

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate April 8, 2025

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-seventh day of the One Hundred Ninth, Legislature, First Session. Our chaplain for today is Senator Bosn. Please rise.

BOSN: Colleagues, please pray with me. Gracious God, we come before you seeking your guidance and strength for our nation. We pray for unity, understanding, and compassion among ourselves and our constituents, regardless of background or belief. We thank you for this great nation, which was founded on your word and faith in you. May we set aside our differences and work together for the common good, building a society where justice, peace, and love prevail. Guide our leaders with wisdom and discernment and empower them to serve with integrity and compassion. Please watch over my colleagues in this room and outside this room. May we be a beacon of hope and a testament to your love both within our borders and to the world. In your son's most precious name we pray. Amen.

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

MURMAN: Colleagues, 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.

KELLY: I call to order the fifty-seventh 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.

KELLY: Are there any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

KELLY: Are there any messages, reports, or announcements?

CLERK: There are, Mr. President. Letter from the governor: Engrossed LB7, LB105e, LB143, LB179, LB185, LB195, LB248, LB266, LB294e, LB312, LB325, LB341, LB372, LB478, LB501e, LB527e, LB527Ae, LB529e and LB592 were received in my office on April 3, 2025 and signed on April 7, 2025. These bills were delivered to the Secretary of State on April 7, 2025. Signed Sincerely, Jim Pillen, Governor. Additionally, your Committee on Judiciary, chaired by Senator Bosn, reports LB80, LB383 to General File, both having committee amendments. Your Committee on Revenue, chaired by Senator von Gillern, reports LB170 and LB566 to

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General File, LB566 having committee amendments. Letter from the governor concerning an appointment to the Nebraska Tourism Commission for District 6. Notice of committee hearing from the Education Committee. A new A bill, LB613A, introduced by Senator Andersen. It's a bill for an act relating to appropriations; appropriates funds to aid in carrying out the provisions of the LB613. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Meyer would like to recognize the physician of the day, Dr. Dave Hoelting of Pender. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk, please proceed to the first item on the agenda.

CLERK: Mr. President, first item on the agenda, the Health and Human Services Committee reports favorably on the gubernatorial appointments of 4 individuals to the Nebraska Rural Health Advisory Commission: Jeffrey D. Harrison, Rebecca Schroeder, Roger Wells, and Diva Wilson.

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

HARDIN: Thank you, Mr. President. The Health and Human Services Committee is reporting Jeffrey Harrison for the confirmation by the Legislature to the Nebraska Rural Health Advisory Commission. Dr. Harrison practices as a physician at UNMC where he obtained his MD. Also, he has been a residency program director and an investigator for the Winnebago Comprehensive Health System and has been involved with the Nebraska Area Health Education Centers. Dr. Harrison is currently serving on the Nebraska Rural Health Advisory Commission. I would ask for your green vote to approve the reappointment of Dr. Jeffrey Harrison to the Nebraska Rural Health Advisory Commission. Rebecca Schroeder. The Health and Human Services Committee is reporting Rebecca Schroeder for confirmation by the Legislature to the Nebraska Rural Health Advisory Commission. Ms. Schroeder is a practicing psychologist in Curtis, Nebraska. She obtained her BA in psychology at the University of Minnesota at Moorhead and PhD in clinical psychology from the University of Nevada, Reno. In addition, she's been practicing psychology in rural areas since the late 1980s and promotes behavioral health services in rural areas. I would ask for your green vote to approve the reappointment of Rebecca Schroeder to the Nebraska Rural Health Advisory Commission. Also Roger Wells. The Health and Human Services Committee is reporting Roger Wells for confirmation by the Legislature to the Nebraska Rural Health Advisory Commission. Mr. Wells has served on this Commission since 2003. Currently, he is practicing as a primary care physician assistant at the Lexington Regional Health Center and also works in a rural health clinic in Bertrand, Nebraska.

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Mr. Wells obtained a Bachelor of Science Physician Assistant degree with primary care and surgery certifications from UNMC in 1987. He has also served on the National Commission on Rural Health and Human Services, and currently serves on the National Rural Health Association's Clinical Constituent Committee and Board of Directors and the National Association of Rural Health Clinics Policy Committee. I'd ask for your green vote for the approval and reappointment of Roger Wells to the Nebraska Rural Health Advisory Commission. Lastly, Diva Wilson. The Health and Human Services Committee is reporting Diva Wilson for confirmation by the Legislature to the Nebraska Rural Health Advisory Commission. Diva Wilson is a family medicine physician at CHI Health, Valley View Family Health Center, and faculty member for the Creighton University School of Medicine, Family, and Community Medicine Residency Program. She's heavily involved in promoting medical student and resident physician interest in full scope medical practice, as well as health equity for Nebraska rural populations. I would ask for your green vote to approve Diva Willson to the Nebraska Rural Health Advisory Commission. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. And I rise in support of these nominees. I had a chance to just do some initial research in preparation for our debate and deliberation today. And they all looked like very caring, very competent, very dedicated public health professionals that bring a lot of passion and expertise to their work on this important body. I did not, however, have an opportunity to watch each of the confirmation reports. And so I was hoping that, or confirmation hearings, so I was hoping perhaps that my friend Senator Hardin, as chair of the committee, might, might yield to some questions.

KELLY: Senator Hardin, would you yield to some questions?

HARDIN: To the best of my ability.

CONRAD: Isn't that the truth for each of us each day. Thank you, Senator Hardin. I was just wondering, since we hear frequently about some of the most pressing issues in terms of rural health being things related to senior care, things related to maternal health deserts, things related to behavioral health access, things of these, these, these kinds of issues, were those topics part of the discussion at the committee level for the work of, of this board or for the perspective of these nominees?

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HARDIN: They were front and center and really each one of these folks not only serves in those areas but is quite experienced. They either grew up there, served there, have served there for a long time or all of the above. And so we really did feel good about them. By comparison, I was on a lobbying phone call yesterday about something related to the rural health desert just yesterday, and it involved lobbyists from around the country. Of course, I asked everyone on that call to raise their hands who had been in rural Nebraska. And, of course, no one raised their hand, which, you know, made me roll my eyes till I saw my brain. And so none of these people would fall into that category. They're very much at home and being very concerned about that, that population.

CONRAD: Very good. Thank you, Senator Hardin. And I think that, that concludes the, the question that I had in regards to deliberations at the committee level. But I also wanted to just make a, a clear point for the record. There continues to be a significant amount of public discussion about things that have been termed diversity, equity, and inclusion initiatives. And while these can definitely generate headlines and strong feelings, people most frequently think about diversity, equity, and inclusion initiatives in regards to gender, or sexual orientation, or racial justice. But I think it's also important to know while diversity, equity, inclusion, and measures can help to ensure more thoughtfulness in terms of our approach to eradicating historical and present considerations and issues with gender discrimination, sexual orientation discrimination or racial discrimination that in fact diversity, equity, and inclusion initiatives also frequently include things like elevating particular needs and concerns of rural areas, along with disability rights, along with the special plight of veterans or active military members. So I think it's important that when we think about and talk about DEI issues in relation to these particular nominations and appointments and other issues that are pending before the Legislature this year that we remember diversity, equity, and inclusion initiatives help to make us stronger and include important opportunities to elevate unique communities like rural communities as well. Thank you, Mr. President.

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

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

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

CLERK: Mr. President, the Health and Human Services Committee report favorably on the gubernatorial appointments to the State Board of Health for Mark Bertch, J. Paul Cook, Staci Hubert, Patricia Kucera, Brett Lindau, Kimberly Stuhmer, and Kenneth Tusha.

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

HARDIN: Thank you, Mr. President. The Health and Human Services Committee is reporting Mark Bertch for confirmation by the Legislature to the Nebraska State Board of Health. Mr. Bertch is a physical therapist and clinical laboratory educator. He currently works as a physical therapist at CommonSpirit Health Catholic Health Initiative and is a clinical laboratory educator at Creighton University Department of Physical Therapy and also-- has also worked at Horizon Rehabilitation Centers. Mr. Bertch obtained a Bachelor of Science in Nutrition Science at the University of Nebraska-Lincoln, a Doctor of Physical Therapy from Creighton University, and a Certificate in Orthopedic Manual Physical Therapy from Regis University in Denver, Colorado. I'd ask for your green vote to approve Mark Bertch to the Nebraska State Board of Health. We also have J. Paul Cook. Health and Human Services Committee is reporting Dr. J. Paul Cook for confirmation by the Legislature to the Nebraska State Board of Health. Dr. Cook currently practices as a family physician-- family medicine at Legacy. He obtained his MD at the Nebraska College of Medicine and is a current Board of Health member. I would ask for your green vote to approve the reappointment of Dr. Cook to the Nebraska State Board of health. Staci Hubert. Health and Human Services Committee is reporting Staci Hubert for confirmation by the Legislature to the Nebraska State Board of Health. Ms. Hubert graduated in 1994 from the University of Nebraska College of Pharmacy with a doctorate in pharmacy after attending undergrad at the University of Nebraska-Lincoln. She has worked at the Ashland Pharmacy and presently manages a group of 62 independent pharmacies across the state. She has served on several committees which include UNMC College of Pharmacy Alumni Board, Ashland Chamber of Commerce, and Saunders County Board, and currently serves on Community Pharmacy Enhanced Services Network Purchaser, Payer, and Partner Committee, Nebraska Medical Advisory Committee, and Nebraska Total Care Provider Advisory Committee. I would ask for your green vote to approve Staci Hubert to the Nebraska State Board of Health. Health and Human Services Committee is reporting Patricia Kucera for confirmation by the Legislature to the Nebraska State Board of Health. Patricia Kucera has been an adjunct professor at Creighton University College of Nursing

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since 2021. She has a passion for nursing that started years ago working as a nurse's aide at the Douglas County Health Center. She has obtained her LPN and RN and has worked at a manual medical center in their psychiatric intensive care unit and their post-op rehab unit. In addition, she initiated and published a research project relating to an acuity tool on a psychiatric intensive care unit. I would ask for your green vote to approve Patricia Kucera to the Nebraska State Board of Health. Brett Lindau. The Health and Human Services Committee is reporting Dr. Brett Lindau for confirmation by the Legislature to the Nebraska State Board of Health. Dr. Lindau is currently an osteopathic physician practicing in Broken Bow, Nebraska. He graduated from the Chicago College of Osteopathic Medicine in 2009 and completed his residency in 2012 at the North Colorado Family Medicine Residency in Greeley, Colorado. He's board certified in family medicine with the American Board of Family Medicine and works in a privately owned clinic as well as a local critical access hospital. I'd ask for your green vote to approve Dr. Brett Lindau to the Nebraska State Board of Health. Kimberly Stuhmer. Health and Human Services Committee is reporting Kimberly Stuhmer for confirmation by the Legislature to the Nebraska State Board of Health. Ms. Stuhmer is a registered nurse and a massage therapy student who has strong interests in rural health care. She has worked at Valley County Health Systems, Memorial Community Health, and Merrick Medical Center. She's attended Southeast Community College and the Lincoln Academy of Massage and Bodywork. I would ask for your green vote to approve Kimberly Stuhmer to the Nebraska State Board of Health. Kenneth R. Tusha. Health and Human Services Committee is reporting Kenneth R. Tusha, DDS, for confirmation by the Legislature to the Nebraska State Board of Health. Kenneth Tusha graduated from the University of Nebraska Omaha with a Bachelor of Science in Biology in 1978 and from the University of Nebraska Medical Center College of Dentistry with a DDS in 1982. He currently has dental practices in Verdigre and Bloomfield in Nebraska and contracts with the South Dakota Department of Health, Mike Durfee State Prison. Mr. Tusha is also a member of the American Dental Association in which he served in numerous district and state leadership positions and has mentored several dental students in their rural rotations. I'd ask for your green vote to approve Kenneth Tusha to the Nebraska State Board of Health. Thank you, Mr. President.

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

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

KELLY: Committee report is adopted. Mr. Clerk.

CLERK: Mr. President, the Health and Human Services Committee report favorably on the gubernatorial appointment of Drew Gonshorowski to the Health Information Technology Board.

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

HARDIN: Thank you, Mr. President. Health and Human Services Committee is reporting Drew Gonshorowski, DHHS Medicaid and Long-Term Care Director, for confirmation by the Legislature for the Health Information Technology Board. Director Gonshorowski's career has focused on elevating health care and benefit programs. He earned his Bachelor of Science in Economics from Hillsdale College and his Master of Science in Economics from Suffolk University. He began his career at the Heritage Foundation Center for data analysis where he developed economic models to evaluate the impact of legislation on government programs. Subsequently, he joined the Paragon Health Institute, a think tank focused on health care policy. In addition, he presented testimony on Medicaid policy in several states and provided technical feedback on state-contracted actuarial reports. I believe Director Gonshorowski's education and work experience will be a huge asset to the Health Information Technology Board. I would ask for your green vote to approve Drew Gonshorowski to the HIT Board. Thank you, Mr. President.

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

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

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

CLERK: Mr. President, the Health and Human Services Committee would report favorably on several appointments to the Commission for the Deaf and Hard of Hearing: Kay Crabtree, John Culver, Valerie Hitz, Richard McCowin, and Julie Ann Mruz.

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

HARDIN: Thank you, Mr. President. The Health and Human Services Committee is reporting Kay Crabtree for confirmation by the Legislature to the Nebraska Commission of the Deaf and Hard of Hearing. While working as a registered nurse in an acute setting, she began to lose her own hearing at the age of 28. Through the use of assistive technology from the University of Nebraska Kearney, and the University of Nebraska-Lincoln, she completed her PhD in biomedical sciences. Ms. Crabtree currently serves as a professor at Bryan College of Health Sciences. On this Commission, her focus will be in improving access to education and workforce opportunities for the deaf and hard of hearing, as well as advocating for accessible health care. I would ask for your green vote to approve Kay Crabtree to the Nebraska Commission of the Deaf and Hard of Hearing. John Culver. Health and Human Services Committee is reporting John Culver for confirmation by the Legislature to the Nebraska Commission of the Deaf and Hard of Hearing. Mr. Culver has endured hearing loss for the past 50 years. During this time, he has finished up 2 terms as a county commissioner. In addition, he has chaired the Blue Valley Community Action Executive Board, Seward County 911 Board, and the Seward/Saline Solid Waste Management Board, as well as overseeing several county elected officials and county department heads also. He has served on the Seward/York County Local Emergency Planning Board. I would ask for your green vote to approve John Culver to the Nebraska Commission for the Deaf and Hard of Hearing. Valerie Hitz. Health and Human Services Committee is reporting Valerie Hitz for confirmation by the Legislature to the Nebraska Commission for the Deaf and Hard of Hearing. Ms. Hitz is the current vice chairperson of the Nebraska Commission for the Deaf and Hard of Hearing. She's deeply committed to providing support for the deaf and hard of hearing community for equality, access, and empowerment, and to have a meaningful impact on this community. I'd ask for your green vote to approve Valerie Hitz for reappointment to the Nebraska Commission for the Deaf and Hard of Hearing. Richard McCowin. The Health and Human Services Committee is reporting Richard McCowin for confirmation by the Legislature to the Nebraska Commission for the Deaf and Hard of Hearing. Mr. McCowin graduated from the now closed Nebraska School for the Deaf in Omaha from the Gallaudet University in Washington D.C. and University of Nebraska at Omaha. In addition, he has served on the Nebraska Commission for the Deaf and Hard of Hearing as the commissioner from 1990 to 1997, as well as the member of the Omaha Mayor's Commission for Citizens with Disabilities in 1995. Also, he served as member and vice president of the Board of Directors for the National Association of the Deaf in Silver Spring, Maryland, and served on the National Task Force for the Deaf and Hard of Hearing Postal Workers with the U.S. Postal Services and American Postal Workers Union

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in Washington, D.C. I would ask for your green vote to approve Richard McCowin to the Nebraska Commission for the Deaf and Hard of Hearing. Julie Ann Mruz. The Health and Human Services Committee is reporting Julie Ann Mruz for confirmation by the Legislature to the Nebraska Commission for the Deaf and Hard of Hearing. Ms. Mruz has struggled with various ear infections and inner ear conditions as an infant and grade schooler, leading to many surgeries. Hearing loss still remained after surgery while in postgraduate school. Through the use of a bone-anchored hearing aid, she has regained some of her hearing. Julie Ann Mruz brings a unique perspective through her hearing challenges and would be a benefit to this Commission. I would ask for your green vote to approve her to the Nebraska Commission for the Deaf and Hard of Hearing. Thank you, Mr. President.

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

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

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

CLERK: Mr. President, the Business and Labor Committee would report favorably on the appointment of Katie Thurber as Commissioner of the Department of Labor.

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

KAUTH: Thank you, Mr. President. Katie's confirmation hearing was heard March 25, 2025 in front of Business and Labor. She was voted out of committee with a 6-0 vote with 1 present, not voting. Katie grew up in Gearing and earned her bachelor's degree in mathematics from Birmingham Southern College. She then returned to Nebraska and earned her JD at the University of Nebraska College of Law. After a couple years in private practice in Scottsbluff, Katie joined the Department of Labor in 2012 as an administrative hearing officer. She would soon be promoted to legal counsel. Further promotions came quickly for Katie, and in 2017 she was named general counsel and became deputy commissioner of operations in 2023. At the end of 2024, when Commissioner John Albin retired after 35 years of service to Nebraska, Governor Pillen appointed Katie as the Acting Commissioner of the Department of Labor. She's been acting in this capacity ever since. At

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her confirmation hearing, Katie emphasized the department's need to quickly adjust and respond to ever-shifting federal changes, as 98% of the department funding comes from the federal government. In order to maximize access to that funding, the department must modernize. Katie's been working tirelessly to implement Governor Pillen's vision for a modern department. As a part of that vision, Katie and the department brought forth several bills aimed at removing outdated programs and regulations. She also brought bills to allow the department greater flexibility in administration, unemployment, and meeting workforce needs. Katie stated her top goal is implementing Governor Pillen's vision of an impactful approach to workforce development for the entire state. This will require regional collaboration to develop workforce solutions, and then collaboration between regional governments, businesses, and educational institutions. A key component of this is a focus on apprenticeship opportunities and workforce training. Katie and her team at the department are dedicated in providing new economic opportunities to all parts of Nebraska, while also protecting those who are struggling with unemployment. The Business and Labor Committee believe Katie is the correct woman to lead the Department of Labor. We, therefore, ask for you all to vote to confirm Katie Thurber as Commissioner of Labor. Thank you.

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

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

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

CLERK: Mr. President, the Natural Resources Committee would report favorably on the gubernatorial appointment of Lisa Roskens to the Game and Parks Commission.

KELLY: Senator Moser, I'm told you'll be the-- opening for the committee.

MOSER: Good morning, colleagues. Thank you, Mr. President. Colleagues, the Natural Resources Committee recommends the confirmation of Lisa Roskens to the Nebraska Game and Parks Commission for a term of February 13, 2025 to January 15, 2029. The Commission was created by the Legislature in 1929 and gave it the sole charge of state parks, game, fish, recreation grounds, and all things thereto. Under Section

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37-101, a Game and Parks commissioner must be a legal resident and citizen of Nebraska, and must be well-informed and interested in matters under the jurisdiction of the Commission. At least 3 of the members of the Commission must be actually engaged in ag pursuits, and no more than 5 of its members shall be affiliated with the same political party. Ms. Roskens appeared in person before the Natural Resources Committee March 20, 2025. She's an attorney and is CEO of Burlington Capital and a registered independent. She's traveled the world and experienced outdoor resources in many countries. She expressed a lifelong love for and interest in Nebraska parks and outdoor recreation opportunities. The Natural Resources Committee voted unanimously to advance Ms. Roskens name to this body for confirmation and I'd ask for your green vote. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President and again good morning, colleagues. I rise in support of this well-qualified and passionate nominee to serve as a commissioner to the Nebraska Game and Parks. I know that we had an opportunity to speak amongst ourselves as committee members as we were deliberating upon this outstanding nominee and Ms. Roskens really caught our attention with her knowledge and passion and dedication and creativity. As members well know, we have significant assets and treasures that are a huge part of our game and park system, our great state parks that provide incredible outdoor recreational opportunities for fishing, for camping, for hiking, for any number of important outdoor activities that Nebraskans enjoy. But we've also seen a decline in terms of state support for game and parks over many years and an ever greater reliance upon things like revenues generated from fees on fishing permits and hunting permits and park permits and we will really need to grapple with that with a proposal that we have before the session-- the body this session that looks at providing greater latitude to Game and Parks commissioners to increase fees for these opportunities in light of the fact that we know these are special assets we need to protect and invest in. We know that not only is-- does the game and park system provide great opportunities for Nebraskans, but we know that this is also a critical piece of our tourism industry and revenue generating. But we do need to be thoughtful and watchful that we don't price access to our great game and parks system or outdoor activities really out of reach of those who live on fixed income, like seniors or low-income families. And as we see an ever-increasing reliance upon fees, I think we need to take stock of that. And I think that we need to tread very lightly and carefully in terms of our upcoming budget deliberations to ensure that

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agencies like Game and Parks have the resources that they need to maintain and expand these great state treasures, and I think that we really need to make sure our commissioners like Ms. Roskens will be thoughtful about the significant responsibility that comes with the ability to increase fees and which may hinder access. I know that at the committee level, during her confirmation hearing, she also was brainstorming very adeptly about different ideas that she has utilized through her philanthropic endeavors to try and figure out creative sponsorships or other public-private partnerships that can help to maintain and expand the offerings in our game and park system without an overreliance on, on fees, particularly for Nebraska residents. So I think that kind of innovation and creativity will be needed at this agency now more than ever, and it's my pleasure to be a strong supporter of Ms. Roskens to serve in this important role. Thank you, Mr. President.

