaha office, (402) 391-3411 Washington, D.C. office, (202) 224-6551. Pete Ricketts' office, Omaha office,

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(402) 550-8040. D.C. office, (202) 224-4224. Congressman Mike Flood's office, Lincoln Office (402) 438-1598. D.C. office, 4-- (202) 225-4806. Congressman Don Bacon's office, Omaha (402) 938-0300. D.C. office, (202) 225-4155. Congressman Smith's office, Nebraska City, (402) 874-6050. D.C. office, (202) 225-6435. Nebraska, colleagues, we should not be asleep at the wheel. Get involved. Get engaged. Do the hard work. Thank you, Mr. President.

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

HALLSTROM: Yes, I just rise briefly in opposition to the motion to reconsider. Again, I've, I've indicated on the mic that if there is some type of amendment that needs to clarify, I don't believe it exists, I don't believe it's necessary, but I'm certainly open to that. Senator Machaela Cavanaugh used the word tedious. Anybody that's ever worked with me on a bill knows that tedious is what I do. So I'm more than willing to undertake that effort if necessary. But for the moment I would ask you to vote red on the reconsideration motion. Hopefully we can get to a vote on the bill to advance it and get on to other business. Thank you.

ARCH: See no one in the queue. Senator Machaela Cavanaugh, you're recognized to close. Senator Cavanaugh waives close. Colleagues, the question before the body is the motion to reconsider the vote. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 7 ayes, 28 nays and the motion to reconsider, Mr. President.

ARCH: The motion to reconsider fails.

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

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that LB241 be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. Opposed nay. LB241 does advance. My apologies, I did not hear that. There was a request for a record vote on the reconsideration motion on the, on LB241, the passing of LB241. With the request for the record vote, all those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 29 ayes, 9 nays on advancement of the bill, Mr. President.

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ARCH: LB241 does advance. Mr. Clerk.

CLERK: Mr. President, Select File LB377. Senator, I have nothing on the bill.

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that LB377 be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. LB377 does advance. Mr. Clerk.

CLERK: Mr. President, LB593, Select File. Senator, first of all there are E&R amendments.

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB593 be adopted.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendment is, is adopted.

CLERK: Senator, I've nothing further on the bill.

ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB593-- LB396 be advanced to E&R for, for engrossing.

ARCH: Colleagues, you've heard the motion to advance LB593. All those in favor, say aye. Opposed, nay. LB593 does advance Mr. Clerk.

CLERK: Mr. President, Select File LB247. Senator, I have nothing on the bill.

ARCH: Senator Guereca for a motion.

GUERECA: Mr. President, I move that LB247 be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. Opposed, nay. LB247 does advance. Mr. Clerk.

CLERK: Mr. President, LB396. Senator, I have nothing on the bill.

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ARCH: Senator Guereca, for a motion.

GUERECA: Mr. President, I move that LB396 be advanced to E&R for engrossing.

ARCH: All those in favor say aye; opposed nay. LB396 does advance. Mr. Clerk, for some items.

CLERK: Thank you, Mr. President. Your Committee on Judiciary, chaired by Senator Bosn, reports LB14-- LB184 to General File with committee amendments. Additionally, amendments to be printed from Senator Raybould to LB258. And a motion to be printed from Senator Spivey to place LB102 on General File pursuant to Rule 3, Section 20(b). And a notice of hearing for the Executive Board. That's all I have at this time, Mr. President.

ARCH: Mr. Clerk, next item.

CLERK: Mr. President, next item on the agenda, LB290, introduced by the Urban Affairs Committee. This is a bill for an act relating to the Economic Recovery Act to amend sections 81-12, 241; changes provisions relating to grant funding for a business park; and repeals the original section. The bill was read for the first time on January 15 of this year, and referred to the Urban Affairs Committee. That committee placed the bill on General File, Mr. President.

ARCH: Senator McKinney, you are recognized to open on LB290.

McKINNEY: Thank you, Mr. President. Thank you. LB290 is a bill that came out of the Urban Affairs Committee, and it deals with some changes to the business park. So, when we passed the Economic Recovery Act, we set aside some funds to develop a business park within north Omaha. And in that it had a two-mile restriction on it. That meant that the business park could be development, or had to be developed within two miles of the airport. Since that happened, there's been some issues with the area in which the business park was slated to be developed. So we created-- the city of Omaha created an Inland Port Authority. And what this bill is intended to do is allow for the business park still to be created, but within the Inland Port Authority area, and take off the two-mile restriction that was in the original bill. This bill has no fiscal impact. This is supported by the city of Omaha, the Omaha Public Power District, and the Omaha Inland Port Authority, and is just a simple change of removing the two-mile restriction. The-- everything is already in motion. There's already predevelopment going on. We're just allowing flexibility for

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the Omaha Inland Port Authority and the grantees to look at other sites because of issues around environmental issues and potential displacement of the original sites that were slated for the business park. And that's why we brought this bill. Again, this bill has no fiscal impact. The funds have already been awarded and under contract, and that is just a simple change of moving the two-mile restriction, allowing for the project to be completed within the Inland Port Authority area. And with that, I would ask for your green vote. Thank you.

ARCH: Turning to the queue. Senator Andersen, you're recognized to speak.

ANDERSEN: Thank you, Mr. President. Would Senator McKinney yield for some questions?

ARCH: Senator McKinney, will you yield?

McKINNEY: Yes.

ANDERSEN: Thank you. Senator McKinney, what did you say the total amount of the funds were?

McKINNEY: So for the business park, it was \$90 million.

ANDERSEN: And that's the money we're talking about is-- I thought this was ARPA money, or COVID money.

McKINNEY: It's not ARPA money, it's state dollars. When we passed LB531, we did a sw-- This was not Co-- it was COVID money originally, but it's state dollars.

ANDERSEN: So what happened to the COVID money?

McKINNEY: It went to the city of Lincoln for a water project.

ANDERSEN: Oh, so you took the ARPA money, put it to a different project and then took General Funds money and moved it back over. Is that right?

McKINNEY: Yeah, that's what we did.

ANDERSEN: Ok. What was the stated purpose for the money that was originally ARPA money?

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McKINNEY: The stated purpose for the Economic Recovery project, or the Economic Recovery Bill, was to economically recover north and south Omaha.

ANDERSEN: OK. With the money, the \$450 million that you moved from General Funds over to this, the economic development in north Omaha, how much that money is left? I know I asked you in committee, and at the time you were unclear. I think you said some of the \$450 million had already been spent. Did you get any resolution to how much money remains?

McKINNEY: How much mo-- how much money has been spent?

ANDERSEN: Yes. because the \$45 million is what was allocated, and you said--

McKINNEY: So.

ANDERSEN: --some of it's been already spent.

McKINNEY: Some of it has been spent and some of it is still in motion, because there was \$235 million for different projects that people applied to DED for, and then there was other money for projects like the business park, innovation district, mentoring and crime prevention, and, and those type of things, so it was split in different halves.