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

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

KELLY: Committee report is adopted. Mr. Clerk, next item.

CLERK: Mr. President, the Government, Military and Veterans Affairs Committee would report favorably on 7 appointments to the Nebraska Tourism Commission.

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

SANDERS: Thank you, Mr. President. On March 22-- 26, the Government Committee held its hearing on the governor's appointment of 7 people to the Nebraska Tourism Commission, 5 of these appointments are new, 2 are returning members of the Commission. David Wolf, new appointment, a UNL graduate, now located in the Panhandle, spent 8 years on the NRD's state education committee. He also served on his local county tourism board, and he is currently a member of the Nebraska Museum Association Board of Directors. David Fudge is a former director of the Nebraskaland Days. He is a 2-time former president of the Nebraska Travel Association and has a deep background in business and marketing. Paul Younes is the President of Younes Hospitality and he owns 15

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hotels. He is a longtime member of the Buffalo County Visitors Bureau and the UNK Foundation. He has previously been involved in the chamber. Courtney Dentlinger has a lot of experience in local economic development in the Norfolk area. That experience led her to serving as the former director of our Nebraska Department of Economic Development. She currently works for NPPD. Rachel Kreikemeier is a lifelong Nebraskan, originally from Alma, Nebraska. After a number of years working for Southwest Community College in Beatrice, she now leads the NG promoting economic development in Gage County. The reappointments: Robert Sabin runs Hilton, Omaha, Nebraska's largest hotel. He has more than 30 years of experience in the hospitality and tourism industry. He has been in-- he has been chair of the Nebraska Tourism Commission for the last 2 years. Finally, Roger Kuhn is an assistant director of the Nebraska Game and Parks Commission. He served as the parks project superintendent at Game and Parks for over 20 years. He has a deep understanding of our parks and how they have been improved in recent years. These men and women are tremendously experienced and have passion for the Tourist [SIC] Commission. 7, 7 voted-- 7 committee members were voted out of committee 8-0. Please vote green on these appointments and the reappointments. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I punched in to talk about these many appointments. And so this is the, you know, the new system where we put them all together and it was a unanimous vote on all of them, and they're all great. I appreciate Senator Sanders' introduction of the folks and thought I would just take a minute to express my appreciation of all these folks' willingness to serve. And, you know, some of the highlights, obviously, all of us know-- I think all of us were-- most everybody here was at the [INAUDIBLE] Council at the beginning of the year or the beginning of the session at the Younes Center in Kearney. And Paul Younes is one of the appointees here and done just a tremendous job in the economic development and, and tourism work building those hotels there and, you know, continues to grow his tourism business in the state. I think on his application, it said he had 16 hotels and by the time he'd testified in front of us, it was something like 18 or something along those lines. So just even in the time that he had applied to be appointed to the Tourism Commission, that he's continued to grow his investment in tourism in the state of Nebraska. And anybody who's watching that maybe hasn't been there should really go check out Kearney. Obviously, there's a great number of things. We had-- they had a great mayor for a long time who-- I don't know who's in charge there

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now, but their mayor has joined us here. But this is a great time of year to go see those, the cranes, probably getting a little late, but you can go stay at the hotel at the Younes Center there and go see the cranes in Kearney. And then we had Mr. Fudge, who had previously been on the tourism council, and they put out a, a computerized card that everybody here got my first year, and it's him talking about all the different things that were going on in the state of Nebraska that you could visit, and it's got a little plug in it so you can recharge it, but it's really kind of a neat thing, and I had not put the connection together until he was testifying that I heard him say his name a million times because my kids love this thing. They open it up and it says, you know, hi, I'm David Fudge and I'm the president, and all these things and then he talks for about 5 minutes and then my kids close it and they reopen it and so I have-- I ordered online a plug so I could recharge it and I've been recharging it and told him that they-- he was a celebrity in my house for that reason. So I didn't have really any thought of who he was until he came but he's obviously an innovator, done a great job, and my kids think he's a celebrity. And my wife after that hearing I told her that I had done that, and she was not happy that I had gone to such great lengths to continue to recharge the thing because she thought maybe it was something that should not still be in our house. So my kids really still enjoy it, and I keep charging it. But, anyway, 2 of the great appointees there. I, you know, could go on, but I think I'm going to run out of time here, and probably don't need to push my light again to talk about all these folks. But, you know, investing in the future of tourism in the state is really important to bring in more dollars as we focus on things like the good life districts that we've talked about, that we're trying to get folks into communities that are not just Omaha metro area, and Lincoln. And so Kearney is a great example, but having folks from across the state serving on this and people who have really done some really innovative things. The gentleman from Scottsbluff talked, there was a great conversation, I wish Senator Guereca was here, he had a great conversation about the museum they have there and his favorite exhibit. So it's really a, a, a great group of folks who are very passionate about this, we're lucky, we have a lot of these boards we've gone through today and it does seem a little monotonous when we're talking about them, but we-- to have so many, such a collection of great appointees for the tourism board, I think we're really lucky and we should be happy about that, so I encourage your green vote on the committee recommendation. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Sanders, you're recognized and waive closing. Members, the

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question is the adoption of the committee report from Government, Military, and Veterans Affairs. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: The committee report is adopted. Senator Meyer would like to announce some guests seated in the north balcony. They are 69 fourth graders from Cardinal Elementary in South Sioux City. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk, next item on the agenda.

CLERK: Mr. President, the General Affairs Committee would report favorably on 4 appointments to the Nebraska Arts Council: Karen Harris, Julie Jacobson, Clark Kolterman, and Jeanne Salerno.

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

HOLDCROFT: Thank you, Mr. President. Good morning, colleagues. I rise today to present for your approval 4 gubernatorial appointments to the Nebraska Arts Council. The Nebraska Arts Council was established in 1974 to promote, cultivate, and sustain the arts for the people of Nebraska. The Council is made up of 15 board members who are appointed by the governor to serve a 3-year term. The General Affairs Committee held confirmation hearings on March 17, and all appointees were voted out of committee unanimously. The first appointee is Karen Harris. Ms. Harris is seeking a reappointment. She is from York, Nebraska, and a supporter of the arts, having served on Friends of the Lied and Lied Advisory Board. She has enjoyed her time on the Arts Council and reinforced her belief that the arts are, in many forms, bringing people together to, to experience, enjoy, and enhance life. The second appointee is Jeanne Salerno. Ms. Salerno is also a reappointment to the Nebraska Arts Council. She grew up in Cozad and currently lives in Omaha and works as a part-time administrator for Kutak as the unofficial curator for the firm's extensive contemporary art collection. She is currently serving on the Museum of Nebraska Art and Gallery 1516 Board of Directors. The third appointee is Clark Kolterman. Mr. Kolterman, Mr. Kolterman is a new appointee to the Council. He is recently retire-- he is a recently retired teacher at Seward High School and was involved with many of the arts activities in the school, including 1-act plays and coach of the speech, quiz bowl, and academic decathlon teams. Mr. Kolterman serves as a member of the Seward Arts Council, having been president for the last 40 years. He

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also chairs the Seward's Mayor Art Awards Committee, along with many other arts activities at the local level. And, finally, the last appointee is Julie Jacobson. Ms. Jacobson from North Platte, Nebraska, earned her bachelor's degree from the University of Nebraska in biochemistry and nutrition. Ms. Jacobson, a former research chemist for the Department of Agriculture is now the Director of M.B. Jacobson Farms, LLC. Ms. Jacobson, who plays the bassoon, has an extensive list of state and local volunteer services and has received multiple awards in recognition of her community service. At the state level, she serves on the Board of the UNL Family, Youth, and Community Partners, the UNL's President's Advisory Council, the Shelton Art Association Board of Trustees, various committees and boards of the University of Nebraska Foundation, and the Nebraskaland Foundation Board. At the local level, she has served on the Board of Directors for the Art Study League of North Platte, the North Platte Concert Association, the Lincoln Children's Museum, and the Lincoln Symphony Guild. She currently serves on the Heartland Singers Board of Directors, the Sandhills Symphony Board-- and the Sandhills Symphony Board of Directors. Ms. Jacobson is a supporter of the Nebraska Cultural Endowment, the Lied Center for Performing Arts, the Nebraska Humanities Council, the Nebraska Agriculture Leadership Council, and the National Assembly of State Arts Agencies. Ms. Jacobson is seeking Nebraska Arts Council appointment under a third governor, having been appointed by Governor Heineman, serving from 2005 to 2011, and Governor Ricketts, serving from 2015 to 2017. Just one black mark on Ms. Jacobson's resume is that she is married to Senator Mike Jacobson, which raises issues about judgment. But other than that, she is an excellent candidate, and I encourage your green vote on all 4 of our nominees. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President, and good morning, colleagues. I'm sure each of the nominees that are presented from the General Affairs Committee for the Arts Council are passionate and talented, and I'm grateful for their willingness to serve our state in this regard. I do want to talk specifically about two nominees. One, Mr. Clark Kolterman is a well-known presence in my home district, LD 24, which, of course, Senator Hughes so adeptly represents today. And I had the opportunity to get to know Mr. Kolterman and his family very closely. I grew up with his children and had an opportunity to see firsthand the passion and enthusiasm that Mr. Kolterman brings to all of his endeavors, whether that's in the classroom, philanthropic work, or as a community builder. I think Mr. Kolterman, in addition to his passion and

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dedication for the arts and education, is also perhaps best known within the Seward community or even statewide for his considerable leadership over many decades in really being the public face and driving force behind Nebraska or Seward's really special Fourth of July celebration with designation as the, the Fourth of July City. I can tell you that even if you have an opportunity to spend just a few minutes with Mr. Kolterman you will be inspired by the enthusiasm that he brings to, to all of his work. So I think he will be an excellent ambassador for the Nebraska Arts Council and really bring a considerable background in a variety of different areas to that platform. Additionally, I wanted to give a special shout out to Julie Jacobson. And I see Senator-- my friend Senator Jacobson is in the queue today as well, so I'm imagining he is, is prepared to do the same. But, you know, we are welcoming a lot of new members this year to our body, and I think in addition to having the opportunity to get to know each other and find areas where we can work together to advance our shared goals, we also have the opportunity through this really unique aspect of, of service to get to know each other's families and that provides, I think, a considerable amount of enrichment to our service. And as part of Senator Jacobson's service in the Legislature, we have all had the opportunity to get to know Julie better as well. In addition to her passion for the arts and incredible skills as an artist, we know that Julie is very devoted to public service, to family, to community building, and I think she will make an excellent addition to this important, this important commission as well. So while service together is unique and special in it, it, it allows each of us to get to know each other better and to work together on important issues. We also don't serve alone. We serve with our spouses, with our children, with our experiences. And having the chance to get to know each other's families helps to make the politics more personal and it helps to really provide a family atmosphere, as we're working in very arduous conditions sometimes and very challenging or controversial issues. But when we get to know each other and each other's families, it's humanizing. It builds relationships, and it's important to our work. Those are key ingredients to the formulation of good public policy. And having the chance to get to know Julie has really been a special opportunity, I know, for me and others. And, and I'm really glad that she stepped forward in this capacity. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Will, colleagues, I also rise in support of the General Affairs Committee report on the group of

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folks being appointed to the Arts Council. And I think it is-- this is obviously a, a tremendously important group, the Arts Council. We had a, a great hearing in Government this year on Senator von Gillern's bill, that we had a huge amount of people from the art community came and testified about how important an aspect of that bill was to them and all of the great things that, that art brings to our community. And so I think it is really important that we focus on investing in the arts. And I think it's important, I know there's a bill out there that I've opposed previously that would take away our ability to oversee the appointment of the Arts Council. And I think, obviously, we should not erode our power in the Legislature to engage in oversight and the Arts Council is, I know, one that people think you know sort of a, a fun thing. You know, arts are supposed to be inspiring and enjoyable and, and things like that. But it's, you know, it's not roads, of course, and it's-- there's not a huge amount of money necessarily involved but there is certainly money involved and the Arts Council does have something to do with the arts and entertainment districts and giving out grants. And so there is money that-- the state's money that the Arts Council gives up. So I think it's really important that we continue to maintain our role in the appointments of the Arts Council. That said, this group of folks are really-- is, is a great group of folks. Obviously, Julie Jacobson, we all, most everybody around here has had the opportunity to get to know her, not just through the hearing process, but on a personal level and her passion for these things is clear and her dedication to the arts. And I will just say during the hearing, Senator Holdcroft brought up the bassoon. I did ask her, because I didn't know what a bassoon was. So I was educated on that, about a bassoon, and so I appreciate that opportunity. And then Ms. Salerno was at the hearing and she talked about a lot of her different things she was involved in, but as Senator Holdcroft pointed out, she curates the art collection at the Kutak building, which is the Omaha building in downtown Omaha. It is a beautiful building on, I believe it's on the corner of 17th and Farnam. I think that's right, 17th and Farnam, northeast corner. And if you have an opportunity to go and see the building, it is, it is a really pretty building. And I've, I've been in there, I didn't know how extensive this art collection was, so I'm going to have to go back and get the tour. But-- and her continued work, if you look at her resume of all the things that Senator Holdcroft pointed out, include working on the, the Museum of Nebraska Art, which I think is in Kearney, and then Gallery 1516, which is on 15th and St. Mary's or Leavenworth in downtown Omaha. And I had my opportunity to go to the Gallery 1516 when they had an art exhibit about the crane migration, so brought in from the museum in Nebraska, had an exhibit there. So it's this cross-- you know, integrating or

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cross pollination of arts and opportunities for people from across communities and bringing us together that I think is really important. And so we have a really great group of folks. Mr. Kolterman, I didn't get a chance to see him, but sounds like he's got a, a great footprint in the Seward community. And I feel like that name is familiar, Koltermen from Seward, reminds me of something. But, anyway. So I encourage your green vote on the General Affairs Committee report on the Nebraska Arts Council. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator McKinney has some guests in the north balcony he'd like to recognize, they are from the Women's Fund of Omaha, Circles Leadership Group. Please stand and be recognized by the Nebraska Legislature. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. I do want to acknowledge that, as has been pointed out, that Julie Jacobson is my wife, and because of that, I will be present, not voting on the vote. I do want to thank Senator Cavanaugh and Senator Conrad for the kind words. And I also want to make one thing very clear, Senator Holdcroft, that it's, it's well known through that committee process that my wife plays the bassoon. Now that she plays the bassoon, that doesn't mean she's married to a buffoon. She plays the bassoon, so let's make that clear. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. President. Senator Jacobson stole my thunder. But I do want to stand up and, in general, express my appreciation for all those individuals who volunteer to serve on councils or commissions, but particularly to recognize the amazing bride of Senator Jacobson. I've known Julie for over 40 years. I'm well aware of her passion and commitment and appreciate her willingness to continue to serve. When approved, she will have served under 3 governors and just thank her for that commitment. Thank you.

KELLY: Thank you, Senator Hallstrom. Senator Rountree, you're recognized to speak.

ROUNTREE: Good morning, thank you, Mr. President. Good morning, colleagues, and good morning to all those that are with us online this morning. I just rise very quickly to express my support for all the confirmations this morning. I was in the committee hearing, and one of the things that I found that very, very refreshing, not so much as how

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qualified each one of these nominees were, but when they began to speak, how much they drew out of each one of us. We all expressed what musical talents we had, what kind of artistic talents that we had. And it was just a great, refreshing hearing. So I know that the nominees, when confirmed, are going to do a great job working on the Council and helping everyone to come to the table to enjoy the artistry that Nebraska has. Thank you so much, Mr. President. And I yield back the rest of my time.

KELLY: Thank you, Senator Rountree. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. I just wanted to rise quickly as well. I have the fortunate-- I'm fortunate that 2 of these folks are from District 24. Karen Harris is a citizen of York and has been incredibly involved in many, many aspects of volunteerism and service to the community. And, and I know that she will-- and, and she's currently on the Lied Board entertaining-- the Art Center here in, in Lincoln. And I know we'll continue that passion with this. Another one is Clark Kolterman that was mentioned, and that is actually the twin of the ex--old Senator Mark Kolterman, so my predecessor. Clark is an amazing individual around Seward. He taught Seward speech and was very involved in the 1-act program there. The neatest thing about Clark Kolterman, I thought-- I was on school board at the time and had kids in high school. So Seward would do a 1-act play every fall and there, there would be so many kids that tried out that Clark would make sure that every kid got a part in something. So there-- one year he had 3 plays going on. Only one was the competitive play for the 1-acts but he had 2 others so that everybody would get a chance to participate in the arts. And he is the best at drawing kids out and getting kids involved. Kids that you might not, you know, kind of off to the side, but he'll pull them in and, and get them into something and he just has a true gift at that. And so this just continues down that path. I was on the treadmill the other-- like a week ago and the Sunday morning before church, the Sunday Morning CBS News did a whole story on the arts and how it's good for our bodies, our mental health, physical health. And so this is a continuation of that. And then as everybody said, we-- I have just gotten to know Julie Jacobson since starting here. And I don't know if people know this, but she's a very gifted artist as well. So I'm happy she's on this board and is volunteering her time there, so. Thank you, Mr. President.

KELLY: Thank you, Senator Hughes. Seeing no one else in the queue, Senator Holdcroft, you're recognized and waive closing. Members, the question is the adoption of the committee report from the General

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Affairs Committee. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays on adoption of the committee report, Mr. President.

KELLY: The committee report is adopted. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR95, LR99, LR100, and LR101. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB246, LB257, LB258, LB646, LB380, LB323, LB192 to Select File, some having E&R amendments. Additionally, your Committee on Enrollment and Review reports LB97, LB113, LB326, LB390 as correctly engrossed and placed on Final Reading. Motions to be printed from Senator von Gillern to LB650. Amendments to be printed from Senator Prokop to LB36, Senator Hansen to LB677, Senator Hansen to LB677 as well. New A bill, LB391A, introduced by Senator Murman. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of provisions of LB391. New A bill, LB712A, introduced by Senator Hughes. It's a bill for an act relating to appropriations; to appropriate funds to aid in carrying out the provisions of LB712. New LR (LR109) from Senator Hallstrom. That will be laid over. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Please proceed for the next item on the agenda.

CLERK: Mr. President, Select File, LB140. There are no E&R amendments.

KELLY: Senator, Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB140 be advanced to E&R for engrossing.

KELLY: That's a debatable motion. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I just wanted to rise in continued support of LB140 that my friend Senator Sanders brought on behalf of the governor. I can tell you as a member of the Education Committee that this was probably one of the great highlights from our committee process this year wherein we had an opportunity to hear from Nebraska's Attorney General and Nebraska's Governor, a host of different leading political voices and a host of Nebraska students as well. There were a variety of young leaders who

took the time away from school to come and to engage with their Legislature and they shared really insightful information with committee members about how different cell phone policies in their schools impacted them and impacted their learning and impacted their peers and we had an opportunity to kind of tease out some of the nuances between different policies that exist in many of our schools so that we could take that feedback into account when working on this policy. So special shout-out to the young people who came down and shared those experiences. We also were able to glean from Nebraska educational leaders that they had conducted a poll of Nebraska schools to kind of get a sense about where many of our school districts were in terms of adopting a cell phone policy. I think the statistic that was brought forward at the committee level was something north of over 80% of our schools had some sort of cell phone restriction or cell phone policy in place already. Now, there was, of course, and it would be no surprise, considering the diversity of our different school districts, to note that there was a diversity in terms of the actual policies that were in, in place in many of our districts. There were important distinctions and nuances in regards to whether or not the policy was bell to bell, whether or it provided exceptions for teachers, whether or not there were exceptions for kids with different learning abilities, or medical needs, or special needs, how it came into play for emergency situations, whether that be family emergency or something that was happening at the school. And I, I think that the committee really took to heart some of the feedback at the committee level, made really important changes with the committee amendment to ensure clarity for all stakeholders so that the goal of having cell phone free school days during instructional time so that kids could focus on the dual purposes of academic achievement and social development, you know, really were very effective in what we were able to put forward out of committee and then adopt and continually find in floor debate. So this is an issue that I think draws very widespread support. I think that the process itself was very responsive to special needs that some students may have for learning or for medical issues or otherwise. And I really want to commend the Governor's Office and the Attorney General's Office for working so closely with the Legislature to take into account that public feedback from our second house to make sure that we really got the policy right before we pushed it forward. And I think that Nebraska will now join an ever-growing cadre of our sister states that are developing clear, strong standards for the use of digital devices or cell phones in our schools and in our classrooms and striking the right balance to really focus on social development and academic achievement but providing opportunities for communication and the utilization of these digital devices at extracurricular activities,

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or away from the instructional time that students need to focus on. So I'd urge support for this measure, and really just want to--

KELLY: That's your time, Senator.

CONRAD: --to reaffirm for the record how constructive the process was. Thank you.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, members, you heard the motion to advance LB140 for E&R Engrossing. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB428, there are no E&R amendments. Senator Murman would move to amend with AM803.

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

MURMAN: Thank you, Mr. Lieutenant Governor. This amendment seeks to make two quick clarifying changes. One, it makes clear that when any survey which is asking minors about personal information related to sexual information, mental health, religion, or political affiliation, whether anonymous or not, if it is given out in schools, parents will receive a notice of that survey and may, if they choose to do so, opt their child out. This is already the standard in the federal Protection of Pupil Rights Amendment. Something that I have heard from school board members is that schools sometimes use anonymous surveys about student vaping or drug use in order to test if their anti-vaping education initiatives are working. I don't see that as a controversial survey, and I am instead concerned about the personal private data, so this amendment makes clear that schools can still give out those surveys anonymously without any extra steps. This amendment also clarifies that this bill acts in conjunction with the existing federal data privacy laws for minors and students. Thank you and I ask for your green vote on AM803 and the underlying amendment [SIC].

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in support of Senator Murman's amendment and, again, in regards to the underlying bill. I know that this is an issue that the Education Committee has heard about for at least the last few years that I've been a member of the committee wherein different parents have shared their concerns about some of the surveys that the schools were conducting and their child's participation therein. And there is

already a fairly robust federal framework in place that ensures student privacy and parental rights, particularly around sensitive topics, which was really the, the kind of primary concern of many of the parents who've reached out to the Education Committee when looking at different, at different student surveys. And so I think Senator Murman has done a good job working with all of the different stakeholders to try and make sure there is clear reaffirmation and alignment with federal law in regards to these issues and to provide clarity in regards to anonymous versus nonanonymous surveys and how this piece of legislation will, will treat those, those different survey tools. I also would just like to make sure that committee-- that members kind of think through this policy, the bill that we just had in regards to cell phones, and the next bill on the agenda from my friend Senator Bosn, there's, there's kind of a, a general theme emerging today on Select File about how different public policies can intersect with parental rights with the development of our students and our children and as we're trying to perhaps catch up the law to these different technological advancements I think there's a lot of very similar goals in place on these first three bills on the agenda today. Of course, they each take a different track but I, I think again at the heart of them there's a lot of really, really sound public policy goals to figure out how to strike the right balance in terms of technology in our lives and particularly as it relates to, to young people, our children, and students. I think that LB140 and LB428 strike the right balance in respecting parents' rights, figuring out how some of these technologies impact our kids and really focus on what can't be removed from the conversation of keeping kids safe online and protecting their development. There also has to be strong parental engagement. There has to be civic education. We have to think more broadly than just bans in regards to how technology impacts young people's lives, and I think that that definitely kind of tees up an important discussion for the next bill, LB504, as well. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, colleagues, I was going to talk on the last bill, but then I got stuck out in the lobby so I didn't get in here to talk on the previous bill. But I would echo some of Senator Conrad's comments about these, you know, tough questions. So the previous bill I was going to talk on about the cell phone policies. I spoke at a high school in my district the last recess days, so not this weekend, but the last time we had a recess day and some of the kids, you know, when I, when I was talking had cell phones and I pointed out that, you know, trying to explain to them that legislative

policy does have an effect on them and what's going on down here and they should pay attention and be engaged, and I said we're talking about, you know, making a policy so you can't have cell phones in class, they were not happy. They didn't think that was a good idea. And, of course, as being a parent of young children, I, I said, well, I, I get that obviously people want to look at, you know, cell phones or devices. My kids don't have cell phones, but, you know, they do stare at screens from time to time. And you have to stick your hand between the screen and their face to get their attention, you know, do a little-- for the record, I'm waving my hand up and down. I mean, you have to wave your hand in between their face and the screen to get their attention. And at home, that's frustrating when you're trying to get the attention for dinner or whatever, to get them to do their chores or something. But in school, of course, incredibly frustrating. And I think that we need to tread lightly as policymakers, as, as an arm of the state, in terms of injecting ourselves into a lot of these relationships and situations. But I think it's clear that there are issues that need to be addressed in making sure that kids are getting a quality education and an opportunity to actually immerse themselves and learn and I think that, you know, threading that needle between where we are giving people the tools to, you know, assert their role in relationship as a teacher or, or mentor or parent or whatever the, you know, relationship is with kids to make sure that people have the opportunity to assert themselves is important but not getting so far as to where we are dictating our belief about what they should be doing because, you know, there's 2 million people in the state of Nebraska now, and there's 2 million different ways to be a Nebraskan, and 2 million different interpretations of how-- what's the appropriate way for kids to interact with technology, and what's an appropriate book at which age, and those sorts of things. And I clearly have a different interpretation of what certain ages should be reading versus what Senator Murman might interpret. And so I think giving parents the tools, giving me the tools to make sure that my 4 kids, that I have the opportunity to talk to them about what they're reading and make those determinations as opposed to having the state step in and say what we collectively think is appropriate for individual kids. But I think there's also the issue of what's giving other parents or nonparents in a school district or community the opportunity to insert themselves and make determinations of what's appropriate for other people's kids is also a concern. So I, I do think that these, these 2 bills, LB140 and LB428, are in the interest of pursuing some serious issues that we're facing. But I do think I agree with what Senator Conrad said, is that we need to be careful about overstepping when we're talking about those sorts of things. And so we need to tread carefully as we insert

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ourselves in these relationships. But we need to empower people to make those determinations for themselves. So thank you, Mr. President.

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

CONRAD: Thank you, Mr. President, and again good morning, colleagues. I just wanted to perhaps take a moment because I know some members had some questions or concerns off the mic so that we could kind of clarify how the introducer envisions this, this policy moving forward. I was hoping that my friend Senator Murman might yield as primary introducer and chair of the committee.

KELLY: Senator Murman, would you yield to some questions?

MURMAN: Yes.

CONRAD: Thank you, Senator Murman. Appreciate you bringing this forward and working with committee members and other stakeholders to further refine this through amendment here today. But could you just take a minute to maybe clarify for the record or for members kind of how you envision this policy working in terms of kind of when parents get a heads up about how these surveys are going out and then whether or not they can opt in or opt out if they find survey materials or subject matters objectionable?

MURMAN: Yes, when a survey is going to be conducted by the school, the parents would have to be notified, originally it was 30 days in advance, but we amended it to 15 days in advance. We thought 30 days was a little bit too long for, you know, parents might just put it off and then not get to it so they would, the parents would have to be notified and then they would have the opportunity to look at the survey and see what the questions are on it and also information would be given out by the school as to who is doing the survey and what the purpose is for the survey and then parents would have the opportunity to opt their student out within the 15-day period if they would like.

CONRAD: Very good. Thank, thank you so much, Senator Murman. I really appreciate that. And I think that is a really good description of kind of the mechanics of this policy that we talked about at the committee level, just to make sure that it wasn't unduly burdensome on teachers or school districts, but that it did provide at least adequate notice to parents so that they had a chance to have this issue flagged for them so that they had chance to learn more about the survey tools or components before they were empowered to make the, the decision which

they already had as to whether or not to opt their, their students in or out of these different survey instruments, but this just provides, I think, a little bit more clarity under state law about how that can happen. And I think that was something that was really important to the committee. You know, friends, the other thing that I want to lift up in regards to this particular measure is there was a lot of discussion at the committee level and subsequent amongst other stakeholders from General File to Select File about anonymous surveys and about nonanonymous surveys and trying to get a clearer picture of what personally identifiable information or data might be present in some of these survey tools and what that meant for empowering parents to understand whether or not they wanted their students to participate. But it also is, I think, another good reminder about whether or not in today's digital age, whether there is such a thing as an anonymous survey. And I know I've received quite a few emails about this topic where looking at how ed tech utilizes student data? It's-- I think it's, it's well known that our digital footprint leaves very little anonymous and that there can still be data collected by these big technology companies and vendors that interface with our schools that you can still perhaps even with an anonymous survey mine data as it relates to young people and/or even be able to track back on the ISP address or other identifiers. So I do hope that as our policy evolves in Nebraska either through the State Legislature or through the State Board of Ed or collaboratively amongst each institution that we will continue to take a hard look--

KELLY: That's your time, Senator. Thank you, Senator Conrad, you're next in the queue.

CONRAD: Thank you, Mr. President, I just ran out of time there. I do hope that we will continue to take a hard look at how large technology companies and ed tech vendors are working with our schools. Our schools are spending hundreds of thousands of dollars to bring in more and more technologies and some of them have really wonderful learning and development kind of objectives behind them, but it's also important to note that they do provide risks in terms of mass surveillance. They do provide risks in terms of data collection and commercialization of student data. And we have seen data breaches on some of these products as well, including right here in Nebraska. So that's a bit broader than the scope of LB428, but, of course, it relates to a measure that I brought forward to the Education Committee and to this body earlier this year and remain in conversation about those very topics to ensure guardrails for protecting parental rights, student privacy, and ensuring a good value for taxpayers when it comes to the utilization of these various and sundry technologies. Of course, we want our schools

to be on the cutting edge and our students to have access to the best learning tools available, but we also should keep in mind that every purchase of these learning tools comes at an expense to the taxpayer, and if we're spending hundreds of thousands of dollars on these different ed tech products, perhaps we need to take a breath, take a pause, and consider making those-- redirecting those investments into more classroom teachers, into more paras, into really the, the, the key indicators to helping students succeed, and that's a, a passionate person in the classroom that, that can help them spark their, their joy for learning and accumulate knowledge so that they can be successful, productive citizens in our, our ever-changing global economy. So it's, it's a, it's a more myopic consideration and part of that, that broader topic on ed tech, but I do appreciate Senator Murman bringing this forward so that we can continue to raise important issues striking the right balance for student privacy, parental rights, and how big tech and big government work together in some instances and what that means for our civil rights and civil liberties. Thank you, Mr. President.

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

M. CAVANAUGH: Danielle, do you want any more time? Thank you, Mr. President. I was going to ask Senator Murman a question. I'm not sure if he's here. OK. Basically, my question was, what, what would be a survey like this? What would that entail? I haven't had an experience of those kind of sur-- oh, would Senator Murman yield to a question?

KELLY: Senator Murman, would you yield to questions?

MURMAN: Certainly.

M. CAVANAUGH: Thank you, Senator Murman. I was looking over the bill and, and reading about, like, the different information in a survey. Could you give me an example of what kind of survey this would be, because I'm not familiar with these surveys?

MURMAN: Uh, yes.

M. CAVANAUGH: I apologize if you've done this already today, I'm, I'm trying to get caught up.

MURMAN: Yes, the surveys that we've exempted out would be surveys with vaping, tobacco, alcohol, those kinds of surveys, nonanonymous surveys are exempted out, but there also are other types of surveys that have been given.

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M. CAVANAUGH: These are surveys that are given at school to school aged--

MURMAN: Yes.

M. CAVANAUGH: OK.

MURMAN: And the surveys that this bill would, would, would affect would be anonymous and nonanonymous surveys about sexual information, mental health, religion, political affiliation, those kinds of surveys.

M. CAVANAUGH: Who-- what would be the purpose of those surveys?

MURMAN: Well, that is the reason for this bill also. The school would have to notify the parents as to who is giving the survey, what the results would-- what would be done with the results--

M. CAVANAUGH: OK.

MURMAN: --and how the data is protected.

M. CAVANAUGH: And then parents can opt out their children. OK.

MURMAN: Correct.

M. CAVANAUGH: All right. Thank you. That helps clarify a lot for me. Thank you. I yield the remainder of my time.

KELLY: Thank you, Senators Cavanaugh and Murman. Seeing no one else in the queue, Senator Murman, you're recognized to close on AM803 and waive. Members, the question is the adoption of AM803. All those in favor say [SIC] aye; all those opposed say nay-- vote nay. Record, Mr. Clerk.

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

KELLY: The amendment is adopted. Senator Spivey would like to recognize some guests in the north balcony from Lincoln and Omaha. They are members of Alpha Kappa Alpha Sorority. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk.

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

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB428 advance to E&R for engrossing.

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KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. LB428 is advanced for E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB504, first of all, Senator, there are E&R amendments.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB504 be adopted.

KELLY: Members, you've heard the motion. All those in favor say aye. Those, those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Bosn, I have FA16 with a note that you wish to withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Bosn would move to amend with AM856.

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

BOSN: Thank you, Mr. President. Colleagues, today I am sharing the amended version of LB504, that is AM856. I'm going to take a little time to remind all of you why I brought this bill, the Age-Appropriate Online Design Code Act, and then I'm going to go through all of the changes that we included in this amendment from earlier versions of the bill in an effort to address some of the opposition and fix the concerns that were raised at the last round of debate. Colleagues, I ran for this seat as an advocate of public safety. No one in here denies the importance of public safety, even if on certain issues we may disagree what constitutes accomplishing public safety in various situations. As a mother of 4 small children, I can tell you how important bills like this are to families. It's incredibly hard to stay one step ahead of the ever-changing online world. We all want to protect children's privacy, mental health, and to keep them safe. But the introduction of social media and online activity for young adults has created unique challenges, not only for parents, for teachers, for caregivers, for law enforcement, and for mental health providers, but also for young adults. I've had a number of handouts passed out, 3 handouts, excuse me, passed out to all of you, which are the citations for some of the information I'm going to be providing. 59% of U.S. teens have been bullied or harassed online. The suicide rate for girls

aged 10 to 14, 10 to 14 has tripled since 1999. The Nebraska Family Impact Seminar Research Brief points out that on average, teens engage with screens for 7.7 hours a day. Proficiency in reading is down for school-aged children, and studies show a direct correlation between increased time online and educational success. One of the articles, Nat Malkus, an education researcher at the American Enterprise Institute, states that the reason students are not learning more may be attributed to screen time, to cell phones, and to social media. Quoting. The phone's ability to make our attention spans shorter and give kids less ability to stay focused has quite likely come home to roost. We have a problem, it is not going away. So putting the guardrails up to protect kids is our best chance for protecting kids. Think about car seats, think about toddler beds, think about training wheels and helmets and high chairs, all the things that we have taken time to make sure they are as safe as humanly possible. We think about safety features in every other product we provide to our most vulnerable. So why wouldn't we make every effort to make kids online safer? The Nebraska Family Impact Seminar Research Brief also indicates that Instagram and Snapchat were the most used social media platforms and watching online videos on TikTok and YouTube were the favorite activities. One of the most alarming research articles I reviewed throughout my work on this bill comes from PLOS One, and it is entitled Social Media Platforms Generate Billions of Dollars in Revenue from U.S. Youth, Findings from a Simulated Revenue Model. This article was written by professor-- excuse me, professionals from Boston Children's Hospital, Harvard Medical School, the Harvard T.H. Chan School of Public Health. It reports that social media platforms are suspected to derive hefty profits from youth users who may be vulnerable to negative mental health outcomes, including depression, anxiety, and eating disorders. Platforms are not obligated to provide data on annual advertising revenue, which is shocking. So this article is a simulated analysis drawn from data from public surveys and market research sources. The findings of this article underscore the financial incentives for platforms to oppose government efforts to protect youth. The projected annual revenue, advertising revenue in 2022-- colleagues, these numbers are alarming. And this is 2 years ago, so I can only suspect it's increased-- YouTube derived the greatest advertising revenue from users age 12 and under. That was \$959.1 million a year. In the 20 and under, excuse me, in the 12 years of age and under category, Instagram derived \$801.1 million. Same year. In the 12 years and under category, Facebook derived \$137.2 million, that's on children age 12 and over. Instagram derived the greatest advertising revenue from users in the age group of 13 to 17, \$4 billion. TikTok derived \$2 billion in advertising revenue from users ages 13 to 17, and YouTube derived \$1.2 billion in

advertising revenues from users ages 13 to 17. So before any of these companies pull you off the floor or try to convince you that the sky is falling, please understand that they have a very different goal than I do. I want to protect kids and keep them safe. I want to work within the constitutional limitations to create legislation that allows platforms to operate in Nebraska while protecting kids and putting up guardrails to keep them safe. This brings me to the changes that were made to this bill in order to try to work with the opponents that has been the work of multiple meetings in person and over Zoom, countless emails and multiple phone calls. Starting with AM856 in Section 2, these are changes to the definition of compulsive usage due to concerns that it was difficult to apply with consistency. We removed the language quoting from the original bill, but is not limited to an undercover design feature at the request of Senator Conrad, and we added a definition of covered minor in an effort to try to accommodate the concerns that were raised by both her and others regarding First Amendment protections. Perhaps the most significant definition change we made was to the definition of, quote, covered online service. Looking at page 2, starting with lines 2 through 19, you will see the amended language for covered online service. The reason for the change was to accommodate those companies who were inadvertently scooped up in the previous definitions. Think companies in the automotive industry who are not what you think of when we think of social media companies, but who are accessed by young adults, perhaps looking to buy their first car. The amended language now reflects 5 prerequisites for triggering the protections included in the Age-Appropriate Online Design Code Act. We added a definition for, quote, dark patterns. We removed the definition of reasonably likely to be accessed by minors and sensitive personal data based on concerns for First Amendment protections. In the originally debated version of LB504, Section 4 caused significant heartburn for opponents due to those First Amendment concerns. And despite my disagreeing with those concerns, I have removed the language from Section 4, the original language from Section 4 entirely. That leads Section 4 is now the old Section 5 in the amended version, it's the old Section 5. In amended Section 4 starting on page 6, line 11, we talk about the tools for protection. We made significant modifications to the language in this section in order to address the First Amendment concerns that were raised. Section 4 requires covered online services to provide accessible and easy-to-use tools that are intended to accomplish 6 goals designed to protect minors, options to limit the amount of time spent online, and default settings to provide the highest protections available. In the originally filed Section 7, we struck the language requiring covered online services to treat all users as minors, absent actual knowledge

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that the user wasn't a minor, also in an effort to address those First Amendment concerns. We removed Sections 10 and 11 from the originally filed bill, which were the reporting requirement sections requiring the covered online service companies to report their efforts to protect children. While I genuinely support those reporting requirements, there was enough pushback on those sections that I felt this compromise still provided for the protections we need for children without gutting the intent of this bill. Section 9 of the amendment reflects changes to the old Section 12 of the originally debated bill. Section 9 is the enforcement portion of the act, removing the, quote, rules and regulations concerns raised by Senator John Cavanaugh, and providing a, quote, cure period as requested by the covered online service providers. Section 10 being the operative date, January 1, 2026, keeping in mind that there is a very generous 6-month grace period for companies to cure any inadvertent violations of the Age-Appropriate Online Design Code Act. Section 11 is the severability clause providing protections should any specific portion of the bill become problematic or unconstitutional, that the remaining portions of the bill--

KELLY: That's your time, Senator.

BOSN: Thank you.

KELLY: Thank you, Senator Bosn. Senator DeKay would like to recognize some guests in the north balcony. They are fourth graders from Bloomfield Elementary in Bloomfield. Please stand and be recognized by the Nebraska Legislature. Continuing in the queue, Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I do rise today, I guess, listening to the discussion about AM856, and still hesitant about LB504, but I am open to continue to talk about it. So I spoke at fairly significant length, I think on General File as it pertained to LB504. And part of that was because I sat on the committee, Banking, Commerce, and Insurance that this came through. This did not go through Judiciary, it came through the BCI committee, I think specifically because it, in fact, deals with sort of that commerce issue that pertains to a lot of the tech companies. And I actually do agree with some of the comments that have been made by Senator Kauth in the past. It would probably be beneficial to have a technology committee of some sort that deals with these kind of topics. And the reason for that is what we're discussing with regards to LB504 is a very niche and specific subject matter. And in the Banking, Commerce and Insurance Committee, this bill, it came through and it came out relatively quickly and I believe I was the only member not

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voting for it. I, I was present, not voting for that because I had some concerns. At that hearing there was a discussion with regards to other bills that achieved or at least sought to achieve the same goal as LB504. Specifically, there's a California piece of legislation that was referenced multiple times, I think both during that committee hearing and during the first round of debate. My understanding is that that piece of legislation which the original version of LB504 was based very heavily off of, was originally found unconstitutional. And then, ultimately, there was sort of a second bite at the apple in California where there were tweaks made or there were changes that were modified in the bill that then came forward and was signed by Governor Newsom in California. But there was a, a lawsuit to essentially get an injunction to stop it from going into effect because there were still concerns that that bill violated free speech rights. At the time of the hearing, when we were in Banking, I believe that there had been a sort of preliminary or early injunction that had been ordered that stopped part of that California bill from going into effect, but not others. Since that time, once we finished that hearing and around the time that we actually had the General File debate on LB504, the courts actually ordered, I believe, a full injunction freezing that bill from going into effect because there were enough facial, or obvious concerns as it pertained to the First Amendment that the bill, ultimately, was, was put on hold as they continue to have that discussion. And I believe there's a trial date, I believe, in federal court on the California bill coming up later this month. So I, I can go back and verify some of those dates, but I wanted to be very clear on the record, colleagues, that the bill that this was originally based off of did not fix all of the concerns. Now let me take a step back. I could not agree with Senator Bosn more that social media absolutely causes harms to our society that are specifically amplified in youth. We see kids struggling with any number of mental health issues or problems of being bullied, issues with eating disorders like we heard about during the hearing which were incredibly sad. So I, I would echo all of the concerns that Senator Bosn made on the mic both during the hearing and on the floor debate on both rounds and I would say that every person in this body I think agrees that the harms that are caused by social media are things that we as a society need to look to fix. Where I become hesitant, however, is when we, the state, step-in and, and sort of implement these laws that curb or otherwise inhibit aspects of speech. Because when we start to do that, I think it's a really dangerous road to go down. There are certainly ways that we, the state, can limit certain kinds of speech or not certain kinds, but ways to have speech like time, place, and manner restrictions. But what we are generally even more hesitant to do is to restrict any kind of content. And my

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concerns with LB504 originally had a lot to do with some of that content-based restriction. And, frankly, colleagues, my concerns persist. I understand the amendment AM856 seeks to address a number of the concerns that were brought up during General File and I actually really, really appreciate Senator Bosn listening to those concerns. And I do think some of them are addressed with the amendment. There are others, however, which I anticipate we'll talk about a little bit more here today, that speak to some of the concerns that I had. Again, I think that we are getting a little bit too far into what we are saying people can or can't do with regard to speech on these platforms. And I think that it is somewhat concerning when we, the state--

KELLY: That's your time.