ANDERSEN: OK. So then of the \$450 million, how much is actually left?

McKINNEY: How much is left? All of it hasn't been spent because the projects are still-- have not been completed. Because the way it was set up, the initial grant funds, the grantees could get the initial 50% upfront, but as the projects progressed, it would spend down. So it all hasn't been spent because the projects haven't been completely finished. They have until 2027 to complete the projects.

ANDERSEN: So if the project is in progress, you-- but you want to expand the part of your district the money can go to, is that right? That's the two-mile--

McKINNEY: We're just taking away the two-mile restriction to allow the project to be developed in the Inland Port Authority area, because of the environmental issues and the issues with potential displacement. The pre-development stage of this project has already taken place.

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ANDERSEN: And that's the \$90 million from Omaha Economic Development Council, or Corporation, right?

McKINNEY: It's-- did not-- yes.

ANDERSEN: Yeah, I think that's in the fiscal note was the \$90 million from--

McKINNEY: Yep.

ANDERSEN: --Omaha. OK. So the \$90 million from Omaha, has that already been spent? That's already done?

McKINNEY: Has it already been spent? No. It all hasn't been spent.

ANDERSEN: I guess I'm just trying my arms around-- You want to expand the area, and we're trying to find out the status of the project, and really looking at--

McKINNEY: We're, we're not expanding the area. We're just allowing, allowing for the project to be completed in a more expansive area. We're not expanding any area. We're just allowing for the project to be completed in the Inland Port Authority area. The project can be completed two miles within the airport, which is in the Inland Port Authority area. We just allow-- we're just trying to allow for the project to have a little more area within the Inland Port Authority area to be completed because of the issues with the environmental issues and the potential displacement. We're not expanding any area of the Inland Port Authority area. We're just allowing for more area for the project to be completed.

ANDERSEN: All within your district, right?

McKINNEY: Yes.

ANDERSEN: Is there a list of projects that are being funded by this money? That originally was ARPA, ARPA?

McKINNEY: A list of projects. So there's, there's multiple projects. I have-- it's a bunch of projects. I mean, the high level projects are this business park, innovation district, Malcolm X Museum, Charles Drew, mentor, crime, crime prevention. Those type of things. But there's a bunch of others as well. Also Canopy South in south Omaha.

ANDERSEN: South Omaha? Isn't that out of the area?

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McKINNEY: You, you asked about the, the, the economic recovery. Are you talking about--

ARCH: Time, Senator.

ANDERSEN: Thank you.

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

SORRENTINO: Thank you, Mr. President. Would Senator McKinney yield to a question, please?

ARCH: Senator McKinney, will you yield?

McKINNEY: Yes.

SORRENTINO: Thank you. Senator McKinney, I know the members of the body have a, have a list, a map here of the Inland Port Authority area with the area on the back. A couple of questions regarding that. With-- I know we have to stay within the area. Do we have any idea-- well, let me go in reverse. You mentioned environmental area issues. Could you expand on that just for a moment, please, what that was?

McKINNEY: So initially when the project was planned and everything, there was an area, there was, there was two phase, three phases for the project. One phase of the project where this was slated to be completed, after environmental studies were done, it came back that it would cost probably \$40 million just in cleanup for environmental issues, because when the city of Omaha did the ConAgra project way, way, a time ago, they pretty much dumped that site in that area. And the, the-- and it, it caused a lot of-- it has environmental issues because of that. So the cost of cleanup would be upwards of \$40 million.

SORRENTINO: Is that the orange shaded area on the second page of the handout? Is that the area there was environ--

McKINNEY: No. That's-- that orange shaded area. Is the airport.

SORRENTINO: OK. That's the airport area. So where we're-- where you're thinking about moving us within the, within the Inland Port Authority area is my next question. Do we have any idea yet?

McKINNEY: There isn't, there isn't an exact site yet. We're just open-- the mu-- the, the reason to take off the two-mile restriction is to allow them to look at another site.

SORRENTINO: OK.

McKINNEY: That's the purpose.

SORRENTINO: And the last question, it says grant funds shall not be used in the downtown area, which obviously is pretty much outside the area, or northern downtown area of a city of the metropolitan area. I'm looking at the map, which I know everybody has a copy of.

McKINNEY: So--

SORRENTINO: Roughly looks to me like the northern border would be aimed straight on that area that sticks out, and gosh, maybe Cuming Street or so. Is that the area we're focusing in on? I'm pretty familiar with that area, and I, I'm trying to think of areas where you could do a lot of development there. It's pretty, pretty heavily populated.

McKINNEY: Well, the reason for the restriction on no downtown or no northern downtown area is because we want to keep it to the original purpose of the legislation, to keep it in north Omaha and ensure that the dollars don't get siphoned off into other parts. So that's the purpose of that language.

SORRENTINO: All right. Thank you. No further questions. Thank you, Mr. President.

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

ARMENDARIZ: Thank you, Mr. President. And I do have more questions for Senator McKinney if he would yield.

ARCH: Senator McKinney, will you yield?

McKINNEY: Yes.

ARMENDARIZ: Thank you. Mine are along the same lines, because I guess my intent is to ensure that these dollars are spent in the intended area, and not left open to interpretation of another entity. I know you, Senator Wayne, worked very hard at attaining these dollars and came through appropriations, and we allocated them. And I want to make sure that they are used for that intended purpose. Does this bill have a parameter, and if, and if this map doesn't show it, do you know how far outside of this map that the inland port now covers?

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McKINNEY: This is the only-- this map is what the Inland Port Authority covers. It can't go outside of-- the dollars, can't go outside this map.

ARMENDARIZ: So this map is the inland port?

McKINNEY: Yes.

ARMENDARIZ: This doesn't look like much more than two miles.

McKINNEY: It, It's a-- there's a little more than two miles, but that's what I'm saying. We're just trying to allow for a little more flexibility. We're not asking for--

ARMENDARIZ: OK.

McKINNEY: --this expansive flexibility. We're just asking for a little more flexibility, that's all.

ARMENDARIZ: OK. That's what I was wondering. So in order for us to maintain our integrity and intent, could we still put a three mile radius so that the inland port couldn't go--

McKINNEY: So--

ARMENDARIZ: Or are you okay with the entire area that the inland port intends to go?

McKINNEY: I'm okay with this because if the Inland Port Authority area-- if the Inland Port wanted to expand, it, it has that authority already under law. But I, I'm OK with this right now because I think it keeps to the original spirit of what we intended to do. And expanding it now, I, I don't, I wouldn't feel comfortable doing that right now.

ARMENDARIZ: OK.

McKINNEY: I want to keep the original spirit.

ARMENDARIZ: I, I appreciate it, and I know you do fully intend that. I'm just concerned with the language removing any parameter for this \$90 million, and what-- if it is not spent soon enough and they expand the boundaries of the inland port, now those \$90 million just follow the expansion instead of--

McKINNEY: But it's, it-- Everything's already in progress. It's already in the pre-development stage. It's already-- we're just

allowing for the flexibility because of the issues that I brought that came up through the predevelopment process. We're just making sure that they don't pretty much dump millions into an area where, like, half, like half the \$90 million has to be spent on just environmental cleanup. That, that's essentially what's going on.