DUNGAN: --step-in in that manner. So we'll continue the conversation. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. Well, I think I rise in support of AM856, and I'm not sure where I'm at on the underlying bill. And I would echo what Senator Dungan was just saying about, I, I think Senator Bosn has really worked in good faith to address the concerns that were raised by folks like myself on the first round of debate. And I think that we can all take a lesson from that, to listen to the criticisms people raise and attempt to address them. And so I do think that AM856 is definitely a, a good faith effort, a step in the right direction. And I certainly appreciate Senator Bosn taking, specifically, my concern as it pertains to the rulemaking authority for the Attorney General and addressing that concern. I think that is a, a-- really a great step in the right direction. And I have, like others, the same just sort of fundamental concerns about when we are injecting ourselves into these conversations of what is appropriate content. And we can all differ about what is, what is appropriate is the problem. But I do think that Senator Bosn is correct that there is a real concern about how these social media platforms are affecting our kids and that kids get-- you know, I, I-- really, I don't know if addicted is the right word, but they certainly have a, a response that seems akin to addiction when it comes to desire for more and more screen time and desire for, you know, just quick content and short and flashy and whatever. And I-- Senator Bosn and I have kids that are almost exactly the same age. I think our kids are all within 1 year on either side of each other. And so I, I know that she has similar experience that I do, I'm sure, to how kids are dealing

with these things. And so it is a real legitimate concern that I have. And so I, I think that it is important that we attempt to do something about this because it is not going away if we don't do something with it. But I do think that we need to do it in a way that is not injecting the government into the decision a parent might be able to make about what's appropriate for the child, but more of giving parents tools to ensure that they can have that sort of oversight. I do think there are concerns that people raise about young people should be entitled to some level of their own privacy, about their thoughts and things like that and I, I guess I don't know where you draw that line, but I think that putting-- injecting the government from a top-down approach to what's, what's the right time for parents to make a decision about what's right for their kids I think is tough. One of the other concerns I had about this, aside from all of that, is just looking at the amendment, and I think it's Section 9, talks about the, the fine for each instance of violation, no more than \$50,000, and I am a little concerned that that section doesn't specify what should happen to that fine-generated revenue, and so I just pulled up my constitution here. I think we all have one on the floor. Section 7-- Article VII, Section 5: fines, penalties, license, money, allocation, use of forfeiture, conveyances, except as provided in subsection (2) and (3) of this section, all fines, penalties, and license money arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles, I don't think this is one of those, used upon the public roads and highways, shall belong and be paid over to the counties respectively where the same may be levied or imposed and all fines, penalties, and license money arising under rules, bylaws, ordinances of cities, villages, precincts, or other municipal subdivisions less than a county shall belong and be paid to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violations of laws prohibiting the overloading of vehicles used upon the public roads. So, obviously, don't need to go back into that part. So I do think that the constitution is clear, and I know this has been litigated a number of times, famously about parking meters, I think, that when we impose penalty fines, that, that has to go to the common school fund. And so I, I think that that's clear under the constitution that we should do that. But I don't think it's clear in this proposed amendment. And so I would just suggest as a way of continuing to clarify that maybe we get an amendment to do that.

KELLY: That's your time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Brandt would like to recognize some guests in the north balcony, they're fourth and fifth graders from St. Paul's Lutheran School in Plymouth, Nebraska. Please stand and be recognized by the Nebraska Legislature. Continuing in the queue, Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. It's nice to see young people up in the balcony. We're debating legislation about young people. So it's kind of an opportunity for you fourth graders who I'm just a headless voice to you because I can see the balcony where you're sitting, but I can't see you anymore. But fourth graders learning about Nebraska history and this is a bill that is going to impact you all. So I didn't vote for this on General File. I was present, not voting. I'm trying to figure out exactly where I land on this because I totally support what Senator Bosn is trying to do here. I work really hard to try and make sure that my kids don't access inappropriate online content. They don't have any social media accounts. They're young. I mean, my oldest is 11, so. But-- and they don't have phones. They do have tablets, which I hate that they have tablets, but they do. I broke down last summer when we went on a trip to visit my sister in Los Angeles, and I knew that I don't think any of us would have survived the plane trip if I didn't break down and get them tablets. So I did, finally, get them tablets. And I tried-- they're actually, I hid them this weekend, and I forgot where I hid them, so my kids are very angry with me right now, because I don't know where I put their tablets. So for the fourth graders up there, just, you know, thank your parents if they didn't hide your tablets and forget where they are. Because I genuinely forgot where I put my kids' tablets, and it was-- they're not pleased with their mom right now. But I'm pretty pleased, because they don't have access to them. So, anyways, I am trying to figure out, I, I really do appreciate what this bill seeks to do. And I do think that our data is collected too vigorously, and algorithms are, are scary. I, I know that my phone is listening to me. I feel like I sound like I am paranoid, but when we talk about things on the floor, I remember Senator Slama saying something about-- it was, it was some narcotic bill, and she was, like, I wonder what ads I'm going to get now? And she got Taco Bell ads, I think. I think it was Taco Bell ads that her phone then started sending her after talking about drugs, I think maybe fentanyl or something like that. And so I, I know, it's, like, they're listening. What is it, Skynet, or what's the company in Terminator? Is it Skynet? Yeah, Skynet. I feel like Skynet is real. I feel we're there. And so I appreciate a bill like this that seeks to, you know, maybe ward off Skynet from taking over sooner. But I-- I'm just-- I'm

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not quite comfortable yet. I, I would actually like to see something happen at a federal level, because I think it gets complicated when we do digital policies at a state level. It's harder. We did one, I think it was Senator Murman's bill on age ID last year, and I think it gets harder to have sort of cobbled together state-by-state policies, so I would prefer to see something at a federal level, but I appreciate taking something up and even having the discussion at a state level because this is really important, and we do need to protect kids from online content. You know, when we didn't have online streaming services and we just had TV, and there were all kinds of regulations-- I mean, the infamous Janet Jackson Super Bowl, like that was a huge violation, and now kids are exposed to that all the time. And, and we've eroded a lot of those protections by having a digital community. So I'm torn, I guess is what I'm saying. I appreciate the spirit of this bill. I'm just not quite comfortable yet with it, but I also am not sure what the amendment is, so I may ask Senator Bosn off the mic about that if we have time or I'll-- well, I'll read it first and then if I have questions I'll ask. But I think I'm just about out of time so I will read the amendment and see if that helps alleviate some of my concerns. I apologize I didn't hear the opening on the amendment, so I yield the remainder-- oh, I don't have any. Thanks, Mr. President.

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

SPIVEY: Good morning, Mr. President, and good morning, colleagues and folks watching online and in the balcony. I have some thoughts around LB504 and the amendment, but wanted to use this time on a mic-- on the mic to take a point of privilege to, one, just say welcome again to the Women's Fund Circles. I am an alumni of Women's Fund Circles, and so it was a great experience around building leadership and meeting colleagues and I'm really glad that they are here for their first legislative day. I also wanted to uplift and recognize Alpha Kappa Alpha Sorority, Incorporated, or also known as AKA, a historically black sorority that is national, international, and has local chapters. I am a member of Sigma Gamma Rho Sorority, Incorporated, another historically black sorority and part of the Divine Nine. So I'm excited to host them as well as some other groups that will be coming. And so Alpha Kappa Alpha Sorority, Incorporated, is an international service organization, was founded on the campus of Howard University in Washington D.C. in 1908. It is the oldest Greek letter organization established by African American college-educated women. For those who don't know, Howard is a historically black college or university. I also attended HBCU, Historically Black Colleges or Universities, Jackson State University in Jackson Mississippi. There, there are a lot

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of conversations about diversity, equity, and inclusion and the role that HBCUs play around sororities, fraternities, programs, institutions of higher education, and so I can say that specifically HBCUs were created at a time when African Americans were not allowed to integrate into other institutions of higher education and so that the role that they have played in educating and providing to the workforce is integral and is, is unmatched. And so I'm appreciative of not only my institution, the Jackson State, but also Howard University. Alpha Kappa Alpha Sorority, Incorporated, is comprised of more than 360,000 initiated members in graduate and undergraduate chapters located in 12 nations and territories including the United States, Bahamas, Bermuda, Canada, United Arab Nations, Germany, Japan, Liberia, Nigeria, South Korea, South Africa, and the U.S. Virgin Islands. They are led by International President and CEO Danette Anthony Reed of Dallas, Texas, often is held as America's premier Greek letter organization for African American women. Their mission includes different tenets. They have 5 basic tenets, which are to cultivate and encourage high scholastic and ethical standards, to promote unity and friendship among college women, to study and help alleviate problems concerning girls and women in order to improve their social stature, to maintain a progressive interest in college life, and to be a service to all of mankind. So all Greek letter organizations and the Divine Nine that I've talked about all have tenets around public service, the impact that they have, and the value. So, again, my sorority, Sigma Gamma Rho Sorority, Incorporated, also has tenets that we work on in a framework around what does service look like, not only to ourselves, but to our community. I wanted to uplift some notable members of Alpha Kappa Alpha Sorority. So we have former Vice President of the United States, Kamala Harris, who was a member. We have author, intellectual, Toni Morrison. We have civil rights activist, Coretta Scott King, as well as Rosa Parks. We have business mogul and CEO Cathy Hughes, who actually is from Omaha, Nebraska and now has a street named after her in Omaha, and then we have author and black intellectual Dr. Maya Angelou. And so, again, thank you for allowing me to take this point of privilege to uplift this amazing organization and their visit today to the Capitol to use their voice and advocacy, and then I will punch back in to talk a little bit more about my perspective on the actual bill at hand. Thank you, Mr. President.

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

BOSN: Thank you, Mr. President. Again, I rise in support of AM856, and I just want to provide somewhat of a timeline for some of you. We heard this bill initially on February 26, was the day of General File. And

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there were concerns raised by Senator Dungan and Senator John Cavanaugh and Senator Conrad. And so in an effort to try to address those concerns, I proactively reached out and sent an email on February 27 saying, hey, I want to fix the concerns that you have. I'll meet with you in person, I'll take your emails, I'll take your phone calls, let's get this done. Because all of them supported the premise of the bill, had they said they just won't support the premise of the bill, it would have been futile to try and fix their concerns, but they told me they supported the premise of their bill. So I made those efforts, reached out. I did hear back from Senator Conrad immediately or very shortly thereafter with her suggested fixes and I made them. I didn't hear back Senator Cavanaugh, John Cavanaugh, and I didn't hear back Senator George Dungan. I followed up in person with them a few days later and said, hey, did you get my email? Can we fix some of these things? Nothing. Then I filed the amendment before us today, a week ago, 7 days ago from today, in an effort to to not just hide the ball and drop the amendment the day of, but so that individuals who had those concerns but weren't willing to come and talk to me about them could at least review the bill so they could have something new to say. And when you don't take the time to follow up and you stand and say, this is a good bill, I really support Senator Bosn's efforts to protect children here, but, you know, we're just not there, I think it's a little disingenuous, maybe you should sit this one out. Either have the courage to come and say, these are the changes we want made, like Senator Conrad did, and I addressed, I fixed them, or don't bother, because this is good legislation. It's supported across this country by party-- Republicans and Democrats and Independents alike. I have made the changes to fix the concerns in the First Amendment. Senator Dungan stood here and told you about the case and how, you know, initially it was a partial injunction, and now it's a full injunction. So we should definitely give it no credence. Colleagues, my bill does not contain the portions that that bill contained in California. I have fixed those. I don't have a DPIA, which I'm happy to discuss with you. But why would I, because my bill doesn't contain a DPIA. There aren't the changes that need to be made in my bill that need to be made in California, so if you're not going to read it and you're going to come and talk with me about your concerns, please don't stand here and patronize me and say, I really support your efforts. I didn't put anything in the bill that says where the funds go because the law requires the funds to go to the schools. There's no need to state the obvious. I did fix the concerns regarding the First Amendment. We took out the portions that had anything to do with telling a company they had to make reports on their data. We don't tell a company, they have to track minors. We don't tell the companies what to do, which is what

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the First Amendment concerns were. I didn't get to finish my conclusion before, so I will do that now. This bill addresses the reality that social media is here to stay, that's a fact. Young people are using social media more than ever, and that's a fact. In 2022, nearly half of adolescents reported being online almost constantly, which was up from 24% reporting that in 2015. That's a fact. I can only imagine that those numbers have increased in the last 2-plus years. Colleagues, again, this is a bipartisan issue. The red flags are flying from educators, from teachers and administrators, from medical providers, pediatricians, psychiatrists, psychologists and therapists, from law enforcement, from judges and probation, from parents, grandparents, guardians, and caretakers, and perhaps, most importantly, the red flags are coming from kids who are acknowledging the problems and asking for tools to help themselves and their friends. I spoke to a group of students on Friday, and they asked me, what's the biggest bill you're bringing this session? And I talked about this bill to a group of students and they said, I love that bill. I think that's a good idea. I like what you're trying to do because I think we need it. This is the time to stand up for our kids. This bill is a commonsense opportunity for this body to demonstrate the political will to protect Nebraska children online. Again, I remain happy to answer questions or concerns and I ask for your support on AM856.

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

McKINNEY: Thank you, Mr. President. Actually, I think I support AM856, haven't-- I've been trying to listen to the conversation today on LB504 and not to poke the bear, in a sense, but I do appreciate Senator Bosn for working with others and, you know, doing things from General to Select to address some of the concerns from some of the individuals that did have concerns. I think that's how we should do a lot of things around here when there are concerns, you know, work with people, we are colleagues, and try to get to a space of possible agreement or compromise if we can, because that's how the sausage is made around here. As far as this bill and the topic, I, I do think it's important because our kids are being tracked and we are too. And I think it's important to make sure that there, there are guardrails in place to protect them and to protect their innocence, honestly, especially on social media because there's a lot of platforms. There's a lot of things going on and you may or may not know what's going on as a parent because of so many things happening. But I think sensible things are, are right, and I think that's what Senator Bosn is trying to do, trying to, you know, do something that, you know, doesn't step too far, but tries to do it in the best way possible. I think it's fair. I don't

disagree with that, as long as it's not jumping across any, you know, constitutional issues, and she addressed that in this, in this AM, so I think that's good. Because I do have nieces and nephews and little cousins and a daughter myself that, you know, you, you look at them on these tablets and these phones and you're, like, what are you doing? Like, what are you looking at and who are you talking to sometimes? They be having some random weird conversations and, you know, like, why are you talking to these people about, like, just these different conversations, playing roadblocks or Fortnite or, you know, whatever else. And I think it's important to make sure there are guardrails in place and we hold these entities accountable. Because, you know, although it's up to the parents to allow their, their children to utilize these devices and get on these platforms, I do think these entities should have a level of responsibility to make that the services that they're offering is safe and respectful of the, the child and the families to make sure when they get on they have a good experience and the experience isn't negative because sometimes there is, like, online bullying and, and things like that that happen. So we've got to think about those type of things in this world that we live in that's changing every day. And I believe that's the intent of this bill. And I don't-- as a parent, it's hard to disagree with that purpose because I've seen it firsthand, just not with my kid, but the kids I coach, my nieces and nephews. So I appreciate that. And, you know, happy we're back here for session to discuss bills and debate, and especially on things that I would say aren't trying to infringe on the people of Nebraska. I like that we have a bill up that I don't think is doing that, because last week was rough, to say the least, because we had a couple bills that I think were doing so. And we ended not so great, in my opinion, last week, and nice to see we're having real discussions on bills that try to do good and try to do right by people. Because I think that's what our job is, to try to write by the people of Nebraska, not try to work against them and that should be commended. So thank you.

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

DUNGAN: Thank you, Mr. President. Colleagues, I rise again, I think, in favor of AM856 after having a little more time to talk about it and still a little hesitant about LB504. I appreciate Senator Bosn speaking a little bit as to the process of how we got here today with regards to the amendment. And I want to, I guess, apologize for my comments earlier if they came off as patronizing. That's not at all what I was trying to do. I try very hard not to make things personal on the mic. I try to talk about the bills that are before us, and my thanks to

Senator Bosn were genuine. I think Senator Bosn has worked very hard on this bill, and it clearly is something that she's very passionate about, which I applaud. And so if that was interpreted as me patronizing her in any way, shape, or form, that was not my intention. I do think that you can have fundamental disagreements about whether or not something is a problem and not necessarily agree to an avenue to figure it out. Senator Bosn did send various edits to myself and some other senators that included some comments from Senator Conrad and some others, which I appreciated. And I thought that those addressed a number of my concerns as they pertained to the sections that were being discussed. I have had a number of conversations with Senator Bosn about this bill, starting from the time that it was in the committee to times that it's been on the floor, and I've expressed to her that I have both individualized concerns about various sections, some of which have been addressed, such as the Attorney General having the ability to promulgate rules, that's been removed. There have also been more specific content-based discrimination portions that I think she's also taken out with the amendment. So I think AM856 does get closer to something that is less problematic. That being said, I've also expressed to Senator Bosn my overarching concern that I think this may be something that is simply just too much government overreach. That does not mean that I cannot also agree with the intent of the bill, which is to help children with these negative side effects of social media. When I say I feel that, it is genuine, and it is a belief that I think, as I said before, we all hold. That does not mean that you have to agree with the avenue with which we are seeking to fix the problem. And you can have fundamental disagreements about whether that is the right concept, and you can still disagree with portions of the bill. Senator Bosn asked me off the mic what specifically I had concerns about still from a First Amendment perspective. There have been a number of cases that have been litigated recently, both at the Supreme Court level as well as the federal district courts level that clearly say when it comes to social media, speech is implicated. And the question is always whether or not there is a rational basis analysis or a strict scrutiny analysis in terms of whether or not the laws that are restricting that speech can be upheld. There are parts of this bill that still give me a little bit of concern, specifically the portions of the bill that dictate or tell the social media companies or covered online entities-- we keep saying social media companies, but let me be clear, covered online entities could be broader, that specifically speaks to what they shall do as default settings. On page 7, lines 4 through 7, the part that jumped out at me, and I'm trying to catch up with this as much as everybody else is, says: that a covered online service shall establish default settings for the safeguards required by

subsection (1) of this section at the option or level that provides the highest protection available for the safety of the covered minor. That references back to a, a list of essentially tools that have to be in place for a social media company in order to be in adherence with this law and not be punished by the state of Nebraska. That requires things which, say, limit the ability of other users or visitors to communicate with the minor, control personalized recommendation systems by allowing a covered minor to opt in to chronological feeds or by preventing categories or of content from being recommended, essentially a list of these tools that have to be available for the app. Having the tools in place is one thing, to require the company then to have that as their default settings, I fear might start to verge into what the Supreme Court has blatantly said we cannot do, which is tell companies how they curate their content. Once you start telling a company how to curate their content, like what can or cannot be on a feed, you essentially are doing the same thing as telling a newspaper editorial staff what they can or cannot have on their front page. The court is incredibly clear that that is protected speech. So, again, the goals are laudable. That's not just a platitude. I actually think it is important that we continue to work towards focusing on the side effects of social media. It does not mean you have to agree with the avenues with how we get there. And I do appreciate Senator Bosn continuing to work on this. So I hope we can continue to have a conversation about this and I hope that we can try to find avenues forward. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, again, I rise in support of AM856, and I'm still making up my mind on the underlying bill overall. And I appreciate the conversation with folks. I did have a nice chat off the mic with Senator Bosn. And to be clear, she did send an email, and I actually spent a long time drafting a response email that included all of my suggestions, specifically about the Attorney General rulemaking authority, which was really my complaint about this bill initially, and then Senator Bosn and I did have a conversation on the floor at some point and, ultimately, Senator Bosn has, has taken my criticism or comment and integrated it into this amendment, which is one of the reasons I support AM856, is that it takes care of my biggest concern and the one that I had addressed on that, and so I appreciate her willingness to continue to work with me on this, and I, and I do mean, in all seriousness, that I think people could take a lesson from how Senator Bosn has taken the comments on General File. This is how bills should work, right, people bring a bill, people come, make comments or criticisms, and then somebody attempts to make-- address

those concerns to move the bill forward. I will tell you that just making a bill better doesn't mean that somebody's going to support it, necessarily. I do think we should all attempt to make our bills as good as possible, and I try to be constructive in my criticisms, meaning that I will try to make something better even if I don't agree with it. And-- but-- and this bill is one of those unique territories where I think making it better potentially gets me to vote for it, which is why I'm saying I haven't made my final decision where I'm at on LB504 overall. I am listening to the comments from other folks, and I think Senator Bosn has done a really good job of addressing a lot of those fundamental concerns. I did have a chance to talk with Senator Bosn off the mic about my suggestion, I drafted up a floor amendment, I don't know if I'll get it dropped here yet, that would just put in the language that would say-- clarify so we under-- the constitution says the money has to go here. I think there are other places that in statute where we have been explicit and said in compliance with Article VII, Section 5 of the constitution, the money will be apportioned as such. And I do think that I'm a person who likes clarity and specificity. And any time there's a question of ambiguity, I know you'll all be surprised to know I kind of sometimes nitpick on these things if I think it's unclear. But I think it's, it's certainly worthwhile to make it clear that in, in this enforcement mechanism will be done in compliance with the way that we've done in the past. So that's, that's my current thing, I guess, issue I have. I think that there are legitimate conversations to be had about how we are enforcing against specific ideas. I think Senator Bosn has got some good points about-- that we're-- the, the attempts that she's made to make sure that we're not being viewpoint discrimination, but more about how folks are having an opportunity to kind of cater their own experience or their kids' experience and I just-- you know, every time we talk about this bill I've talked about my kids and their social media, social media, which they're not on social media, but the my kids are on chess, a chess app where they like to play and so I got-- you know, the older one was set up and she can play chess online and we play against each other sometimes online. And then my next youngest kid got signed up, and we had to go through a whole rigmarole to get him signed up for an email address that then goes through my email and all that so that he can get on there. So they're both on chess.com, and they can play that on the computer at home, but they were playing on the-- they could also play on the tablets or iPads at school. And my daughter recently told me that they can no longer play on the iPads at school because the school eliminated access to the chess app. And I asked why, and she said somebody was playing it at a time that wasn't the right time to be playing, which kind of goes back to some of these other bills we were

talking about. But maybe it's just me, but I feel like chess is an educational opportunity and it's a great thing for kids to have access to. So my point is, you know, good intentions lead us to maybe top-down approaches that will eliminate access to a, you know, an enrichment activity because somebody was doing it at the wrong time. Maybe we should just make sure people aren't doing it at the wrong time, but we're making sure that they, you know, are doing it in their, their free time or whatever it is when kids get to use the iPads for that. So, anyway, that's really one of my big issues with all of these laws that we're trying to pass is that top-down approaches result in unintended consequences that prevent kids from playing chess in their downtime. So it's a microcosm, but that's one of the fundamental problems with these things. So maybe I'll drop this amendment and maybe we could get to a conversation and, and a vote on that and then maybe we can move on with the bill today.