ARMENDARIZ: Yep. I, I agree with you. I completely supported this. You know that I grew up in your district and this is important to me as well. I just want to make sure that another entity can't move these dollars around if you're giving them the leverage on the boundary.

McKINNEY: No, no they can't. It, it'll, it'll have to stay in this area.

ARMENDARIZ: OK. If you're comfortable with that.

McKINNEY: Yes.

ARMENDARIZ: I appreciate your input.

McKINNEY: No problem.

ARMENDARIZ: Thank you.

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

CLOUSE: Yes. Thank you, Mr. President. I would ask a question of Senator McKinney.

ARCH: Senator McKinney, will you yield?

McKINNEY: Yes.

CLOUSE: Okay. Thank you. Senator McKinney. Some of these questions that I had have already been answered, but in here it mentions, and I think Senator Sorrentino referenced that, grant funds shall not be used in downtown area or northern downtown. And these contracts have already been awarded. Correct?

CLOUSE: Yes, they have. And the reason I put that in, because I wanted to be specifically clear that the-- just, just, I just want to be blatantly clear that they can't. Because, being honest, there are entities that want to build, what is it, a soccer stadium or something downtown? And they're trying to come to--So I just wanted it to be clear, that's all.

CLOUSE: OK. And, and I guess a couple more questions on that. Is, is that a clar-- a good enough definition to clarify northern Omaha, northern downtown area. Is that a defined boundary already?

McKINNEY: I believe so. Maybe I might have to clean it up on Select, but I think it is.

CLOUSE: But, but, and then another question is none of those contracts have, have included those areas that have already been awarded, is that correct?

McKINNEY: No, not at all.

CLOUSE: OK. Thank you, Senator McKinney.

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

SPIVEY: Thank you, Mr. President. And good morning, colleagues and folks watching online. I appreciate the questions and information. This bill and the intention, even though I wasn't in the Legislature when it passed, is impacting my current district and community. And so I appreciate folks wanting to understand more. And really, the importance of these types of dollars in communities that has seen intentional eroding and disinvestment and the potential that it would unlock not only for this area, but really for the state of Nebraska. And so I wanted to just give some quick feedback to Senator Clouse around your plan for the definition. So north of downtown does have a technical boundary. What you'll typically see is it-- is called Millworks Commons, but it has like signage. There are names for that neighborhood. And so there could be an opportunity to say, like, north of downtown, including these neighborhoods or developments for what Senator McKinney is referencing around those developments in that area. So I just wanted to add that piece for, for you. And then I was hoping that Senator McKinney would yield to some more questions, if that's OK.

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

McKINNEY: Yes.

SPIVEY: Thank you, Mr. President. Thank you, Senator McKinney. It seems like because this is such a comprehensive and complex process that some information is getting misconstrued about what this is versus, like the larger north and south Omaha project. So could you maybe just restate specifically the intention of the business park and what that hopes to achieve?

McKINNEY: The purpose of the business park is to bring jobs back to north Omaha, to, to spur economic development and jobs back to north Omaha, to, to decrease poverty and improve the median income in north Omaha. That's the purpose of the business park project.

SPIVEY: And with that project, there has already been, from my understanding, and again, I would ask that you clarify, that there is already policy that outlined how funds would be used, how would, how they would be distributed, and there are projects in process. This is not requesting new money for additional work within that scope.

McKINNEY: No, this-- is isn't requesting new money. DED has already approved the master plan, they already signed contracts with DED and the state which was transferred over to the Inland Port Authority. All of this is already moving.

SPIVEY: So then, from my understanding with LB290, this is just saying, given the geographic location of where this is, you are asking for an expansion of two miles, which would allow the project more flexibility to be executed. And this project is already in motion with the contractors. Is that correct?

McKINNEY: Yes.

SPIVEY: OK. Thank you, Senator McKinney, for providing that clarity. I yield the rest of my time, Mr. President.

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

ANDERSEN: Thank you, Mr. President. Will Senator McKinney yield to some questions?

ARCH: Senator McKinney, will you yield?

McKINNEY: Yes.

ANDERSEN: Thank you. So I'm all about accountability and transparency, and this is kind of where I'm getting stuck with this bill. You just said that the purpose is to bring jobs back to north Omaha and for economic development of north Omaha. Correct?

McKINNEY: Yes, that's the purpose.

ANDERSEN: But when I look in the bill, it says it was created to appropriate \$450 million in federal funds under the American Rescue Plan Act of 19-- or 2021, and provide grant funding to public and

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private entities to respond to the COVID-19 public health emergency. So a jobs plan and economic plan for north Omaha is not responding to a public health emergency. It's-- you're taking money that was switched with different money, right? So you took the COVID money. You switch it over a different kind of money brought that back it.

McKINNEY: It--

ANDERSEN: And now you're switching--

McKINNEY: It--

ANDERSEN: My time, Senator McKinney. And now you're trying to take and change the purpose of it, from repair from COVID to an economic development effort in north Omaha. Is that nor correct?

McKINNEY: If, if, if you if you were in the Legislature at the time, you would understand that the purpose of the bill was to to respond to it from an economic perspective, to redevelop north and south Omaha because of the negative impacts of COVID, which were negative, and the need for economic development. We're not trying to switch the intent. That's what you're missing here.

ANDERSEN: I'm just u-- I'm just going by what's in the bill, and then what you said.

McKINNEY: I, I-- Yeah, I know what I said, and I know what's in the bill. You should go read legislative intent.

ANDERSEN: OK. What I would submit is that if we're taking money, that was for one purpose, and now switching it to a different purpose for economic development, not repairing COVID, then I would say in the current fiscal environment we're in, where we're in a hole, \$200 or \$400 million in a hole, is this still a verified and validated need?

McKINNEY: It, it is 100% needed, and I've told you that in committee, and we're not switching the purpose of anything. We're still sticking to the purpose of why we passed the bill, economic recovery and i's called the Economic Recovery Act.

ANDERSEN: So if you remember in committee, I also asked you if anybody has gone back and looked at the requirements from 2021 when the funds were received, and looked what those requirements are and the damage that need to be repaired, and assess whether those damages still exist. And I asked you if anybody's done that assessment, and you told me, no.

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McKINNEY: North Omaha is still the poorest district in this state, so the damage is still there.

ANDERSEN: OK. So that's a different purpose of funding, right? It's one purpose to repair damage--

McKINNEY: It's not, it, it's not, it's not--

ANDERSEN: It's my time. It's-- there's one purpose, to repair damage from COVID, which is what the money was for. Then you got new money and said, now we're gonna use it for economic development in north Omaha to the tune of \$550 million.

McKINNEY: You're, you're misconstruing and you're lacking understanding. That's the problem.

ANDERSEN: Clearly.

McKINNEY: You are.

ANDERSEN: Clearly I don't understand.

McKINNEY: That's the problem.

ANDERSEN: Or maybe I do understand exactly what, what's going on with this?

McKINNEY: Or, or maybe you don't.

ANDERSEN: Thank you, Mr. President, I yield the rest of my time.

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

JACOBSON: Thank you, Mr. President. I appreciate Senator Andersen's drilling down into the details and questioning spending that's been, been, been committed previously that, that's being modified today. This, this whole entire area that we're talking about has been through a lot of iterations along the way. I remember when the COVID dollars were being distributed. There were mo-- COVID dollars that were allocated to Omaha. Lincoln was needing an appropriation for a water project that Senator Wishart was promoting, but there wasn't funding to do that. So then there was a trade, trading ARPA money to one, and then moving General Fund dollars to the other to be able to extend the shelf life, because the General Fund dollars did not have an expiration as to when they could be spent, but the COVID dollars did. And, and so I appreciate Senator Andersen's questions because I have

to ask the question, how much is enough money to be spent on north Omaha? When have we done enough? There isn't a city in the state of Nebraska that doesn't have areas of town that have low income, that have, have poverty, who have dilapidation, but they're ignored. And any time there's any money coming around, and I will say that, that when Senator Wayne was here, probably one of the more effective senators here in terms of getting things done. Hard worker, figured out how to make these things happen. I look at all the dollars that were fun-- funneled to north Omaha, and it's all for jobs, it's all for economic development. But yet years and decades go by and there's no new jobs, there's no new economic development, there's just a lot of money spent. So I always have to remind people, when we talk about jobs, what kind of jobs are we talking about? We talk about economic development. What is that? It's one of the problems we have today in the state is I don't think we have a plan. We don't have a strategic plan. And you're going to hear this a lot from me in the future. Until we come up with a plan of how we're going to grow our state, how we're going to grow our state's tax base, how we're going to get moved down to a lower tax state, the best way to do that. Clearly cutting expenses is one thing, but we've got to grow our tax base. And that means we've got to bring more people here. We've got to bring more industry here, and we've got to make sure any dollars that get spent as an investment in economic development has to have proven results. We've got to know how that, what that payback is going to be. What's the timeline for the payback? Or are we just going to continue to shovel money into a dar-- into a dark hole and say we did good, with no measurements, no accountability? I appreciate Senator Andersen's military background because it was all about accountability. You didn't do anything without accountability. I can tell you that's the same thing in business. We're not going to invest in something if we don't see a payback. We've got to be more thoughtful of those things in this body. When we start allocating dollars to economic development, what do we plan to do? How does that fit into the bigger picture? Again, I've challenged the state chamber. Please give us a plan. The last plan I saw was, was Blueprint Nebraska, and that is in the garbage heap somewhere. OK, a lot of time spent, never implemented. COVID hit along the way, and then supposedly everything's changed. So where are we going? Please tell me what the new plan is. And please tell me the competitive advantage that Nebraska has, and the competitive advantage that north Omaha has to be able to spend these dollars and get a solid return on investment. I'm still looking for that. Thank you, Mr. President.

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ARCH: Senator Hallstrom would like to recognize some special guests today. LuRae Hallstrom, his wife from Syracuse, and Lori Broady, sister-in-law from Johnson. They are located under the north balcony. Please rise and be welcomed. Senator Ballard would also like to recognize some special guests. They are 53 fourth-grade students located in the north, in the north balcony from fourth grade, North American Martyrs Catholic School in Lincoln. Students, please rise and be welcomed by your Nebraska Legislature. Returning to the queue, Senator Guereca, you're recognized to speak.

GUERECA: Thank you, Mr. President. Interesting debate, interesting discussion. It's kind of a philosophical argument because, again, this Legislature already appropriated funds for that usage. All we're asking for is for a little bit of flexibility on how we build. We can talk about what economic development is. That's construction jobs. How does this expand the tax base? High paying construction jobs, high tech jobs, health care. This is amazing things going on. Are there results? Absolutely. And if any senator wants to come down to north and south Omaha to see how those funds are being implemented, I would love for you to come down and see the innovation, the small businesses that are being spurred on, the construction that's happening. This is money being put to great use. That was the purpose of the bill that this Legislature passed. And now we're just asking for a little bit of flexibility to be able to spend the money that's already been appropriated. To expand the tax base by bringing on construction companies to develop a business park that will facilitate young entrepreneurs that want to start a business, that want to stay in Nebraska, that want to come to Nebraska and live the good life. When I first spoke on the mic, I said my litmus test when I'm looking at a bill, does this expand the good life? Does this grow the good life? That's the test that I use every-- on every piece of legislation that comes before me. Spending economic development money absolutely spurs on the good life. I'm part of a fantasy football league that we do our draft in a destination. Guys come from all over the country and the winner chooses. Well, this last year I was the winner, and I brought them to Omaha and watched the Labor Day parade. So we do it over Labor Day weekend. So this is 15 men from all over the country that flew into Omaha. And they said, wow, you all are doing amazing things here in Nebraska. They were impressed. I brought them to a Cornhusker game. We tailgated. They loved it. They loved the good life. That's what we're talking about here, expanding the good life, spending money, construction, creating mechanisms for young entrepreneurs to come. Absolutely money well spent. And again, if anyone, any one of my colleagues wants to come to north or south Omaha to see those-- that

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money at work, to see the amazing projects that are being planned, that will absolutely attract talent, that will absolutely drive young Nebraskans to stay and expand the good life and bring their friends from all over the country, who-- some of those might say, hey, this is great! I love what you all are doing here and I want to stay. I want to live the good life. That's what this is about. This is about a little bit of flexibility to grow the good life. Now, if we want to have a discussion moving forward about where money should be spent. Absolutely. This money is already out the door. Flexibility for the good life. That's the purpose. Thank you, Mr. President.

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

HANSEN: Thank you, Mr. Speaker. This was a pretty long and complicated bill that Senator Wayne and Senator McKinney worked on, and that did come with agreements and the idea that this money was going to be appropriated for a specific purpose. And so, however, I, I understand where Senator McKinney is coming from because you know him, just like Senator Wayne, and just like many of us are going to fight for our district and do what we can to get, you know, improvements to our district. I also appreciate some of the questions that Senator Andersen and Senator Jacobsen are asking or bringing up, because I think that's part of our job is to question every dollar that we, we spend from taxpayers. So this actually is good conversation, especially when it comes to economic development, because I'm a little more conservative when it comes to how we spend money when it comes to economic development. But I want to ask Senator McKinney a question, if I could, about something he mentioned earlier.

ARCH: Senator McKinney, will you yield.

McKINNEY: Yes.

HANSEN: Can you expand a little bit, because you mentioned something about an environmental issue that, that maybe what-- that had to do with one of the projects that you were talking about, which is maybe one of the purposes of the bill that you're bringing forward, can expand on that just a little bit?