KELLY: That's your time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Bosn, you're recognized to speak, and this is your final time before you close on the amendment.

BOSN: This is my third time?

KELLY: This is your second time, and then you'll have a close on your amendment.

BOSN: OK. Thank you, Mr. President. Again, I rise in support of AM856 and I would encourage everyone to green vote that amendment. I'd like to address some of the concerns that Senator Dungan raised about Section 4, subsection (3), that talks about the default settings. I fundamentally disagree with his interpretation of that and I'll do my best to try to articulate why and hopefully persuade him. Subsection (1) under Section 4 talks about these tools for protection. The tools that are to be provided, that's not a mandate, with accessible and easy-to-use tools to accomplish the following. It then lists 6 different tools designed to help enhance protections for juveniles. But there is a purposeful limitation to what these are and what it doesn't include and a modification of that from the last round of floor debate in an effort to eliminate any of those dictating to social media companies or covered online services what they can and cannot do. Subsection (2), which is at the top of page 7, is where it's saying you have to provide these accessible tools to also limit the amount of time that a juvenile or a minor, excuse me, spends on there. It doesn't tell

them they have to do it. It then also in subsection (3) says establish default settings. It does not tell them that you have to put them on every minor's phone. It tells you you have an established default setting for these safeguards so that a minor can implement them should that be in their best interests. But it's not telling them to implement it on a juvenile or minor's phone. I can establish rules at my house, right? I can establish a rule that we don't get up from the table before we've cleared our plate. But that doesn't mean that my kids never get up from the table before they clear their plate. Those are rules and they're default settings, but it doesn't actually mean that they are incapable of getting out of their chair before they've cleared their plate. This is-- I use this as an example, maybe it's not the best, I'm doing it on the fly, but the reality is having default settings doesn't tell the social media companies, the covered online services, that they have to put that on every covered minor's phone. They have to have that feature available as a protection for children. And I would also note to you that in my multiple conversations with the covered online services who will fall under this bill, none of them have raised that as a concern. All of them have noted the significant modifications that address all of their concerns. I want to take a minute to go through and I agree with some of the comments that were made about the reality of kids using online services and the benefits and, and the fact that we shouldn't ignore that there are positives to having juveniles and minors use online services, it's a method, whether we like it or not reality. It is a method of communication. It's how kids communicate with other kids, it is how they learn new skills. It may be how they connect with kids who are like-minded or quite frankly a noncustodial parent who lives a really long ways away. It's a means of communication and we should use that tool to our benefit. We shouldn't just prevent it and say, no, you should never have access to online services until you're a certain age. I don't think that provides those guardrails, but what we can and should do is put up guardrails that allow for kids to be kids and to be kids safely and to dip their toe in the water when it comes to social media and the fun and the learning that they can do from those things, but to protect them from the harms that are absolutely and undeniably occurring for juveniles. So I know I've talked about this before, but I haven't done it yet today. So this Age-Appropriate Online Design Code Act is modeled after legislation that was passed in the UK. And I know there was discussion previously about the fact that the UK doesn't have the First Amendment rights, but certainly I would submit to all of you that the modifications that were made by the social media companies in the UK as a result of this legislation have had a positive impact on juveniles. So efforts to fix the First Amendment concerns, if they can be done,

and they can be done properly, will likewise have a positive impact on juveniles. I see that I'm out of time, so I'll get back in the queue. But I, again, urge you for your support on the amendment.

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

JUAREZ: Good morning, everyone. Good morning, colleagues. Good morning to everyone online. First of all, I just wanted to state that in regards to this bill, I am supportive of having guardrails in place. And to be honest with you, I think that for my parenting skills, when I think about it and how busy I was as a parent when I had kids, that I would appreciate a tool like this because I probably would not have been good in monitoring my kids' online activity or who was reaching out to them through ads, you know, whatever the aspects may be online. And I think that as a parent, I would appreciate having someone assist me with these guardrails. I know that I would have the best intention and I probably would once in a while check about the online activity, but I'll bet you for the most part in a given day, I would forget about doing that important task. So I appreciate Senator Bosn's bill in that respect. And I just wanted you to know that I just used Poll the Vote in regards to LB504. And for those of you who aren't familiar with that, it's basically a way that you can give me feedback on a topic, but you have to create an account in order to participate. So, of course, my universe is very small of who responded to my questions. It was-- I think it was 50, 51 people that responded. But, still, I thought it was interesting some of the results that I got back. So I want to show that by political party, it shows 32% of the Democrats who took the poll, you know, agreed with, with the bill. And when you show by congressional district, it showed 40% of Don Bacon's district. They were receptive to the bill. And, again, keep in mind, I know that this is a small population, but I still thought that it was, that it was interesting. Then let's see, by state senator, the most I had in agreement was Senator John Cavanaugh and Senator Tony Sorrentino. They had agree, it was 6%, then it fell down to 4%. And that's where Senator Bosn's district was neutral, 4%. Armendariz was agree, 4%. And I have other data here of other senators' districts if you want to come and see my little poll results here. Then when it came to education level for a master's degree, they had the highest percentage of agreement with it and that was at the 30% range. Then by age group, we have 61 to 70, 22.45% agreed. And then let's see what else is here. OK, we have by gender, 32% of the females agreed with it, 8% disagreed, 24% were neutral. For the males, 22% agreed, 8% disagreed, and 2% were neutral. So that was interesting results by gender. And for-- we had an other category that showed 2% neutral. Then the last category I had was by

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income, and those were \$75,000 to \$99,000, 14% agreed. And then at a higher income level, 12% agreed, and even higher, then it went down to 10% agreed. So if anybody wants to come and take a look at my little Poll to Vote results--

KELLY: That's your time, Senator.

JUAREZ: --you're welcome to come and look at my data. Thank you.

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

CONRAD: Thank you, Mr. President, and good morning, colleagues. I want to add my voice to the chorus of my colleagues in thanking Senator Bosn for her collaboration on this issue and for her leadership on a critical issue. I, I want to just kind of frame some points I want make for the record in regards to this case that we've been talking about that emanates out of California and that looked at similar legislation and I appreciate and understand Senator Bosn has made amendments to ensure that our measure is in some ways distinguishable from what was subject to challenge in the California legislation, but I do just want to, I think, read one passage from the NetChoice v. Bonta decision that came down the order granting plaintiff second motion for preliminary injunction on March 13, 2025 of this year. And I, I think that maybe this is a helpful lens, I know for me and, and perhaps maybe for others in working through this. And there's, of course, the laudable policy goal and then there's the, the technical aspects that come with achieving that goal. And I do think the goal is laudable, but I do think there are legitimate and serious questions in regards to how to execute upon that goal with this measure. So quoting from the decision, the court noted: No doubt a state possesses legitimate power to protect children from harm. But that does not include a free-floating power to restrict the ideas to which children may be exposed. Speech that is neither obscene as to youths nor subject to some other legitimate prescription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them. And then there's a-- and it's a 54-page decision and it has a very complex procedural history in this case. And there is a significant amount of analysis in regards to free speech, there-- the decision also touches upon vagueness, the First Amendment, preemption, interstate commerce, the list goes on and on and on and I think everyone acknowledges that those complex issues are at play in this legislation. So starting from that grounding and the laudable and shared goal, I do want to at least state for the record a few additional questions or concerns about the execution subject to the provisions in AM856. So one thing that I did

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just want to lift up is there seems to be some ambiguity perhaps with whether or not LB504 would create a private right of action or if the sole enforcement mechanism resides with the Attorney General's Office. So it would be helpful if we could at least have some discussion on whether or this measure will include a private right to action and, if so, do we need to specify that and if it will not contemplate a private right to action, at least some discussion or analysis as to why that policy choice was made. Additionally, it does seem to me that perhaps we're missing an opportunity to harmonize some aspects of this measure with the existing Data Privacy Act. So that might be another thing to kind of lift up and perhaps there are good reasons to have different definitions in different acts, but if there is an opportunity to harmonize some of the terminology and definitions it can provide perhaps some clarity to those who might be impacted by this legislation to-- in good faith efforts to comply. The other piece I'll just touch upon really briefly, and I know some of my colleagues talked about this in terms of how the, the civil penalties will be allocated, I think to Senator Bosn's point she's right on that we don't always have to restate current law, but I do think that there is a general concern that exists that without any sort of specificity I would hesitate to give a broad grant to the Attorney General and for him to have the ability to seek settlements and scurry those away into his settlement fund which we know he has utilized for a host of purposes beyond protecting consumers.

KELLY: That's your time, Senator.

CONRAD: Thank you, Mr. President.

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

DeKAY: Thank you, Mr. President. I rise in support today of AM856 and LB504. Senator Bosn, being a working mother and mother of a young family, and this being her bill, I consider her the subject-matter expert, and I would yield Senator Bosn the remainder of my time. Thank you.

KELLY: Thank you, Senator DeKay. Senator Bosn, 4 minutes, 35 seconds.

BOSN: Thank you, Mr. President. Thank you, Senator DeKay. I have been trying to listen to as much of the floor debate as I can between some of the questions I've had on the floor. So if I misunderstood something, that may be on me. I want to go back to some of the points that Senator Conrad made regarding the recent decision in NetChoice v.

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Bonta, and just make sure and clarify that LB504, in its amended form or the amendment before you, is dramatically different from the California Age-Appropriate Design Code. The portions of that are that this version, AM856, includes neither the Data Protection Impact Assessment, which is that DPIA provisions that is a focus of the California AADC litigation. It also strips any reporting requirements, which is the focus of the NetChoice lawsuit that's pending. The Nebraska Age-Appropriate Online Design Code Act admits the legal duty of care and the best interests of the child analysis that was included in the California Age-Appropriate Design Code and other previous state bills, including the earlier version of this bill. I removed those in order to avoid any potential interpretation that the bill could ever address specific pieces of content or in any other way infringe upon the First Amendment. The Nebraska Age-Appropriate Online Design Code Act applies only to known minors on online platforms rather than to the previous broader coverage definition of online platforms and services, quote, likely to be accessed by minors. To identify known minors, the Nebraska Age-Appropriate Online Design Code includes a novel definition, and that is actual knowledge that prioritizes a company's internal data about a user's age over the user's self-reported age when there is a discrepancy with the data. Covered online services already have attributed or associated to the user. So in other words, if you are asking how old are you and you're, let's use my own children for example, my daughter is 12. If she gets on and she self-identifies as 16 in order to break those online report-- you know, whatever the, the social media company itself determines is appropriate for 16-year-olds or younger, but she's watching videos that are not watched by 16-year-olds. And so they internally have the data that says, this is not a, a user who's watching 16-year-old videos. They don't fit that profile. They can then regulate her, but are they required to? No. This is a protection for them for those purposes. It goes on to say-- so to finish that thought, it was to identify known users, we use the actual knowledge that prioritizes their internal data and includes marketing, advertising, and product development that indicates whether or not the user is in fact a minor versus just whether or not they reported it. But those are protections that we have, that the California bill that has now been, you know, it's on hold, had. And so we have addressed those concerns, and we have eliminated those concerns. And so while I remain happy to work with anyone on this bill, I would just continue to point out that those, those concerns have either been removed or addressed through the efforts that we've made in AM856. I see I'm out of time. Thank you, Mr. President.

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KELLY: Thank you, Senator Bosn. Senator Hansen would like to recognize some guests in the north balcony, they're third and fourth graders from St. Paul's Lutheran School in Arlington. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Revenue, chaired by Senator von Gillern, reports LB649 to General File with committee amendments. As well as amendments to be printed from Senator Hansen to LB148A; Senator Bostar, LB78A; Senator Sorrentino, LB265; Senator John Cavanaugh to LB504. New LR, LR110 from Senator Hughes, LR111 from Senator Hughes, LR112 from Speaker Arch, LR113 from Senator Dungan. Those will all be laid over. Notice that the Appropriations Committee will meet in noon at Room-- in Room 1003; Appropriations at noon in Room 1003. Finally, Mr. President, a priority motion. Senator DeKay would move to recess the body until 1:30 p.m.

KELLY: Members, you've heard the motion to recess. All those in favor say aye. Those opposed, nay. The Legislature is in recess.

[RECESS]

KELLY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

KELLY: Do you have any items for the record?

CLERK: I have no items at this time.

KELLY: Mr. Clerk, please proceed to the first item on this afternoon's agenda.

CLERK: Mr. President: General File, LB3. Senator Conrad would move to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

KELLY: Senator Lippincott, you're recognized to open on LB3.

LIPPINCOTT: Thank you, sir. The United States Electoral College plays a crucial role in ensuring that every citizen's vote is equal in the election of the president of the United States. Nebraska has experimented with the district plan allocation system for electoral votes since 1992. The time has come to reconsider that approach and return to a winner-take-all system, which aligns Nebraska with 48

states, strengthening the voice of all Nebraskans and upholding the integrity of our democratic process. Nebraska's would be restored to an equal footing with the rest of the United States in the electoral process. The district-based system was initially proposed in 1990 and in 1991 with the goal of offering more regional representation within Nebraska. And it wasn't until 1992 that the district plan was adopted, passing by a narrow margin in the State Legislature: 25 yes votes, 23 no votes, and 1 legislator abstaining. This indicates that the district plan was never overwhelmingly popular or embraced by a broad consensus. The slim margin by which the district plan passed should give us pause when considering whether it was a policy that had broad and lasting support among Nebraskans. The very fact the plan barely passed and required political maneuvering indicates that it was never a resounding consensus choice for the state. Moreover, even with the good faith principles of regional representation in mind, the district plan barely passed, and it seemed unlikely that it would pass today given the political changes that have occurred in the past 33 years. The district plan is a miserable experiment and attempt to be a more representative of politically made-up districts and regions. However, this experiment has entirely failed to gain traction nationally. And no other state has followed Nebraska's lead. It has become obscenely apparent that the district-based approach is not a justifiable or effective method for Nebraska's electoral system. Now, despite Senator DiAnna Schimek's optimism that Nebraska's district-based electoral system would become a national trend, history has proven otherwise. In 1991, Schimek asserted, quote, I think, as this gathers steam and nationally it is adopted, then we might get a more equitable electoral vote out of it, close quote. She further suggested that the system would increase grassroots engagement, stating, quote, you might have more activity and more grassroots activity on it, close quote. However, more than 30 years later, Nebraska remains an outlier. Only Maine shares this approach, and no other state has followed suit. Schimek herself admitted in 1991 that, quote, it would not change the system nationally, close quote, directly contradicting her earlier claims of a growing trend. Even she acknowledged the policy's flexibility, stating, quote, we can always come back and change it if we like, close quote. This statement reinforces the notion that Nebraska should now return to the more effective and nationally consistent winner take all. The failure of the district plan to gain traction across the country underscores its impractability and further validates the need for Nebraska to abandon this failed experiment. Moreover, the imbalance in representation under the current Electoral College system underscores the flaws of Nebraska's district-based allocation. For example, California, with a population of 39.5 million people, has 54 electoral

votes, meaning each electoral vote represents approximately 731,000 people. Meanwhile, Wyoming, with only 576,000 residents and three electoral votes, has one electoral vote for every 192,000 people. This stark contrast reveals how smaller states wield disproportionate influence, allowing each individual vote in Wyoming to carry significantly more weight than one in California. Similarly, Nebraska's district-based approach distorts the value of votes within the state itself, undermining the principle of equal representation. Returning to a winner-take-all system would restore fairness by ensuring that Nebraska's electoral influence is on equal footing with the rest of the nation. The argument for returning the winner-take-all system is not rooted in partisanship. It is about ensuring that Nebraska's electoral process aligns with the national framework and guarantees that every vote truly matters, which is a principle that both Democrats and Republicans resonate with. The winner-take-all system ensures that, regardless of whether you're in an urban or rural district, your vote contributes to Nebraska's final electoral decision. Let's look at each argument for the district plan. The district plan gives the voter a feeling that their vote counts and gives them their voice. The question becomes, does the voter only get this feeling if the election goes their way? How does one measure a feeling? As past Nebraska Democrat Party Chairman Vince Powers said, votes count as long as your vote is cast. Opponents argue that the district plan gives voters a better voice by allowing them to potentially see their vote represented in the Electoral College. This argument is deeply flawed. Consider: the notion that your vote only counts if the district plan aligns with your personal preference is a falsehood. If this logic is applied to its fullest extent, it would mean that we have deliberately created a system that is intentionally and purposely silences two-thirds of Nebraskans. Every vote counts in the winner-take-all system because it directly contributes to our state's overall result. In fact, the winner-take-all system ensures that every voter's voice is included in the outcome. There is no district-based fragmentation that diminishes the importance of a vote cast outside major population centers. The winner-take-all system ensures that, regardless of whether you're in an urban or rural district, your vote contributes to the state's final electoral decision. If every state adopted a district-based system, the outcome of the 2012 election could have been drastically different, with Mitt Romney winning 277 electoral votes to Barack Obama's 260 despite Obama securing more of the popular vote. While this might seem to benefit one party or another, at times it creates a fundamental imbalance in the democratic process and could result in the presidency being decided by the House of Representatives, leading to political instability and uncertainty. A uniform winner-take-all system, on the

other hand, simplifies this process and ensures more predictable and legitimate outcomes. Another argument is that the district-based system increases voter turnout by motivating people to vote in individual districts. This claim oversimplifies the complex dynamics of voter engagement. Presidential candidates' policies and national momentum drive voter turnout, not the electoral system. Candidates do not significantly change their positions to appeal to district-specific issues. What drives turnout is the candidate's platforms and national campaigns, not this system of electoral allocation. Proponents of the district-based system claim that it encourages candidates to visit the state and address local issues. However, this argument fails to acknowledge the state's relatively small size and the limited electoral influence of individual districts. In the 2024 presidential election, Nebraska received zero visits from either presidential candidate despite its district-based system. This clearly contradicts the assertion that splitting electoral votes increases candidate attention to the state. If the goal of the district plan is to increase presidential visits, Nebraska would need to gerrymander each congressional district to become a toss-up. However, mathematically, this would be nearly impossible given the state's strong partisan leanings in most areas. I will yield my time now back to the chair to finish my opening later.