McKINNEY: So a phase of this project where this was slated will-- it has environmental issues. After the bill was passed, the city did a study on the site. After that study came back, it said that it would cost upwards of almost \$40 million to clean up the site, because when the City of Omaha recruited ConAgra or whatever to downtown Omaha some years ago, they dumped that site there. It was supposed to be cleaned

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up, but it wasn't up to what it was supposed to be. So there's a clear environmental issue there, and the grantees are questioning whether or not is it feasible or doesn't make any sense to spend \$40 million to develop there? Or should they look at another site? That's the purpose of taking away the two mile restriction is to allow them the flexibility to still look in the Inland Port Authority area because of that issue.

HANSEN: So you're not expanding the inland port. You're expanding where the usage of these funds can be used within the inland--

McKINNEY: Yes.

HANSEN: --port authority. OK. I've got one more question if I can, and if not, maybe Senator Armendariz can answer it. So, mainly because I can't remember when we passed this bill, the specifics when it came to the appropriation part, was there, was there a certain time this money, since we've already appropriated it, that it had to be used within, within a certain time?

McKINNEY: This money has to be expended by '27.

HANSEN: What happens if it's not expended by '27? It goes back in the General Fund?

McKINNEY: It comes back.

HANSEN: OK. That's mainly what I was curious about. OK. Thank you. Thank you, Mr. Speaker.

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

SPIVEY: Thank you, Mr. President. And again, good morning, colleagues. I appreciate the dialog that we're having this morning. And I think it's two different spaces, though, that I wanted just to point out. There's one of, like, what is the bill in front of us? What is this bill asking, and what does this look like? And then it seems to be a larger conversation about economic development and investment in community. And so we knew when this bill was passed and led by Senator McKinney and Senator Wayne that this was historic for our community. I asked-- I started this month very early on, because it's Black History Month, talking about economic investment. I got on the mic and talked about historical inequities at the system level, and what does that look like to transform, to create greater opportunity for all Nebraskans and all people in our community. And I think that's the separate set of a conversation that folks are wanting to grapple with

or better understand, and where I hope Senator Jacobson's comments and Senator Andersen's comments come from. As mentioned, this is already passed. The body is not wrestling with giving this money. What the bill in front of us is asking is in order to execute what this body has already agreed and committed to do on behalf of a specific community, can there be a change in the geographic location changing the two miles? I think into-- I appreciate Senator, Senator Guereca, like, I implore people to come down to North Omaha if you have not visited. Omaha in general is important to the viability of our state. When you think about the amount of money, the income, the taxes paid, you want Omaha to thrive because everyone benefits when Omaha does. And north Omaha is an important piece of that puzzle that has seen intentional disinvestment. So if you have not looked up what redlining is or what it looks like, I would ask you to do that. I would ask you to look at redlining, and what does it mean when you discriminate around housing and how housing and the ability to own your own, own home and to own land, how that changes your economic trajectory. I have a bill currently in, in the body that I introduced that looks at a development for qualified census tracts across the state, which includes north Omaha as rest-- as well as the rest of the state. Because to Senator Jacobson's point, there are communities that see despair and see disinvestment, and you can qualify that based on certain criteria. And so while there was an intentional investment with this bill, it doesn't have to be a zero-sum game. It doesn't have to be that because this bill was passed and invested in north and south Omaha, then, now the rest of the state is not getting this money, now we're not investing in the rest of the community. The bill that I introduced looked at what are the commonalities of these areas, qualified census tracts, and how we can put actual commerce, economic development into these communities, because we know that, again, everyone has to thrive. But when it becomes this either/or game, this community versus that community, that's not beneficial for the larger economic picture that we need to paint and really invest in. And so I think, again, I, I enjoy conversations about understanding economic development and intentional investment, and how does that transform our state to actualize the visions that we have? Yes, I think that is a space where we as a body should engage in. I think people need to better understand the frameworks in which they're talking about. And so again, and a great example of that is redlining. If you need like a concrete case study to help you unpack that. But again, I, I just caution us to get into the zero-sum game because then we all are losers when we do that. I think what's in front of us and what we're discussing, again, is LB290. And from the questions and clarity that I received during my previous time from Senator McKinney and my

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understanding that the money is in motion, projects are in motion, there are a number of those. And what they're-- what this bill is asking for is flexibility on the geographic placement of these projects so that they are able to get finished. I also did get some insight into my urban development bill, because some questions around ARPA funding came up that Senator McKinney has actually reached out, outside of DED, reached out to all of the folks that have received money to get updates, so that he can better update this body and keep you in partnership with, with what's happening. And so, again, I think there's two separate conversations that we're having, not one being more important than the other. But I would think that as we talked about in this body, getting through business and getting things done, that we really prioritize the conversation that's actually in front of us, and then carve out additional time to have more of the philosophical conversation around why we invest and prioritize communities that have seen historic disinvestment. Thank you, Mr. President.

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

ANDERSEN: Thank you, Mr. President. I rise in opposition to LB290. I'm a, a staunch supporter of transparency. We need to be able to share everything with everybody. And to call this a COVID-related ARPA-funded effort is disingenuous at best. As has been said, this is a north Omaha economic development project, and that's fine. We want to do that. But let's not say it's for the sake of COVID, or using ARPA dollars to go repair North Omaha. Let's call it what it is. And since we've changed the moneys around, and we're repurposing the project as a economic development effort in north Omaha, then we need to have the full, full discussion, full open discussion about the amount of money, \$550 million, the fiscal backdrop that we face right now in the, in the Legislature. And we need to do a, do, I think, do a-- stop and do a full assessment of it and look and see what truly is the return on the investment, and not keeping it in the context of just north Omaha, but looking at this across the state at large. What are we actually getting back, getting back for the investment of \$550 million? I think we need to keep it with the backdrop of the fiscal landscape we have, with the out of control property taxes. We need to remember that this is the people's money, right? We take it out of the General Fund, this is the people's money. This is your family's money, my family's money, and my neighbors. And we should treat it as such. Treat it as if it's our own money. What are we going to get back for investing \$550 million? Is it the best place to put our money to get the return for the state? I think we need to back up, and I'm not

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saying it is, and I'm not saying it's not. I'm saying I think we need to back up and reassess before we move forward with this, with this project at all. Thank you, Mr. President.

ARCH: Senator McKinney, you are recognized to speak.

McKINNEY: Thank you. Thank you, Mister President. Curious that we talk about the people's money. I'm, I'm glad we're going to talk about that. Because when the budget comes to the floor and there's money inside for the prison, we're going to talk about the people's money. We are going to talk about the people's money. Because that is a waste of money, that is a black hole that is actually underfunded. And what is actually interesting, yesterday the, the state of South Dakota scrapped their prison project because it's-- they can't afford it. But our state can afford a prison project that is underfunded. So when you talk about the people's money, remember the what-- the, the black hole of a prison that, that you're going to support. But again, the projects are already in motion. We could, we could evaluate after '27, was the projects worth it or not? Did they return any investment to this, to the state? Let's, let's look at it then. Yes, we could do that. I'm all for that. I'm all for transparency. But we're not going against the intent of the bill, because I would remind you that when we were discussing the bill, we were discussing economic development. Why would we put money into legislation for a business park and not talk about economic development? Why wouldn't we? If you were in this Legislature, you would have heard those conversations. If you were paying attention, you would have heard those conversations. That's all we're trying to-- all this bill is attempting to do-- it has zero fiscal impact. The contracts have already been signed by the grantees and DED. The state signed off on the projects. This, all this is attempting to do is allow a little flexibility because of issues that arise after the, after the bill was passed. That's all this is trying to do. I'm really lost about the confusion in that. Like, I don't understand it. This is-- all this is attempting to do is take away a two mile restriction, still allow for the project to be developed in the Inland Port Authority area. There is no expansion of boundaries. There's a little flexibility, that's all this is asking for. And I don't get the issue. If you want to talk about dollars, let's talk about it. But this bill doesn't deal with dollars. If you don't like that \$450 million went to north or south Omaha, that's your opinion. But this is not that bill. And you could disagree with that. But this is not that bill. This is just dealing with this project to allow for the project to be completed and allow for flexibility. That's all. Thank you.

ARCH: Senator Spivey, you're recognized to speak. This is your third opportunity.

SPIVEY: Thank you, Mr. President. Again, thank you for the dialog. I wanted to punch in one last time as I was running out of time last time. To answer kind of the broader question, I do agree with Senator McKinney, and I would hope-- and I support LB290 and would ask for folks to also vote green on this. That this is about the bill being-- the project's already in motion, this is changing the mile restriction. But to the larger conversation around COVID and how dollars were spent, I was not in the body when this was voted on, but I do think it was a good investment because of understanding social determinants of health. And so social determinants of health are non-medical factors affecting health, like socioeconomic status, geographic location. Also included into that, our education and access and quality neighborhood and built environment, social and community context, and economic stability. So we talk about the, the pandemic and what we all have lived through. That, that uncovered what was already existing in community. COVID exasperated really strange social systems already in our community that caused outsized harm. So we saw, again, frontline workers who are not paid a lot, don't have quality housing, they are trying to find childcare, that system crippled because now we're demanding them to work through a time when people were literally trying to survive it and not get sick. Right? And so Covid in itself really exposed why we need stronger public health and social systems in order to see the well-being actualized for our communities. And so I think the conversation around economic development and why we're investing in economic development when we're talking about a global pandemic is because you have to understand public health and how that actually shows up in community and to our social systems, transportation, housing, workforce, name, whichever one you want. And so I wanted just to offer that. You can visit the CDC's website. And it has beautiful graphics around social determinants of health. They actually have data that talks about investments into some of these social systems as a way to address what we saw during that global pandemic, and what we honestly still see the ripples of today. The, the pandemic changed the way in which we work, the way in which we live. And we even though folks feel like we are out of, of that space, the implications and the devastation that we have seen from an economic viability standpoint are still being actualized right now. And so while this, this project has already been greenlit, it is happening, the continued conversations around how you see system impact, that doesn't come in a year. This is not about outcomes and outputs. And I, I think that's what some of the folks

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are, are maybe wanting to see. Impact is long term and you see that change over usually a period of no less than ten years. And so when we think about what was past and what the implications are going to be for us, the true ROI, we're not going to see that from an outcome or output two years from now in '27, when the projects wrap up. We are going to continue to have to follow and stay engaged because ten years from now, then we'll say, OK, this has been transformative, and we knew that going in and this is what this looks like. And so again, I encourage folks to look up social determinants of health, all of those varied social systems, and the way in which economic development plays a part of that and how that relates to the global pandemic that we, we, we all live through and are navigating. Thank you, Mr. President. I yield the rest of my time.

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

ARMENDARIZ: Thank you, Mr. President. I thought I'd get on here one more time since I sit on appropriations, and as many know the-- a lot of the agencies and programs are being looked at this year getting reduced or eliminated. I will say that Senator Wayne, who is no longer here, did negotiate interest off of some very large funds for the Perkins Canal, the prison, through '26 to go toward the north Omaha programs. That did get presented as one of the eliminations. Those interest dollar amounts were going to get rolled back into the General Fund to be spread and hopefully applied toward other things, even property tax relief. I wanted to note, though, that this \$90 million, that we are not debating on this bill, by the way, did not get touched by the governor's recommendation. So I, I do believe the governor doesn't have any intent to pull the \$90 million out of the budget in the General Fund. I just wanted to make that clear. And he had intent to pull a lot of millions of dollars out of the, out of programs. This was not one of them. If, if anyone on the floor intends to, to propose we do that, that would be something you could do possibly. Obviously all bills have been introduced, so it would be next year. But that isn't, that isn't what we're arguing today. Nor does it look like the governor has any intent to remove those dollars. I also want to really accentuate, because I did grow up in North Omaha, and probably had probably one of the classic experiences of what at least I need to believe was a North Omaha resident, especially deep north Omaha in the more impoverished areas. I know we get frustrated with how long it might take for these programs to get put in place. But in these particular areas, I would ask everybody to give a little grace to this community. We're trying to involve the people that live there. And in my personal experience, that takes a little more time. I did not have the exposure that many in this body had to develop the knowledge base

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needed to develop these programs. So I, I would ask that you give them a little grace to take that time, do it right still, because it is needed. But it is a different environment, and when you don't have that exposure, you're, you're probably going to need to take a little more time to do it right. So I ask that, and I do support expanding the area of where they can build this business park. And that is what LB290 is trying to do. It actually encompasses a little more of the even more impoverished area of North Omaha. So I do support being able to try to revitalize those particular areas as well. I thank you for your time and I yield the rest of my time.

ARCH: Seeing no one in the queue, Senator McKinney, you are welcome to close on LB290.

McKINNEY: Could I get a call of a house?

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

CLERK: 20--23 ayes, 0 nays, Mr. President on the call of the house.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber. Please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator McKinney, you're authorized to continue.

McKINNEY: Thank you, Mr. President. And thank you, colleagues. Again, I will say that LB290 just removes the two mile boundary restriction on a, on a business park project in the Inland Port Authority area in Omaha. The reason for-- the purpose of trying to get the two mile boundary restriction removed and allow for the project to be completed within the Inland Port Authority area are twofold. One, environmental issues, and two, of potential displacement that nobo-- no one wants. And just to allow flexibility for the, for the airport author-- Inland Port Authority and the grantee to look at other sites. That is all the purpose of this bill is. This bill has no fiscal impact. The funds have already been awarded and under contract. Everything is already in motion. This deals with no dollars. This just deals with removing a boundary restriction. That's all this bill does. This is just that simple. It has nothing to do with dollars. Not moving any dollars. It's just moving a two mile boundary restriction, and allowing for flexibility for the project to be completed. So by '27, we could look back and see what happened and see if it actually was a good thing to

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do, a good investment for the state to invest in jobs and invest in community. That is why we're trying to do this, to make sure the original intent of the Economic Recovery Act is sought through-- is seen through. And I would ask for your green vote. Thank you.