KELLY: Thank you, Senator Lippincott. Senator Brandt would like to recognize some guests in the north balcony: 50 high school students from Wilber-Clatonia, in Wilber. Please stand and be recognized by your Nebraska Legislature. Senator Conrad, you're recognized to open on your motion to indefinitely postpone.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. I rise in opposition to this measure, as it fails for numerous historical, legal, policy, and practical reasons. Nebraska adopted this split electoral vote system in 1991 thanks to the leadership of Senator DiAnna Schimek, who, by the way, has been involved in every repeal effort, including in this year's effort. And as Senator Schimek noted, quoting Yogi Berra, it's like deja vu all over again. This has been the law of the land in Nebraska for over 30 years. In three elections, in 2008, 2020, and 2024, we have awarded a single electoral vote from the 2nd Congressional District to a presidential candida-- candidate. This is not a novel or unusual concept, but rather this approach is deeply grounded in the constitutional text and our history. States are empowered to make this choice about how they allocate their electoral votes. The Nebraska approach is a commonsense compromise to abolishing the Electoral College or instituting a national popular vote. According to the

National Archives, there have been over 700 attempts to abolish or reform the Electoral College-- the Electoral-- the Electoral College. In Congress, there has been numerous attempts over 200 years to change this, more than any other subject, including in 1969, when U.S. Senator Karl Mundt-- a Republican from South Dakota-- sponsored a federal constitutional amendment to implement a district-level approach to electoral votes. This was cosponsored by 18 U.S. Senators, including both of Nebraska's senators, Senator Roman Hruska and Carl Curtis. In the early years of our country, many states did not use a winner-take-all method of awarding electoral votes. In fact, only two states utilized a winner-take-all method in the 1800 election. Six states used it in 1804 and 1808. Five states used it in 1812. Seven states used it in 1816. 8 states used it in 1820, 11 states in 1824. And then the number increased progressively. Additionally, Nebraska has always been at the vanguard of electoral reform and options to maximize civic engagement in presidential elections and to draw national attention. Look no further than our beloved Nebraska's successful efforts in being an early adopter of the presidential primary, which played a pivotal role in elections, including the presidential election of 1968. See the party's decisions to utilize an early caucus in selecting a nominee that-- wherein Nebraska played a pivotal role in 2008. This history sparked engagement and put Nebraska squarely on the map in terms of the presidential sweepstakes. Our current approach to allocating our electoral votes is firmly grounded in that history. Additionally, we can look to legal basis as supporting the current approach in Nebraska. The U.S. Constitution under Article II gives us the ability to pick how we manage our electoral votes. The Twelfth Amendment provides additional guidance. This has been tested in an unbending line of case law from *McPherson* dating back to 1892, carrying through to *Blair and Williams and Cifilano* [SIC] in 2020. States have the ability to decide, as the text of our constitution makes clear and our case law reaffirms. The Supreme Court has stated that states have plenary power over how we select our electors. Additionally, while states are free to adopt a split electoral system, when it comes to voting rights, state action cannot be racially discriminatory. We know from redistricting that federal and constitutional law requires that the Legislature shall not establish district boundaries-- boundaries that result in minority vote dilution and the Legislature shall attempt to preserve communities of interest and allow for the preservation, of course, of prior districts, as a consequence of adopting a winner-take-all would be to dilute black and Hispanic votes in the Omaha area, wherein 9% of the population is black, 14% is Hispanic. Compare that to the percentage of black residents in the other two districts. The 1st Congressional District, 3% black, 12% Hispanic. The

3rd Congressional District, 1.4% black, 12% Hispanic. Legislative intent and legislative result both speak to whether or not there can be a suspect effort to dilute minority votes in a discriminatory manner. After looking at a brief history and a legal framework, now we turn to the policy considerations that argue against LB3. Retaining Nebraska's current policy on electoral vote allocation is in the best interest of Nebraska. According to the Pew Research Polling, in 2024, over 63% of Americans favor abolishing the Electoral College. And recent polling in Nebraska shows a majority of Nebraskans support our current approach. Retaining the current policy serves our beloved Nebraska by sending an important message. Nebraska is not monolith. We are a diverse state. From the beautiful, natural beauty of the Sandhills to the Tri-Cities to our vibrant capital city and to the population centers in Omaha metro area-- the state's most populous city with over 1 million residents and the home to some of the biggest corporations in the world-- our political culture is different in different parts of the state. Just as we have moved away from winner take all in local elections for school boards, county boards, and city councils to incorporate district elections and ensure more diverse representation and local consideration, the same policies underline our current approach to ele-- awarding electoral votes. Nebraskans have differing perspectives and life experiences and different priorities when it comes to political questions. It is important that our national leaders understand and appreciate the complexity of our state. The most recent calls to revert to winner-take-all from U.S. senators, President Trump, and re-- miscellaneous political personalities are both condescending and an admission, somehow trying to implicate that Nebraskans are not capable of deciding how to utilize the power granted to us under the Constitution to manage our electoral votes and an admission that their candidate is unable to compete for our votes with their ideas and with their leadership style. So instead of putting forward a viable candidate that can win our votes, they want to change the rules. If we revert to a winner-take-all vote that determines all our electoral votes, that approach sends a misleading message that Nebraskans vote in lockstep and think alike. Yet the current approach allows Nebraskans to speak with one voice when giving two electoral votes to the statewide winner and allowing for individual votes according to congressional district. That has great value for voter engagement and for ensuring that national leaders take stock of Nebraska. Additionally, economic considerations argue against this proposal as well. We know millions of dollars have been expended in our state due to this system. We have seen voter enthusiasm and engagement. Voters love our approach. Every time party leaders try to destroy our approach, a bipartisan group of state senators has resisted such because they listen to their

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constituents who are speaking out. That includes Republicans, Independents, Democrats, and Libertarians, and that continues through today, wherein we saw almost 68 live opponents to this measure and a handful of live proponents. We saw 400 online proponents and 1,400 online opponents. It's important that we continue our unique approach to governance, whether that's through our nonpartisan Unicameral electoral vote, NRDs, or public power. Thank you, Mr. President.

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

STORER: Thank you, Mr. President. I stand in opposition to the motion to indefinitely postpone, and I stand in favor of LB3. And I would yield the rest of my time to Senator Lippincott.

KELLY: Senator Lippincott, that's 4 minutes, 45 seconds.

LIPPINCOTT: Thank you, sir. I'll continue with my opening. Only five electoral votes is what Nebraska has. It does not hold a significant sway in presidential elections. Candidates naturally prioritize larger population centers, meaning that only Omaha's 2nd Congressional District receives attention under this system that we currently have. The district-based system disproportionately benefits the most populous districts, leaving rural voters effectively ignored. Approximately 27% of Nebraska's population lives in rural areas, yet those areas account for 85% of the state's landmass. 61 out of 93 counties are entirely rural. This imbalance means rural voices are diminished under the current district plan. In 19-- or, in 2024, interview with PBS NewsHour, Ruth Huebner from Blue Dot Nebraska stated, quote, there's a focus on our district and you feel like you matter, close quote. Jason Brown, also from Blue Dot Nebraska, expressed, quote, we love the attention this round. We're not being ignored. We're not a flyover state, close quote. These quotes demonstrate the sad reality that even voters are unknowingly acknowledging that the blue dot of Omaha is the only district that truly matters under the district plan. In Nebraska's 2nd Congressional District, where 341,690 votes were cast, the results were as follows, according to our Secretary of State. In District 2, Kamala Harris received 52% of the vote. Donald Trump, 47%. County breakdown, however, showed that Saunders County: Trump, 73% of the vote; Harris, 26%. Sarpy County-- which is included in District 2-- Trump, 61%; Harris, 38%. Then in Douglas County: Trump, 44%; and Harris, 54%. This highlights the imbalance and neglect of Nebraska's rural voters in the current system. Supporters of the district plan argue that it creates an opportunity for third-party candidates to capture electoral votes. Now, this might sound appealing, but it

introduces significant risk for the stability and legitimacy of the presidential election process. Splitting electoral votes can lead to fragmented elections, which could prevent any candidate from reaching the necessary 270 electoral votes. This situation would throw the election into the U.S. House of Representatives, potentially resulting in a contested and unstable outcome. As mentioned earlier, if the district plan were in effect in 2012, Mitt Romney would have beaten Barack Obama and a result wi-- at odds with the national popular vote. This shows that the district-based system can produce chaotic results that do not reflect the collective will of the people. Third-party candidates could essentially split the vote, making it harder for any one candidate to secure a majority and leading to confusion and division, further undermining the legitimacy of the election. Opponents of the winner-take-all system argue that the district-based approach reduces the potential for gerrymandering, as district boundaries are used to ensure that electoral votes are allocated in proportion to local support. However, this is a misconception. Gerrymandering is more likely under the district plan, not less. By dividing the state into congressional districts, the possibility of manipulating boundaries for political gain is increased, as party lines can be drawn to favor one side over another. The winner-take-all system by contrast removes these artificial boundaries, ensuring that all voters in the state are equally represented in the final outcome. Returning to the winner-take-all system would prevent this manipulation by rewarding the candidate who wins the statewide majority, eliminating the opportunity for parties to carve out favorable districts through gerrymandering. I yield my time, sir.

KELLY: Thank you, Senator Lippincott. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. Pre-- he yields his two seconds. All right. Colleagues, as a senior member on the Government, Military and Veterans Affairs Committee, I've heard this bill many, many times over the years. And I'll warmly remind Senator Lippincott about the hearing where he sat and answered questions that he never seemed to understand through the whole series of questions that land can't vote. Land doesn't vote. Nebraskans in CD 3 are not disenfranchised, because their vote counts the same way as everybody else thanks to the district plan. A lot of things that Senator Lippincott is saying, I don't know what he's talking about, because-- you know, colleagues, it makes sense that when we've got four hours to talk about a bill we're gonna spend a lot of time going over the data and the history and what the Constitution says and what other states do. And that's all important, but I think that we have a responsibility here to just say what's really going on.

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This bill is about locking up all five of Nebraska's electoral votes for the Republican Party because the current system doesn't always give them what they want. That's it. And so Senator Lippincott has had, you know, ten minutes to open, five minutes from Senator Storer-- I'm sure he's gonna get more time-- to say all kinds of things when he should just say that and sit down and let us get to the end of this four-hour debate. It's about locking up the votes for the Republican Party because they don't always win. And they can't stand it. It's about rolling back a fair, representative process because one district didn't vote the way the majority wanted a couple of times. And that's not democracy. That's a consolidation of power and it's disenfranchisement. I've said this before and I'll say it again: if you only believe in democracy when you get the result that you like, you don't believe in democracy. And that's exactly what LB3 is all about. It's a test of whether you're willing to uphold the principle of representation even when the results are inconvenient or not preferable to those in power. And one thing that conservatives have often told opponents to LB3, including myself, is, well, how would you like it if Mitt Romney had won? Well, what if Barack Obama hadn't won the electoral vote? How would you like that? I don't care. I don't care. What I want is for every member of their district to have their voice heard, and I don't care who that goes for. I don't care if CD 3 votes blue. I don't care if the CD 2 votes red. What I care about is that the vote stays closest to the people who are casting it, and Nebraska's system gets us closer to that than any other state. Right now, Nebraska's system allows for a very rare thing in politics: nuance. We have the ability because of our unique system to reflect the political diversity across our state, and frankly it's the same thing that our nonpartisan Unicameral does. As partisan as we can be, as, as quarrelsome as we can be, because of our nonpartisan system, we are able to elect people who better represent their districts. We allow the voters of CD 2-- or someday CD 3, potentially, depending on shifting demographics in our state-- or CD 1, of course-- they all matter-- we allow them through this system to send a signal that they may differ from the majority. And that's not a flaw. That's a strength. And once we start gutting systems like our electoral vote system because sometimes they don't produce the outcome that the majority likes, we lose the integrity of the whole system. If this body chooses to pass LB3, what we're really saying is that winning is more important than representation. That political advantage matters more than people, and that's not something that I'm willing to vote for, colleagues. So, yes, let's talk about the history of the case law. Let's talk about the numbers and look at what other states do. But let's also be honest with ourselves. LB3 is not about fairness. It's not about representation. It's about control. It's about sore losers.

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It's about partisanship. And I urge this body to reject it. This isn't popular with Nebraskans. They have overwhelmingly stated in our live hearing and in letters and in, you know, advocacy and activism that LB3 is not what they want. And that goes across the gamut. We had a, a GOP Party chair from a county in western Nebraska come in and argue against this because he thinks Nebraska's going more progressive and he wants CD 3 to continue to have a voice. I think that's a great reason. It's about silencing voters in our state who don't vote the way Republicans want them to vote. And it's time for us to turn tail and reject this authoritarianism. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Senator Sanders would like to recognize some guests in the south balcony: they are 32 fourth graders from Cornerstone Christian School in Bellevue, Nebraska. Please stand and be recognized by the Nebraska Legislature. Senator Lippincott, you're recognized to speak.

LIPPINCOTT: Thank you, sir. The opponents argue that Nebraska's winner-take-all approach makes the state an outlier, diverging from the practices of other states. This argument is particularly flawed in the content of national consistency. Nebraska is one of only two states, along with Maine, that use the district-based plan. This puts us at odds with the vast majority of the country where every other state uses the winner-take-all system. While Maine has maintained the district plan since 1972, no other state has followed suit, proving that it is not a successful or widely embraced model. A return to winner take all would align Nebraska with the other 48 states and provide more uniformity in the electoral process. This consistency ensures that every state plays a comparable role in the election of the president and that candidates approach the state with the same strategic mindset they would for any other state. Some would argue that the district system fosters diverse representation and prevents the concentration of power in urban areas. However, the district system discourages attention to Nebraska's smaller, rural areas. The district-based system rewards higher population districts in Nebraska. This means that rural areas are often overlooked and presidential candidates will focus on urban districts with larger populations, effectively ignoring the concerns of the rural vote. This reinforces the very problem that the district-based system was intended to address. Rural Nebraskans would still have their voices ignored. By returning to the winner-take-all system, Nebraska would ensure that every voter-- whether from Omaha, Lincoln, Valentine, Blair, or Red Cloud-- is treated equally and has an equal stake in the outcome of the election. This leads to more inclusive campaigning where candidates must address issues that are important to the entire state, not just large, urban regions. The

opposition's arguments in favor of maintaining Nebraska's district-based system fall short when analyzed through the lens of fairness, electoral integrity, and national consistency. Returning to the winner-take-all system would ensure that Nebraska's electoral process is clear, consistent with the rest of the nation, and more representative of the collective will of the state's voters. This is not about party politics. It is about creating a system that ensures that every Nebraskan's vote counts equally, promotes unified representation, and strengthens our state's voice in the national conversation. The time has come for Nebraska to rejoin the majority of states in adopting the winner-take-all system and help uphold the fairness and integrity of our elections. Let us stand together as proud Nebraskans embracing a system that honors each vote and gives us the fair, strong, and unified voice we deserve in choosing our nation's president. I yield my time, sir.

KELLY: Thank you, Senator Lippincott. Senator Storm, you're recognized to speak.

STORM: Thank you, Mr. President. And good afternoon, colleagues. I rise in support of LB3 and want to provide a brief historical background around our electoral process in Nebraska and provide some pushback for the opponents who argue this has-- this hasn't been an issue and that this has only come up recently. Since the change in 1991, there has been 13 bills introduced to revert it back to winner take all. That means in all but three bienniums since 1991 there has been an attempt to go back to winner take all. In 1991, Senator Schimek introduced LB115. And in the committee hearing, there was a total of three testifiers: Senator Schimek, Senator Bernard-Stevens, and one citizen. This bill was voted out of committee with a 5-2-1 vote and received minimal debate on the floor, where it was advanced and ultimately passed with a minimum 25 votes. During her opening, Senator Schimek argued that the congressional district system was a growing national trend and that several other states such as North Carolina and Co-- and Connecticut would-- going-- were going to follow Maine's lead. Maine went to the congressional district sys-- system in 1972. Responding to opponents who were advocating for an amendment that would change it only when 25 other states had adopted similar measures, Senator Schimek opposed this idea and said, we can always come back, change it if, if we like, but I guess I feel that waiting for other states is sort of pointless. Ultimately, in 1995, the Nebraska Legislature sought to end the congressional district system and return Nebraska to a winner-take-all state. During floor debate, the original sponsor of the congressional district system, Senator Schimek, admitted that LB115 was simply a compromise to those who wanted to do away with the Electoral

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College altogether. Doing away with the Electoral College ultimately would result in Nebraska getting absolutely zero attention during presidential elections. Furthermore, opponents to the bill continue to argue that most states will follow our lead and to try-- and to try it for a few more years to see. Well, the Legislature solved through these arguments at the time and ultimately passed the bill with a 27-15-7 vote only to be vetoed by then-Governor Ben Nelson. Two years later, the same thing happened. Opponents to the winner-take-all system once again said other states are looking to follow our lead in adopting the congressional district system, yet no state has ever followed our lead. Ultimately, the Legislature passed LB103 to return our state to winner-take-all system, and Governor Ben Nelson once again vetoed the bill. And in his letter, he admitted that if he could, he would abolish the Electoral College entirely, with one-- which, once again, would make Nebraska entirely irrelevant in presidential elections. Following Governor Nelson's second veto in 1997, similar bills were introduced in 2000, 2001, 2003, 2006, 2014, 2015, 2017, 2021, 2023, and now 2025. Time after time during debate on this very issue, proponents of the congressional district system have argued that the reason we should split our vote is so Nebraska has some relevancy in presidential elections but then later admitted they ultimately wanna make Nebraska irrelevant by abolishing the Electoral College system entirely. I would like to remind everyone one of the reasons we have an Electoral College system is because we are 50 individual states and the Electoral College provides a process for every state to have a voice. If congressional-- if congressional district system was such a great system, we would have more than two states to enact this system in the last 53 years. We are the United States of America, not the United Congressional Districts of America. As former Senator Christensen said in 1995, this country was founded on 50 states, not 435 congressional districts. We should speak as one voice when choosing the leader of our nation and not divide the state of Nebraska into three parts. I urge a green vote on LB3 and its advancement to the Select File. Thank you. Yield the rest of my time.

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

HOLDCROFT: Thank you, Mr. President. First, I wanted to announce a news release from last week from the Department of Health and Human Services that the first baby safely surrendered under Nebraska's Expanded Safe Haven law. OK. On April 2, 2025-- which was last Wednesday-- the first child since the expansion of Nebraska's Safe Haven law was surrendered. The healthy baby was surrendered to a Safe Haven location in the northeastern part of the state and is under the care of the Department of Health and Human Services. Due to HIPAA laws, no further details can

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be provided. Effected January 19, 2024, Nebraska Revised Statutes 43-4903, which allows a baby up to 90 days old to be left with an employee on duty at one of the following locations: a hospital licensed by the state of Nebraska, a staffed fire station, a staffed law enforcement agency, or an emergency care provider. Individuals are protected from prosecution for any crime based solely on the act of surrendering a baby under the law. I want to thank Governor Jim Pillen and the Unicameral for their leadership in passing and signing the Safe Haven Expansion Bill into law last years, said Steve Corsi, CEO of DHHS. This expansion is vital to protecting our most vulnerable children, ensuring that every child has a safe place when it's most needed. To speak to someone about a safe surrender, call or text the National Safe Haven Alliance crisis line at 1-888-510-BABY. And with that, I'll yield the remainder of my time to Senator Lippincott.

KELLY: Thank you, Senator Holdcroft. Senator Lippincott, 2 minutes, 58 seconds.

LIPPINCOTT: Thank you, sir. I'd like to read a little excerpt here about a reflection as to the Electoral College. For some, the Electoral College is an essential legacy of the Founders' vision. For others, it's a relic enabling a tyranny of the minority. As a compromise between electing the president by popular vote or letting Congress choose the chief executive, our Founders settled on the idea of using electors. Each state has as many electors as it has members of the U.S. House and Senate. Together, these are-- 538 electors make up the Electoral College, which has one purpose: to choose the president every four years. Electors generally are chosen by the political parties through laws governing the selection process varied by state, like Nebraska and Maine. Today, 48 states allocate their electoral votes to the winner of the statewide vote, a winner-take-all approach. Maine and Nebraska give two elect-- electors to the winner of the statewide vote, then apportion one elector to the top vote getter from each congressional district. A presidential candidate must get at least 270 Electoral College votes to win the office. And, of course, Maine can split their two votes; Nebraska, three. In recent years, state lawmakers have debated the continued use of the Electoral College. Should it be left intact or abolished, improved or replaced? Opinions do differ. We offer two views here. Trent England, director of Save Our States Project, favors the current system. And I'll read some of his notes in this article. The Electoral College ensures that our national politics stay national. It keeps states in charge of election administration and contains disputes within elector-- or, individual states. Under our current system, there are no nationwide recounts, and presidential appointees do not run presidential elections. Eliminating

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the Electoral College or nullifying it with the National Popular Vote Interstate Compact would eliminate these benefits and radically change American politics. I'll continue later on. I yield my time.

KELLY: Thank you, Senator Lippincott. Senator Raybould, you're recognized to speak.

RAYBOULD: Thank you, Mr. President. Good afternoon, colleagues and fellow Nebraskans watching us on TV. You know, I stand in support of indefinitely postponing this for a number of reasons. But because I've traveled all over the state of Nebraska, I have met so many Nebraskans of all parties, persuasions, and lifestyles and businesses. We are a fiercely independent group of individuals in our state. We are unique in so many ways. We have our Unicameral, which keeps us unique. I wanna thank a number of people that have emailed me. I, I can actually only recall receiving 1 email in support of LB3, but getting, you know, probably 85 to 90 in opposition to LB3. And so I'm gonna quote a couple of constituents who mailed in and have done a terrific summary of this issue. This is from Randy Fair in the 3rd Congressional District. The split electoral vote system is excellent for our state like Nebraska. The split-vote process better reflects Nebraska's voter diversity. It provides fairer representation in national elections. It empowers local voters. And we talk about that. Local choice matters. It preserves Nebraska's unique tradition of independence. It's a safeguard against extremism from either side. It's a proven system that works for Nebraska. It encourages better dialogue and engagement. Another, another constituent, Shakir [PHONETIC], said, right now, Nebraska matters. Candidates come here. They campaign in our neighborhoods. They fight for every single vote because they know every district can make history. Without our current system, we're just another guaranteed checkbox on someone's map, written off, forgotten, used but never heard. And we look at the last presidential campaign, we have seen so many people come to Omaha and work in Congressional District 2. Senator Mike McDonnell called it as Nebraska's green dot only because of all the revenue generated from all these people that would come. And ironically enough, the most visitors came from the Republican Party. We had JD Vance come twice. We had RFK Jr., Tulsi Gabbard, Speaker Mike Johnson. Lindsey Graham came. And our governor even went to Mar-a-Lago to meet with President Trump on this very issue. When I look on the Democratic side, yeah, we had a lot of people working very hard in Congressional District 2. We had vice presidential candidate Tim Walz come, Hakeem Jeffries. So all of this matters. Why? Because people from all the surrounding states wanted to come in and listen to these leaders and representatives. And ironically, the Republicans came out in a greater force than the Democratic leaders. Let's call LB3 what it

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is: a lazy, short-sighted attempt to strip power from Nebraska voters and hand it over to national political machines. It's not about fairness. It's not about consistency. It's about silencing Nebraskans in the name of party loyalty. It's about me-- making Nebraska smaller, quieter, easier to ignore. We are not like the other 48 states. And I want to just stop here for a second. I actually talked to former State Senator DiAnna Schimek yesterday. She called me up and said, Jane, I know you're going to be talking about LB3. She goes, it's something that makes me so proud as a Nebraskan to have this unique system that we have right now where each one of our congressional district voices are heard, and that matters. And she said, please fight for this. Please keep fighting for this unique system in our state. So we, we should never aspire to be like the other 48 states. Otherwise, we wouldn't have a unicameral. We didn't build the only Unicameral Legislature in America just to fall in line. We didn't split our votes so that the few voices could drown out the rest. We chose a better path-- one that says every Nebraskan matters, not just the ones who vote with the majority. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues and folks in the bal-- gallery and folks watching at home. I stand in support of the IPP and opposed to LB3. And I, like Senator Hunt, serve on the Government Committee. And I had the great privilege of being in that hearing, where there were something in the order of about nine proponents for this bill, including the governor's staff and political party operatives, and there were somewhere close to a hundred, I think, opponents to this bill, including at least two of my constituents, Jason and Ruth, who are up in the balcony. Hi, Jason and Ruth. Thanks, thanks for everything you do. And thanks for being here. But-- and the online comments were so disproportionately opposed to this bill. So it is clear that the will of the people is not to change this. And we can have a long and robust conversation about reasons why-- the window dressing reasons why you want to do this. But Senator Hunt already hit it on the head. We could be done we could just vote on this. This is just about the fact that people don't like the outcome of some elections and if you can't win an election fairly you want change the rules the game after the fact. And that was exactly why there was a proposal to have a special session in October while people were voting, to change the rules of the game in the middle of that election. This is not about some his-- historic or divergence from history or experiment. We've been doing it for 30-some years now. It is no longer an experiment. It is how we do it. And it has been successful. Sure, no

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other states have followed us. But in part, that is because a system of winner take all benefits the most powerful. And you know who's in control at the state level? Is the most powerful, and they like the outcome. And so that is why other states haven't followed suit. And to the question of, I think, Senator Lippincott talking about, why do people come to Omaha and not to Central City? It is-- in campaigns-- all of us have run campaigns-- we know-- it's about where can you get the most bang for your buck, where can you talk to the most people. And there are more people who vote in the Omaha metro area than vote in small towns. And so to go all the way out there to talk to 20 or 30 people as opposed to 20,000 or 30,000 is just not economical for a campaign. And so there's that part of it, but there's also-- campaigns are going to go where the outcome is in question. No one is going to campaign, spend money and resources, limited resources on a national presidential campaign to go to a community that is already going to vote for them and in a state that is going to vote for them. That's why you see not that people are going to big cities; you're seeing them go to what we call the swing states. All of the trips that the presidential campaigns made were to Wisconsin, North Carolina, Michigan, Pennsylvania, Georgia, Arizona, Nevada, and the 2nd District of Nebraska. What's the similarity in all of those places? The outcome was in question. And when the outcome is in question, people come and talk to the people there, to get their vote, to hear their voice, to offer to represent them. It is power. The power the electorate has is to hold politicians accountable to come and ask for their vote. And so this bill and this proposition to take away being able to vote and apportion our votes to go to winner take all is an effort to silence a group of people, particularly in the Omaha area, who some in this body do not agree with and don't want to hear their voices. And it is an attempt to diminish the voting power of the people in my district, in Senator Hunt's district, in all the people's districts in Omaha and Sarpy County and, by the way, Saunders County that are all part of the 2nd District. So I'm opposed to LB3. I'm in favor of the inde-- motion to indefinitely postpone. We should not silence people's voice because we don't agree with them. That's the fundamental question here. So if you can't stand to hear what people have to say, maybe you don't belong in this business. Thank you, Mr. President.

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

MOSER: Good afternoon, colleagues. Good afternoon, Nebraskans. Thank you, Mr. President. Well, our Founding Fathers wrestled with this idea 200 years ago or more about how to elect a president. On the one hand, you could go with a popular vote, which would favor the more populated

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states, like New York. Or you could have the president elected by the members of Congress. The members of Congress felt like they knew more about what's going on and they felt like that the average voter wouldn't be as up to speed on issues as maybe they were. And so you had these two sides battling each other. I'm not going to take a side in that discussion except to say that, you know, California, some of the more populated states were not states yet even at the time that our Founding Fathers set this up. They came up with the Electoral College-- although they don't necessarily call it the Electoral College-- or, they didn't-- we do-- as a compromise between those who wanted to elect the president by popular vote versus by so many electoral votes for each state. And I think we've had enough time as an experiment in Nebraska to see that, that this, I think, dilutes the vote of the majority of the citizens of Nebraska. And I think that just because it makes a lot of money for some of the media in Omaha or Lincoln or the more populated areas, that's not a reason to keep the, the congressional split the way we have it. I think we should go back to the way that our Founding Fathers intended it. They intended it to be done by Electoral College, and I think they knew that there would be times when the Electoral College vote winner was not necessarily the same as the popular vote winner. And I-- they predicted when they compromised on this that the House of Representative-- House of Representatives would be involved in choosing the president more often than not. But it has turned out that the House of Representatives has not had very many opportunities to elect a president. So I think we should go back to the way we were before we started the experiment and go back to electing Electoral College votes all for the same candidate in Nebraska. Thank you. I yield my time.

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

SANDERS: Thank you, Mr. President. The Government Committee heard Senator Lippincott's LB3 on January 3-- 30. We conducted a joint hearing on LB3 and Senator Dorn's LR24CA. After introduction by Senators Lippincott and Dorn, we heard from 81 testifiers, making it our second biggest hearing of the session. We also received nearly 1,800 online comments on LB3. In addition to those public testimonies and online comments, our committee office has received approximately 500 calls, nearly 200 postcards, and over a thousand emails on this topic. I chose to set LB3 for an executive session vote in our committee because Nebraska has, has an intense interest in our decision on this bill. When there is this level of interest, I believe that demands the attention of our entire Legislature. This bill came out of committee with a 5-3 vote. I do not take this issue lightly. I

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recognize that some of us take a different point of view. Nebraskans deserve to hear where we stand on this question. They deserve to see this body take a vote. I yield the remaining of my time to Senator Lippincott. Thank you, Mr. President.

KELLY: Thank you, Senator Sanders. Senator Lippincott, 3 minutes, 23 seconds.

LIPPINCOTT: The first draft of the United States Constitution, the Virginia Plan, was proposed that Congress choose the president. The congressional co-- convention rejected this parliamentary model. The delegates wanted an independent executive and real separation of powers. Some suggested a direct election, but that too was rejected. The Electoral College was the result of a compromise, just like Congress and the Bill of Rights. At the Constitutional Convention, the primary concern of delegates opposed to direct election was that big states would dominate presidential politics. By using a two-step election process, the Electoral College prevents one region or a handful of major metropolitan areas from controlling the White House. Support must be geographically distributed around the country in order to win enough states to capture an electoral vote majority. This was particularly important after the Civil War. The nation remained divided, and Democrats became dominant in the South. A combination of intense popularity with some voters and violent suppression of others allowed Democrats to receive the most popular votes in 1876 and 1888 even though they lost the Electoral College and thus those elections. While some whined about the Electoral College, smarter Democrats set about the hard work of reaching out and building a broader coalition. They focused on voters in the North and in the Western states, especially those being ignored by Republican political machines. Their outreach to immigrants and Catholics rebuilt the Democratic Party, and it also helped break down sectional divides and heal the nation. The National Popular Vote Interstate Compact, which 15 states have joined, would eliminate incentives to build a nationwide coalition. Geographic diversity would be irrelevant in the election. And with no runoffs or minimum threshold to win, a national public vote would encourage fringe parties and spoiler candidates leading to winners with smaller and smaller pluralities. The Popular Vote Compact would rely on each participating state to certify for itself a national vote total. These states are expected to trust with no power to verify the accuracy and honesty of every other states' elections. They would aggravate votes across jurisdictions with different rules and processes, likely violating the Equal Protection Clause of the Constitution. Yield my time, sir.

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KELLY: Thank you, Senator Lippincott. Senator Lonowski, you're recognized to speak.

LONOWSKI: Thank you, Mr. President. I rise in support of LB3. In Nebraska, Omaha and Lincoln are usually considered the cities that help make up the blue dot. And they're given more liberal voting tendencies compared to the rest of the state, which is predominantly conservative. However, the blue dot of Nebraska is actually 47% conservative and only 53% liberal. Not really at all, at all blue, but purple. It suggests a nuanced political landscape. It might mean that, despite the area leaning liberal overall, there is still a significant conservative presence, reflecting a mix of political views even within traditionally liberal areas. Do you see what I'm saying, what I'm getting at? Yes, the blue dot areas, like Lincoln and Omaha, can indeed have a significant impact on Nebraska's overall political landscape. Nebraska is unique in that it ill-- allocates its votes for the Electoral College by congressional districts rather than winner take all, which is how 48 other states operate. This means that, even if one party wins the state overall, there can still be splits in the electoral votes based on the outcomes of the individual districts. For example, the blue dot areas in Nebraska turn out in high numbers and swing liberal. They could potentially flip one of the state's electoral votes. In a tightly contested presidential election, that single electoral vote-- even though it may only be 53% of that district-- could make a big difference, especially in an election divided by a small margin, as we-- as we have seen in recent years. It's always a reminder that elections can come down to very specific regions. And even in more conservative states, urban area of specific districts can be pivotal. Now, let's say the blue dot would have made a difference in the 2024 presidential election. Let's say 48 states had a winner-take-all system. They do. Let's stay Nebraska's blue dot-- that lone electoral vote which was only 53% blue in that single district-- would have "enswayed" an entire presidential election because it was not on par with 48 other states. Why? Why would we want to be different than 48 other states and [INAUDIBLE] Congress? We need to get on the same sheet of music. I emphatically support common sense. I support Senator Lippincott and LB3. I yield the remainder of my time to Senator Lippincott.

KELLY: Thank you, Senator Lonowski. Senator Lippincott, 2 minutes, 10 seconds.

LIPPINCOTT: Like the United States, most major countries use a two-step democratic process to choose their head of government. These systems prevent re-- regionalism, and some, like the Electoral College, reduce

the possibility of having winners with small pluralities and decentralized support. Proposals to eliminate the Electoral College or to do an end run with the Popular Vote Compact would eliminate these checks and balances in favor of a simple majority. The Electoral College is not perfect-- no election system is-- but it has stood the test of time. The process rewards coalition building and prevents nationwide recounts. In most elections, it simply amplifies the popular vote result. In every election, it allows states to remain in charge and contains disputes within state lines. In a time of political turbulence, the United States needs the Electoral College now more than ever. The author of the article summates his points as follows: the Founding Fathers thought it was the best way to choose the president-- the Electoral College. The U.S. Constitution should be amended only rarely. It safeguards against uninformed or uneducated voters. It prevents states with larger populations from having undue influence. It forces presidential candidates to campaign in all parts of the country. And it lessens the likelihood of calls for recounts or demands for runoff elections. I yield my time, sir.

KELLY: Thank you, Senator Lippincott. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. I yield my time to Senator Lippincott.

KELLY: Senator Lippincott, 4 minutes, 55 seconds.

LIPPINCOTT: Thank you, sir. The Founding Fathers established the Electoral College in the Constitution in part as a compromise between the election of the president by a vote in Congress and election of the president by a popular vote of qualified citizens. However, the term Electoral College does not appear in the Constitution. Article II of the Constitution and the Twelfth Amendment referred to electors but not to the Electoral College. Since the Electoral College process is part of the original design of the U.S. Constitution, it would be necessary to pass a constitutional amendment to change the system. The ratification of the Twelfth Amendment, the expansion of voting rights, and the state's use of the popular vote to determine who will be appointed as electors have each substantially changed the process. Many different proposals to alter the presidential election process have been offered over the years, such as direct nationwide election by the elect-- the eligible voters, but none has been passed by Congress and sent to the states for ratification as a constitutional amendment. Under the most common method for amending the Constitution, an amendment must be proposed by a two-thirds majority in both houses of

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Congress and ratified by three-fourths of the states, 38 states. Reference sources indicate that, over the past 200 years, more than 700 proposals have been introduced in Congress to reform or eliminate the Electoral College. There have been more proposals for constitutional amendments on changing the Electoral College than on any other subject. The American Bar Association has criticized the Electoral College as archaic and ambiguous, and its polling showed 69% of lawyers favored abolishing it in 1987. But surveys of political scientists have supported continuation of the Electoral College, and public opinion polls have shown Americans favor abolishing it by the majorities of 58% in 1967, 81% in 1968, and 75% in 1981. Opinions on the viability of the Electoral College system may have been affected by attitudes toward third parties. Third parties have not fared well in the Electoral College system. For example, third-party candidates with regional appeal-- appeal, such as Governor Thurmond, 1948, Governor Wallace in 1968, won blocks of electoral votes in the South, but neither came close to seriously challenging the major party winner, although they may have affected the overall outcome of the election. The last third party or splinter party candidate to make a strong showing was Teddy Roosevelt. In 1912, Progressive Party-- also known as the Bull-Moose Party-- he finished a distant second in the electoral and popular votes, taking 88 of the 266 electoral votes needed to win at the time. Although Ross Perot won 19% of the popular vote nationwide in 1992, he did not win any electoral votes since he was not particularly strong in any one state. In 2016, Gary Johnson, the Libertarian Party candidate, qualified for the ballot in all 50 states and the District of Columbia but also failed to win any electoral votes. Any candidate who wins a majority or plurality of popular vote nationwide has a good chance of winning the Electoral College, but there are no guarantees that this would happen. I yield my time, sir.

KELLY: Thank you, Senator Lippincott. Senator Kauth, you're recognized to speak.

KAUTH: Thank you, Mr. President. I would like to refer everybody to last week when Senator Machaela Cavanaugh said it was egregious to not move a senator's priority bill from General to Select because you think it's, quote, unnecessary, is complete and utter baloney skittles 100%. It's not OK. I took this to mean that Senator Machaela Cavanaugh will be voting for each of our priority bills, for which I thank her. And I plan on continuing to support LB3, which is Senator Lippincott's priority. For me, it's a matter of returning to the full Electoral College as our Founders intended. The fact that Nebraska tried a new way of doing things should be commended, but the goal was for every state to follow suit. The fact they didn't shows the value of a

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statewide, united block for our electoral votes. I actually think at some point in the next two decades we could see a complete flip to blue, but I want to uphold the intent of the framers regardless of which side is dominant at the time. As I've talked with people in my district, there's a relatively even split, and not along party lines. It's a very interesting breakdown of why people believe the way they do. I get stopped daily to ask me to either vote for or against, and I keep an internal tally. And right now, I'm running at about 52% to vote for LB3, 48% against. So that's where I'm going to keep my vote. And I yield my time to Senator Sorrentino.

KELLY: Thank you, Senator Kauth. Senator Sorrentino, you have 3 minutes, 38 seconds.

SORRENTINO: Thank you, Mr. President. And good afternoon, colleagues and those watching this debate on television. I rise in support of LB3. For those in our viewing audience: prior to each biennium, state senators meet prior to the opening of the legislative session by congressional district in sess-- in a session known as a caucus. These meetings are typically held a few weeks prior to the first day that the Legislature convenes. Prior to getting into the specifics of each caucus as I will, this might be a good time to remind those unfamiliar with the Nebraska State Legislature that we are a nonpartisan body. Political party affiliations of the candidates for state senators do not appear on the ballot. Having said that, nearly every candidate divulges their political party at some point during the election process, and political party affiliation becomes quite evident. Back to the legislative caucus process. The purpose of these caucuses are twofold. One, to elect two senators from their congressional district to the Executive Committee. And two, to elect four senators from their district to the Committee on Committees. Among other tasks, a key function of the Executive Committee is to determine which committee will hear bills proposed for that session, while the Committee on Committees nominates senators to serve on standing committees of the Legislature, which conduct hearings on bills assigned them from the Executive Committee, and then decide which ones will be selected for floor debate before the entire legislative body. Each of the three congressional districts meet independently of one another, and the meetings include only the elected Nebraska state senators from that congressional district. The makeup of each of these congressional districts by political party is as follows: District 1, 10 Republicans, 6 Democrats; District 2, 9 Re-- 9 Democrats, 8 Republicans; District 3, 15 Republicans, 1 Democrat. These numbers are reflective of registered voters participating in our democratic voting process. It is reasonable to think that the appointment to the Executive Committee and Committee

on the Committees would revue-- reflective of the party and majority in each district as elected by Nebraska voters and, most importantly, reflect a policy of shared governance. I think those are two very important words: shared governance. After all, as we have been reminded time and time again in this session, state senators should follow the will of the people in our daily assignments as state senators. To the task at hand, LB3 and the winner-take-all concept, let's look at how the shared governance concept was handled at the caucus level. District 1, where the Republicans hold a dominant 10 to 6 advantage. Despite having an opportunity to sweep all six appointments, Republicans instead chose the path of shared governance, and therefore not-- and therefore not denying the Democratic voters a voice in the governance of their district by electing Democratic Senator Eliot Bostar to both the Executive Committee and Committee on the Committees. In my opinion, an excellent choice. But remember, with their lopsided party advantage, they cert--

KELLY: That's your time, Senator. But you're next in the queue.

SORRENTINO: Thank you. I will continue. Thank you, Mr. President. But remember, when the lopsided party advantage, those in District 1 certainly had the votes to run the table and appoint only Republican senators to these committees. But in the interest of shared governance, they did not. In District 3, voters elected 15 Republicans and 1 Democrat to the Legislature. Not surprisingly, given the nearly unanimous vote, the Republican senators understandably honored the voters' choice and elected all Republicans to the committee seats. We move to Congressional District 2, of which I am a member, which is comprised of Omaha and surrounding communities. Here in Nebraska, voters have chosen nine Democrats and eight Republicans as their state senators-- a virtual tie, given this district has an odd number of elected senators. The caucus meeting for District 2 occurred on January 6, 2025, [INAUDIBLE] 36 hours before the opening of this 109th Legislature. The results of the voting for nominations to the Executive Committee and Committee on Committees was anything but reflective of shared governance and respecting the will of the people. In a district that has more registered Republican voters than Democratic voters, the Democrat senators chose to use that slight one-senator advantage to deny any Republican senator a seat on either the Executive Committee or the Committee on the Committees. Instead, they voted to sweep all six seats. I'll say it again. They denied any Republican senator a seat on either committee and instead took all six seats for themselves. Now that's winner take all. But wait, there's more. In the process of taking all six seats, they voted out two Republican incumbent members of the committees, a practice rarely, if ever, seen in appointments to

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those two important committees. Again, this truly was winner take all. Sadly, many, if not all, of these same Democratic senators who created the blueprint for winner-take-all just 90 days ago at the District 2 caucus are poised to oppose this bill for winner take all. How could that be? I certainly hope that this is not a case of what's good for the-- for thee is not for me. I ask the viewing audience, as well as my esteemed colleagues here today, how, on one hand, can the Democratic state senators of District 2 take advantage of the very smallest of margins and completely and totally ignore the will of the people in Congressional District 2 just 90 short days ago and then oppose the very concept they used to their own advantage? The truth of the matter is that those who oppose this bill really do not oppose the concept of winner take all, only the consequences of when it does not work in their favor. I ask you to vote green on LB3, just as 48 other states have. Thank you, Mr. President.

KELLY: Thank you, Senator Sorrentino. Senator Hallstrom, you're recognized to speak.

HALLSTROM: Thank you, Mr. President, colleagues. I rise in opposition to M01 and in support of LB3. When I was campaigning and was asked about the winner-take-all issue, I expressed my belief that all states should allocate the Electoral-- Electoral College votes on a uniform basis. I didn't suggest that I had any preconceived notions [INAUDIBLE] whether that should be the congressional district method that's in place now, move to a winner take all, or perhaps consider a national popular vote. What we have before us, though, is the opportunity to have two states-- Nebraska and Maine-- get on board with what the other 48 states are doing. That would be consistent with what my approach was and what I told the voters during the campaign. It should be easier for Nebraska and Maine to make changes. In fact, we had a handout that was on our desk that suggested that Maine has apparently introduced legislation that would move them to the winner take all to match Nebraska ostensibly, conditional upon Nebraska taking action proposed under LB3. So I would suggest that if we do pass this and Maine follow suit that we will at least be in line with what I had indicated was my preference that I told the voters, to have all of the states on the same page and utilizing the uniform basis for allocating Electoral College votes. The other thing that I don't think has been commented on, a lot of people think it's all partisan, we're all looking out for a particular party. I think Senator Lippincott suggested in his comments that if all states were on the congressional district method that, in 2012, Mitt Romney would have defeated Barack Obama. So sometimes we should be careful what we ask for. I don't think the opponents would have preferred for that to be the, the outcome, but

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maybe they're not concerned about the other 40 states turning tail and going a different direction. A little different slant that I'd like to put on this too that I think is contrary to, to Nebraska interest is that to the extent that there is money that comes in to affect the, the blue dot or the Electoral College vote in Nebraska, most of that money's coming from out-of-state, national-based iss-- interest. The figures that I saw were of about \$5.5 million. Only \$200,000 were spent on Republican interest in the congressional district, and the balance of it on Democratic interest. I think this has a disproportionate and inappropriate effect on down-the-ballot races. We have congressional races in that district. We have state legislative races that are on a nonpartisan basis. And we've got a great deal of out-of-state national money coming in, primarily suggesting that people ought vote on a party line basis, which is contrary to our nonpartisan Unicameral Legislature. And with that, again, I support LB3. And if Senator Sorrentino-- he's shaking his head no. He doesn't need any additional time, so I would return my time to the chair. Thank you.