ARCH: Senator Dover, please return to the chamber. The House is under call. All unexcused members are now present. Colleagues, the question before the body is the advancement L-- of LB290 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 31 ayes, 5 nays on advancement of the bill, Mr. President.

ARCH: LB290 does advance. Mr. Clerk, next item. I raise the call.

CLERK: Mr. President, next bill, General File. LB2-- Excuse me, LB428, introduced by Senator Murman. It's a bill for an act relating to schools; to amend section 79-532; changes provisions relating to school policies on the involvement of parents, guardians, and educational decision makers in schools; and repeals the original section. The bill was read for the first time on January 17th of this year and referred to the Education Committee. That committee placed the bill on general file with committee amendments, Mr. President.

ARCH: Senator Murman, you're recognized to open on LB428.

MURMAN: Good morning, Mr., Mr. Speaker, and thank you. I have the privilege to introduce LB428, which relates to surveys about personal information and the collection of data. During the debate on Senator Conrad's LB31, there was a variety of good back and forth discussion. But just about everybody who supported or opposed the bill alike seemed to agree, we ought to make sure data collected on students is safely stored and protected from being shared or sold. LB428 seeks to do exactly that. The bill is based on a 2015 law passed in Virginia that would ensure some decent transparency and data protection measures are put in place regarding student surveys, if they pertain to certain topics. LB428 simply asks that when school-- when a school administrator survey involving personal or private information, including health, religious or political information, that parents receive a notice prior. That notice would include basic information such as the nature and purpose of the survey, who the results might be shared with and have access to, and what steps would be taken to protect student privacy. Parents could, upon request, review a copy of the survey and choose to exempt their child from participating. So why do we need this? A 2023 Pew Research poll found that 71% of adults are

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concerned how companies use data collected on them. The same poll found 67% have little to no understanding about what companies do with the data they collect. It has become increasingly more and more clear that personal data has become a bigger and bigger part of our economy, but could also pose risks to personal privacy. And while that data can sometimes be helpful, parents can and do have valid concerns about the need of collecting that data, its security, how it is stored, and who it is shared with. This bill asks that parents are informed, and given the ability to make decisions they feel are best for their child. Also, to quickly note, there were a couple of online comments about outing children to their parents about the results, or infringing on student privacy. To clarify, this bill is about letting parents be aware of surveys before they are given to students. It is not giving out the results of student survey, surveys to any parents. In other words, we are letting parents know about what kinds of questions are being asked of their children. There's no personal information that's being given out as a result of this bill. Finally, I will note this bill received six votes in support, zero no votes, and one present not voting and one absent. The bill received no opposition at the committee hearing, and we do have one small committee amendment, which the school boards felt would make the implementation more manageable. Thank you, and I'm happy to answer any questions.

ARCH: Senator Murman, for your AM196, you're recognized to open.

MURMAN: Yes. The online opposition from OPS was about the 30 day window being too long. So the amendment shortens that, that window to address their concerns. And that's what the amendment does. Thank you, Mr. Speaker.

ARCH: Turning to the queue, Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Chairman, I just wanted to, to speak just briefly on this. I support both the amendment, of course, and LB428. As Senator Murman said, the amendment just changes it from a 30 day notice to 15. That just gives-- 30 days is quite a long time, you might not get the survey in time. But this is a-- it's a good thing. It'll be good for parents if it's a non-anonymous survey, so your name is going to be on it. It's collecting data to let, let the parents know. And then they can, you know, if they would so choose their, their child could be opted out of it. So thank you Senator Murman for bringing this and I yield the rest of my time. Thank you.

ARCH: Mr. Clerk.

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CLERK: Senator Murman, I have FA21 with a note that you wish to withdraw.

ARCH: So ordered. Returning to the queue. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I want to rise in support of the amendment and in support of the underlying legislation. The Education Committee has worked hard as this issue has been brought forward over, now, my third year on the committee, I guess it was, I was going back to kind of think through the, the committee assignments piece. And we've heard a lot of feedback from parents who were concerned about sensitive information being gathered through school surveys. I did just want to note that some of these very issues have been addressed in federal law with the Protection of People Ri--People's Rights Act. And then it also has been contemplated through Nebraska Revised Statute 79-532. And this provides just a little bit more clarity and information in that regard. And what the federal law and state law recognizes is that, of course, parents have a fundamental right to guide and control their children's education, as we've discussed many times. And in exercising that right, parents have the ability to opt out of certain components of curriculum or activity that they find objectionable. And that includes surveys which gather any number of potentially sensitive topics in areas and data related to political viewpoint, or sexual orientation or activity, or religion, or race, or gender, or certain behaviors, or mental health, or behavioral health considerations. So there is no doubt important results that come from conducting thoughtful research. But when government entities are facilitating this kind of research, it can run afoul of parents' rights otherwise to guide and control their children's education. So it's necessary that they have clear parameters, clear heads up about when these kinds of surveys are going to be sent out, and a clear understanding of how to exercise their rights for opt-out if the dissemination and collection of sensitive information in this regard as part of these student surveys isn't right for them and their family. And so Senator Murman's measure touches upon each and every one of those areas and was something that we felt we could move forward on in regards from the committee perspective, after hearing about these concerns from a lot of stakeholders all across the state at, again, truly different points on the political spectrum. I am pleased to see this legislation moving forward without a great deal of opposition. But I will also note for the record that essentially the same components, the same policy underpinnings, and many of the same solutions and remedies were equally present in LB31, which received a significant amount of

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opposition. And that incongruence in approach speaks volumes and speaks for itself as to opponents measures in that regard. The last piece that I do want to lift up, because Senator Machae-- my friend Senator Machaela Cavanaugh was talking about this earlier on Senator Hallstrom's bill, and I wanted to wait and put a note down on these education bills instead. I know a lot of us are getting feedback from neighbors and constituents who are concerned about what's happening on either the federal or state level, with a variety of different activities and issues in public life and in our politics. And I know that this chaos can be really overwhelming and hard to sort through. But I also know that citizen advocacy and engagement works, and it's more important than ever amid these points of divisiveness in texo-- toxicity and chaos. Look no further, and I wanted to lift these on these education bills, then the Attorney General's action to undercut longstanding disability rights and challenging LB504. Look no further than this body's attempt to undermine teacher retirement that was hard, hard-fought with the introduction of LB645, the people spoke out in force against both of those measures, and now they've been walked back, clarified, and amended. And that is a testament to advocacy, citizen advocacy and engagement--

ARCH: Time, Senator.

CONRAD: --working on these important educational contacts. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Good almost afternoon, colleagues. I'm probably going to not vote on this one today because I'm not entirely sure where we're at on this, but I did want to stand up and, and comment on the previous bill that just moved forward, because I'm looking at Senator McKinney's bill from 2024, and I noticed that colleagues that were here in 2024 and voted for Senator McKinney's bill did not vote for this bill that we just had. And it's disappointing for a lot of reasons. The debate-- I mean, we've been railed against when we're having substantive debate in this body, when we are bringing up actual concerns of legislation and changes that we think should be made. But then when we have a totally disingenuous, kind of racially charged debate on the last day of Black History Month, no one questions that, that that's disingenuous. Everybody's like, no, that's cool. Those are real concerns. This has nothing to do with the money that has already been appropriated. This has to do with the introducer and the supporters of it. And I found that to be a really horrific display and unfortunate. And I hope that your

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constituents were paying attention to how you treated your colleagues today, because I know I did, and the saying goes, I think it was Maya Angelou, when people show you who they are, believe them. And people showed me who they are today and I believe them. That should have been a non-controversial bill. It shouldn't have taken more than a minute, but we can't let some of our colleagues have anything. We can't let bills out of committee that have the votes to get out of committee because of the introducer. We have to file poll motions. We have to fight for every single inch that we get. And then you, the next year, will stand on the floor and praise that policy. Senator Holdcroft talked about Senator Dungan's bill that was a true labor of love for many of us to get passed, and now it's a shining example of good public policy and taking care of Nebraskans. Maybe have that self-reflection during the debate process and think about what the bill itself is going to accomplish, whose lives it's going to impact, how it's going to make Nebraska better or worse, so that you don't have to have that moment after the fact where it was like, oh, oh my gosh, they were just trying to make people's lives better. I am so disappointed in how people have conducted themselves this morning. I know I'm trying to parse my words carefully, because I don't want to have people say that I'm just, what was that, Senator Lippincott, being virtuous for the sake of being virtuous or calling you a sacrificial goat. The things you say here, I listen. So does Nebraska, so do our fourth graders that come here. The disregard you have for the humanity of others is visible. It is on display. I am tired of this sort of vitriol, but I know that I've got at least, what is it? My math, real fast, fast. 55 days left of this. 55 more days of horrible policy debate based on who the introducers are. Thank you, Mr. President.

ARCH: Senator Lonowski would like to recognize 17 7th and 8th grade students from Christ Lutheran Church in Juniata. They are located in the north balcony. Students, if you would rise and be welcomed by your Nebraska Legislature. Returning to the queue, Senator Juarez, you. You're recognized to speak.

JUAREZ: Thank you everyone. Good morning, including those who are watching us today. I'm sorry that I was absent when this bill was discussed before it came out to the floor. So I have a question. I was trying to take a look at it here and I wondered why-- oh, so I guess Senator Murman, yield to a question, please?

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

MURMAN: Yes.

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JUAREZ: I'm getting a little better. Thank you. OK, so I wondered why in the bill that you want to know about no survey requesting sexual information of a student shall be administered to any student in kindergarten through sixth grade. So why did it just stop at that grade and not include all grades in the survey? Was there a reason for that?

MURMAN: Yes. I, I think the content of the surveys is not appropriate for sixth grade and under. So that's the reason they are excluded in the bill.

JUAREZ: OK. Now obviously my only experience is working with OPS, and so I was on the school board there. And after serving there for three years, I felt really comfortable that when a parent wanted to question what was going on in the classroom, when they didn't want their student to participate in a particular class, I was reassured by administration that that request could be asked and would be honored, and they would find something else for the student to do. And I'm wondering, basically, what was your overall intent with wanting to come forth with this bill?

MURMAN: Yes, my overall intent with the bill was to provide transparency to parents and protect student data.

JUAREZ: OK, so I guess I'm not really grasping that about protection of the student, the student data here. So if, if a student does take a survey, then what did you find where the data's going or how it's being kept? Is that what your concern is, about who has access to that data?

MURMAN: Yes. There's always some question with the data. I mean, we want to protect student data as much as we can. And there is the Federal Protection of Pupil Rights Amendment that was passed almost 50 years ago. And of course, that was before the Internet. So the intent is to protect that data in our modern age of the Internet.

JUAREZ: OK. I'm still going to have to give this bill some thought, but thank you for the answers.

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

M. CAVANAUGH: Thank you, Mr. President. I just wanted to take one more moment to thank my colleagues for reminding me who I am to you, and for reminding me who those in the minority are to you. I appreciate it because I have tried very hard to build relationships with new individuals coming into this body. I tried to have no prejudice about

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where you come from, what your campaign materials said your views were. I want to meet you. I want to get to know you. I want to have a relationship with you. And, and I've tried very hard for that. But I appreciate Senator Sorrentino and Senator Andersen showing me today that that doesn't matter. That they will be vicious for the sake of being vicious. They will go after policies because of who's introduced them. They will ask what are basically completely unrelated questions for the sake of making it harder for the minority, whether it's the minority individual or the minority political party, but to make it harder for the minority to do anything productive in this place. So thank you, because I've been sitting here trying to do my best to stay out of the fray, to let things go that I don't, maybe I don't particularly think are great, but I'm just going to, I don't have to, you know, stand up on everything I can. I can sit down. I can work on my own stuff. I've taken knitting back up. It's going well. Could, I could just do that. But thank you, because I went and got my first motion pad of the session made today, 35. But, gentlemen, Senator Andersen, Senator Sorrentino, Senator Lippincott. Senator Hardin, thank you. Thank you for motivating me to do better by vulnerable people, by getting my motion pads in order and getting myself back at it, fighting for those who don't have a voice in this place. I look forward to next week. Thank you, gentlemen.

ARCH: Seeing no one left in the queue, Senator Murman, you're recognized to close on AM196.

MURMAN: Yes. The amendment was just to shorten the time for parental notification from 30 to 15 days. And I appreciate your green vote on that.

ARCH: Colleagues, the question before the body is the adoption of AM196 to LB428. All those in favor vote aye; all those opposed, vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

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

ARCH: AM196 is adopted. Senator Murman, you're recognized to close on LB428.

MURMAN: Again, I would appreciate your green vote on LB428 to provide transparency to parents and to decision makers for their own children, and also to protect the data of students in our schools. And thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 28, 2025

ARCH: Colleagues, the question before the body is the adop-- is the advancement of LB428 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 34 ayes, 1 nay, Mr. President, on advancement of the bill.

ARCH: LB428 does advance. Mr. Clerk.

CLERK: Items for the record, Mr. President. Your Committee on Transportation and Telecommunications, chaired by Senator Moser, reports LB667 to General File with committee amendments. Your Committee on Health and Human Services, chaired by Senator Hardin, reports LB376 to General File with committee amendments. Amendment to be printed to LB677 from Senator Hansen. New LR, LR58 from Senator Kauth. That will be laid over. Name adds. Senator Sanders' name withdrawn from LB300. Notice that the Executive Board will be holding an executive session upon adjournment in room 2102. Exec Board exec session, 2102 upon adjournment. And finally, Mr. President, Senator Conrad would move to adjourn the body until Monday, March 3, at 10:00 am.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. opposed, nay. We are adjourned.