KELLY: Thank you, Senator Hallstrom. Senator McKeon, you're recognized to speak.

McKEON: Thank you, Mr. President. As I think most of you know, that I was a wrest-- a wrestling and a football official for over 33 years. And you have to go by the rules. And I had to make a lot of calls. And, yes, you always had a few people that would get upset with some of your calls. But how I see this topic is, is very similar to about having consistency. And we have two teams that are not playing by the rules-- that is Nebraska and Maine. You have 48 other states that are playing by the rules. And I guess I really don't care which way we wanna go, but it'd be easier to take two teams and put them with the 48 teams to make all 50 be on-- doing-- playing the same rules. So saying that, I'm in favor of winner take all on L-- LB3. And if Lippincott needs-- Senator Lippincott needs time, I'll yield my time to him.

KELLY: Thank you, Senator. Senator Lippincott, that would be 3 minutes, 55 seconds.

LIPPINCOTT: The Electoral College is a process. It's not a place. The Founding Fathers established it in the Constitution as part of a compromise between the election of the president by a vote in Congress and election of the president by a popular vote of qualified citizens. The Electoral College process consists of the selection of electors, the meeting of the electors, where they vote for president and vice president, and the counting of electoral votes by Congress. The Electoral College consists of 538 electors. The majority of 270

electoral votes is required to elect the president. Your state-- our state-- has the same number of electors as it does members in the congressional delegation-- one for each member in the House of Representatives, plus two senators. The District of Columbia is allocated three electors and treated like a state for purposes of the Electoral College under the Twenty-Third Amendment of the Constitution. For this reason, in the following discussion, the word state also refers to the District of Columbia and executive to the state governors and the mayor of the District of Columbia. Each candidate running for president in your state has their own group of electors known as a slate. The slates are generally chosen by the candidate's political party in your state, but the state laws vary on how the electors are selected and what their responsibilities are. The general election is held every four years on the Tuesday after the first Monday in November. When you vote for a presidential candidate, you're actually voting for your candidate's preferred electors. Most states have a winner-take-all system that awards all electors to the presidential candidate who wins the state's popular vote. However, Maine and Nebraska each have a variation of proportional representation. After the election, your state's executive prepares a certificate of ascertainment listing the names of all the individuals on the slates for each candidate. The certificate of ascertainment also lists the number of votes each individual received and shows which individuals were appointed as your state's electors. Your state's certificate of ascertainment is sent to the NARA as part of the official records of the presidential election. The meeting of the electors takes place on the first Tuesday after the second Wednesday in December after the general election. The electors meet in their respective states, where they cast their votes for president and vice president on separate ballots. Your state's electors' votes are recorded on a certificate of vote, which is prepared at the meeting by the electors. Your state's certificate of vote is sent to Congress-- where the votes are counted-- and to the NARA as part of the official records of the presidential election. Each state's electoral votes are counted in a joint session of Congress on the 6th of January in the year following the meeting of the electors. Members of the state, House, and-- or, the U.S. House and Senate meet in the House chamber to conduct the official count of the electoral votes. I yield my time, sir.

KELLY: Thank you, Senator Lippincott. Senator Bostar, you're recognized to speak.

BOSTAR: Thank you, Mr. President. And good afternoon, colleagues. I rise in opposition to LB3. The district model we have for apportioning electoral votes is not perfect, but it's closer to what I think is

ideal than a winner-take-all system. I believe that ideally we would attempt to apportion our electoral votes as closely to the vote split representation of the people in order to try to come as close as possible to representing the true preferences of, of the state of Nebraska. And not every voter wants the same thing. We all know that. No one here got every single vote to get here. Our own constituents that we represent voted for other people. My last election, I ran unopposed and people still wrote someone in. So even when you're the only name on the ballot, you don't get all the votes. And I think it's important to recognize that. I think it's important to have a system that comes closer to recognizing that our state has not just one singular preference when it comes to presidential elections. And there's been a lot of arguments made for, for why-- from, from folks in this body for why LB3 is a, is a good bill and why we should do it. And I understand that. I, I think a lot of the pressure, though, a lot of the urgency around this legislation is fundamentally to create a-- an additional electoral advantage for one party over another. And to that end, I want to talk about the state of Maine. And as has been stated many times, Maine is the only other state that apportions their electoral votes in a different way. And currently in Maine, there's legislation that's been introduced in the Maine legislature that would go to a winner-take-all system. Now, I think everyone can imagine that if Maine did that, it would have the opposite national electoral impact than what we would experience here in Nebraska. But the Maine bill is interesting. It isn't like ours. It says that it would only take effect if Nebraska adopts winner-take-all. So if we pass this or if we pass something that changes the Nebraska electoral vote apportionment to winner take all, Maine's law would immediately trigger and they would do the same thing. There would be no electoral national impact. It wouldn't change a thing. So we would experience and incur the costs of going to winner take all without any of what I believe to be some of the primary motivations for why we would pursue this. And those costs are loss of relevancy, loss of revenue. Frankly, loss of uniqueness. I appreciate how different Nebraska is. I like our Unicameral. I like our nonpartisanism. And I like our split electoral apportionment system. So I, I just want to draw attention to that fact that, if we do this, it will not benefit the folks who are driving so much of the outside pressure for us to get this done. It just won't do it. And we will have moved further away from a system that at least tries somewhat to represent the voices of the people of Nebraska when they cast their ballot for president of the United States. And with that, I would encourage your opposition to LB3. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. And good afternoon, colleagues. I do rise today in favor of M01, the indefinitely postpone; and opposed to LB3, Senator Lippincott's bill. We've heard a lot of conversations so far about sort of why this is important. And at the end of the day for me, when I listen to the debate, when I, when I talk to my constituents and other people out in the world, it comes down to an issue of fundamental fairness. And it's an issue that when I talk to people in the community, I hear over and over again is this resounding idea that our votes matter and our voices matter. And the current way that we do things here in Nebraska does allow the votes of individuals in different communities to feel as though their voice is heard. And that's because our unique way of apportioning those Electoral College votes permits, obviously, for the different areas to express their, their feelings, their views. This doesn't just benefit somebody in Omaha. This doesn't just benefit somebody in Lincoln. It benefits every single person in the entire state who has the opportunity to feel as their voice is being heard by virtue of the fact that we as a state have said your vote matters and we've implemented this system. I know we've heard a lot of discussion about the history, the history of how we got here today. And-- colleagues, to put it quite frankly, the system that was established by our Founding Fathers was flawed. It was broken. And it goes back to the original conversation of how to elect a president when you're trying to vest the power of voting into a minority of the population: white, land-owning men. And when you go back and look at the history of how we actually got the Electoral College, it's not just a compromise that happened between big areas and little areas. It's not just this sort of brilliant compromise that came about because they were worried about population centers. It's a debate that was fundamentally rooted in a discussion about slavery. Because when there was a discussion about direct representation and electing a president by direct vote, there was a conversation where the South would be disadvantaged by virtue of the fact that nearly a third of their population were enslaved. So it disproportionately harmed a part of the country to do direct representation and direct vote, not just because of size but because of the fact that they practiced slavery. Now, obviously that has changed over time and we as a country have evolved and we've, we've moved forward. But to pretend like the original Electoral College and the system that the Electoral College was based to operate under still exists I think is a flawed premise. And I, I think others have pointed out that there's a number of people in the community or in the world who-- or-- sorry-- the nation who

believe the Electoral College is flawed. I believe that we should go to a system, big picture, that focuses on a popular vote. Now, does that mean I'm always gonna get what I want? No. And to, I think, Senator Sorrentino's point or maybe Senator Hallstrom's point about, you know, changing the rest of the country to be the way that we elect our voters, whether that would result in Mitt Romney winning or Barack Obama winning, it's not about the outcome. It's about the fairness of the system. And the way that we do things in Nebraska is simply more fair. And it's the way that I wish every other state would switch to. We can't make that happen, obviously, but I think it really does matter that people have their voice being heard. I was talking to a group of younger folks about this issue not too long ago, and we sort of brought up the hypothetical situation of, what if you're talking to three kids? And those three kids get to pick between vanilla ice cream and chocolate ice cream. And you say, all right, who wants what? And two of the kids vote for vanilla ice cream and the other votes for chocolate ice cream. If you have an opportunity to give each of them the ice cream they choose, you should do that because it's fair, because it is the right thing to do. If you have two kids that choose vanilla ice cream and a third kid that chooses chocolate ice cream, you say to third kid, sorry about that. The other two kids, they really want vanilla ice cream, so now you have to have vanilla ice cream. If you the opportunity to make each child's voice heard, I think it makes the most sense to do that. So colleagues, that's what our current system does. I don't think we should be taking that opportunity away from the voters. And I fear that if we pass LB3, it ultimately removes the voice of the people. We have a unique system in Nebraska. I know that sometimes makes us stand out, and I'm not embarrassed by that. I think it's a good thing. Our Unicameral is unique. We are nonpartisan. And the way that we apportion our votes when it comes to electing a president, it matters. And so I encourage you to vote yes on the IPP and no on LB3. Thank you, Mr. President.

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

GUERECA: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraskans watching at home. I rise in support of the IPP motion and in opposition to LB3. There's been a phrase that's been bouncing around in my head all day since I woke up this morning and was driving to the Capitol building: it's a flyover state. When I first moved to Nebraska 13 years ago, that's a phrase that I heard a lot. Oh, you're moving to a flyover state. But the reality is what I found here was a community of, of, of caring people that all-- from every corner of the state that take care of their neighbors, that work together,

that pray together, live together. The good life. That's what we fight for every single day in this Chamber. We fight for the good life. To provide that good life for all of our citizens because, in my opinion, Nebraskans are the very best people in this country and in this world. Nebraska is the greatest state in this union. And I think that we should make sure that at every step we value them, we give them value. And that's what our unique system of "apportioning" our electoral votes does. It gives us value. We are a battleground state. Now, whether you like or dislike the outcome, the reality is, is that it makes us so much more than a flyover state. And what LB3 would do was relegate us to flyover-state status. No major national political figure would ever come back to this state. Senator Raybould earlier rattled off the various Congress members, cabinet members, officials, celebrities that came to our great state to fight for our electoral vote, bringing value, bringing taxpayer dollars. Doesn't matter if it's national money. The second it gets spent in Nebraska, that's revenue for this state, revenue that can be put to great works, to great public works, revenue that could be used to lower property taxes for our hardworking Nebraskans. It brings us value and makes us more than just a flyover state. So my question to my colleagues is, why would we want to go back to flyover-state status? Make them come here. Make them come and make their case to our amazing citizens. Have them fight. They need to be able to fight for this vote. And in that fight, it brings value to our citizens. They, they get the attention. They get to hear firsthand how a, how a party's ideas, how a candidate's vision for America benefits Nebraska. And not just Omaha. Because the reality is, is that we are one state. The issues that affect western Nebraska affect us in the metropolitan areas as well. So, yes, when these surrogates, when these candidates come to deliver what their vision of a better America is, they'll be talking to Nebraskans directly, making their case, spending their resources here, providing tax revenue for our people here. And they should do that. Why would we pass legislation that makes us just another flyover state? That's the question that I'm wrestling with. Now, we can ta-- talk about the arguments of the Electoral College and the history behind it, but the reality is, is that it's not a sure thing for one party or another. But it's that uncertainty, that, that question mark. Because the reality is we are a purple dot. And because we're a purple dot, we're a battleground state. So colleagues, let's not pass legislation that just makes us another flyover state, because I do truly believe that Nebraskans are worth so much more than that. Let's make these ca-- campaigns campaigns of ideas, of vision, come here and fight tooth and nail for our citizens' votes. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues and Nebraskans. I, I did talk to Senator Lippincott about this bill earlier today. I told him that I would try and keep an open mind. I, I think I am leaning towards supporting the motion on the board, but, you know, we'll see. Maybe, maybe I won't vote for the motion on the board. I don't think I'll mo-- vote for cloture, however. So I maybe-- put me on a strong, lean no, but keeping an open mind, listening to the debate. I did-- I heard that there were some comments about priority bills and voting on or not voting on individuals' priority bills based on comments that I made last week about Senator McKinney's priority bill. And I just want to clarify a few things there. Senator McKinney's priority bill is a bill that directly impacts his community. It was cash funded. And it had 25 minutes of debate where the majority of people who didn't vote for it or opposed it didn't stand up and say anything or come to him and say anything or ask any questions. This priority bill of Senator Lippincott's, people are engaging. They're standing up and they're talking and they're sharing their opinions and their views on it. And so it's-- and it's gonna have four hours of debate. So they're not apples to apples. And, and I, I don't appreciate the implication that they are. What happened to Senator McKinney's bill was really just nothing short of a tragedy. And it got fixed in its own way. But I, I don't think it should be used as some sort of scapegoat as to why people should be voting for another bill that they oppose. It was poor form. It was bad behavior by this body to another colleague. And I don't think you should be using it as an excuse for how you're going to vote on another bill. So with that said, I live in Omaha, grew up in Omaha, part of the blue dot. And, you know, I have-- the last couple of presidential cycles, it's the first time that we've ever been really considered in play. And even then, this last year was really the first time that the national tension was what it was. But it's always been fun to have the, the option. Back in the '90s when this became law, I-- it wasn't really much of an option that we would be a blue dot. We were more of a purple dot, maybe a, a red with purple hints dot back then. But it, it is a unique system, and Nebraska has a lot of unique systems that I think benefit us and, and we thrive because of it. Our, our body here is a unique system. We are essentially an experiment in democracy within democracy on a national scale. And people look to us and they're curious about our, our process. And I think it's important that we have these things that differentiate us from the rest of, of the country. And it's what, you know, holds a lot of pride for a lot of us. Of course there's economic reasons to have

the electoral votes split the way that they are, but there's also just the fact that people take pride and it gets people to turn out to vote. And it gets people excited about the election. And having voter turnout increased is what we should be shooting for. That should be the goal. Increasing voter turnout, increasing citizen engagement, and having these split electoral votes does that. I think somebody already talked about an individual who lives in the 3rd Congressional District and how they like having their own electoral vote. It's much more representative than the winner-take-all model. And, you know, popular vote is even more representative. But while we have the Electoral College on a national scale, then we should do the best that we can to represent constituents at a much more micro level and make their voices and their votes count more. And this system does that. This system allows the different regions of our state to have a stronger voice, all three of them. This-- still there's the two electoral votes that go to the statewide winner. There's still two winner-take-all votes. This is just the single three votes that can be split up. And they are. And I appreciate that. And I think it's what makes us-- one of the many things that makes Nebraska special. Thank you, Mr. President.

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

FREDRICKSON: Thank you, Mr. President. Good afternoon, Nebraskans. Good afternoon, colleagues. I rise today both as a proud Omaha area senator and in strong opposition to LB3. And I'm proud to stand strong for the Nebraskans that I represent from across the political spectrum who have reached out to my office in opposition to this exact measure. Senator-- to what Senator Machaela Cavanaugh said, Senator Lippincott did speak to me about this bill. I told him I might even yield him some time. He asked me for some, so. Maybe I'll throw some time his way if he's interested in that in a little bit. I think there's been a number of compelling arguments that have been made here today. And I've been listening to what folks have been saying. And I, I want to ask my colleagues and Nebraskans to consider and think about this measure on kind of this larger theme that we're seeing in, in national politics, which I, I think we're saying a lot of our political culture has become this almost zero-sum game, where-- in Nebraska, we still have this system where we don't quite have that. And we still are giving a voice to diverse perspectives regardless of where you live in the state or where you happen to be located and where our voters' opinions matter regardless. The system that we have currently is not a weakness. I actually think that this is, this is a strength. Our country was built on systems of checks and balances, and the system we currently have is exactly that. It's another check and balance in how Nebraska

distributes its electoral votes. I'll also say, you know, I've been hearing and listening to a lot of the arguments from proponents of this measure, and, you know, I've, I've never really seen a group that has held onto majorities in almost statewide seats for, for practically 30 years in our state who still needs more. And I think it's important to remember as Nebraskans, since the current system's inception, one electoral vote out of five have only gone to a different candidate three times. And so my question would be, why, why is that so upsetting? And why, why is that unacceptable? As the point's already been made, four votes still go to the other candidate. And so we need to ask ourselves, when you hold a supermajority in every office in our state, in all the statewide positions that we hold-- we have, when, when is that enough? When is it OK to say, hey, people in this state who might have a different perspective should have their votes respected as well and should have some representation on the scoreboard? There's something to be said about the humility of not always needing to win everything. And I think good leadership is not always about dominating or forcing into submission or winning every single match but really about embracing difference in diversity and perspective and thought. And as I said earlier-- you know, my district in Omaha, it leans Republican. I happen to be a registered Democrat. But the supermajority of my district is opposed to this measure. I've gotten so many calls, emails, grocery store contacts from constituents who have come up to me and said, hey, I'm a Republican, but I am so against this, this proposal-- or, this measure. So I'm going to continue to fight against this. I stand in strong opposition to this. I'm gonna stand in strong support of my constituents, their voices, and ensuring that their voices are heard. And like I said, I think it's really important to ask ourselves, is it such a threat that one electoral vote might look different now and then? And why is that so unacceptable to us? Thank you, Mr. President.

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

DeKAY: Thank you, Mr. President. I will yield the remainder of my time to Senator Lippincott.

KELLY: Thank you. Senator Lippincott, 4 minutes, 53 seconds.

LIPPINCOTT: Thank you, sir. I'm reading from the National Archives on some historical measures regarding the Electoral College, winner take all. So that's my source. It's nonpartisan. The question-- this portion of the handout is some frequently asked answers and questions, and this particular question says, how is it possible for the electoral vote to

produce a different result than the national popular vote? It's important to remember that the president is not chosen by national popular vote. The Electoral College vote totals determine the winner, not the statistical plurality or majority candidate may have in the national popular vote totals. Electoral votes are awarded on the basis of the popular vote in each state. 48 out of the 50 states award electoral votes on a winner-take-all basis, as does the District of Columbia. For example, all 54 of California's electoral votes go to the winner of the state election even if the margin of victory is only 50.1% to 49.9%. In a multicandidate race where the candidates have strong regional appeal, as in, in 1824, it is quite possible that a candidate who collects the most votes on a nationwide basis will not win the electoral vote. In a two-candidate race, that is less likely to occur. But it did occur in the Hayes-Tilden election of 1876 and the Harrison-Cleveland election of 1888 due to the statistical disparity between vote totals and individual state elections and the national vote totals. This also occurred in the 2000 presidential election, where George W. Bush received fewer popular votes than Albert Gore but received a majority of electoral votes, and the 2016 election where Donald Trump received fewer popular votes than Hillary Clinton but received a majority of electoral votes. In 2016, even though millions more individuals voted for the Democratic candidate than the Republican candidate in California, Pennsylvania, and Texas, if you add the votes from the three states, the Democratic Party was only awarded the electors appointed in California. Because the Republican candidate won the state popular vote in Pennsylvania and Texas, the Republican Party was awarded three more total electors than the Re-- Democratic Party. Another question, can my state vote for the winner of the national popular vote instead of my state's winner? Nothing in the Constitution prevents your state from using something other than your state's popular vote results to appoint electors. Each state legislature determines how the electors are allotted to candidates. As of the last election, the District of Columbia and 48 states had a winner-take-all rule for the Electoral College. In these states, whichever candidate received a majority of the popular vote or a plurality of the popular vote that is less than 50% but more than any other candidate took all the state's electoral votes. Only two states-- Nebraska and Maine-- did not follow the winner-take-all rule. In those two states, there could have been a split of electoral votes among the candidates through the state's system for a proportional allocation of votes, and in fact Nebraska did split in 2008 and Maine split in 2016, and both split in 2020. Any state legislature could enact legislation that would change how the governor or mayor of D.C. appoints its electors as long as the legislation is enacted before election day in the presidential election

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year. There's no constitutional provision or federal law that requires electors to vote according to the results of the popular vote in their states, so the states may decide to use something other than their state's popular vote results to direct how their electors vote. A state legislature could therefore require that electors vote for a candidate who won the national popular vote--

ARCH: Time, Senator.

LIPPINCOTT: --even though they did not receive a majority of the popular vote in its state. Thank you, sir.

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

IBACH: Thank you. Thank you, Mr. President. I rise in opposition to the motion and in support of LB3. And I appreciate Senator Lippincott's history on the Electoral College and where we've come in our state. It proves that this is an ongoing effort and intent to align ourselves with all but one state in the union. On December 14, 2020, I had the privilege of serving as one of the five electors to cast a vote in the presidential election. And four of us voted for President Donald J. Trump, and there was one vote cast for Mr. Biden. And that experience to me solidified my, my efforts to support this movement. I think if you look at the history, you look at where we've come and why this is important to Nebraska, I think it-- it's relevant. Also I would like to thank my constituents who have weighed in. I got several hundred emails in support and in opposition of this bill, and I would just say that that's the voice of, of the 3rd District and the voice of people of Nebraska. So thank you very much, Mr. President.

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

HUGHES: Thank you, Mr. President. I rise today to talk about the winner take all, LB3, with a motion to indefinitely postpone. I just wanted to start off by saying I really do see both sides of this issue. I honestly wish that every state did their electoral votes how we do. If I lived in California and lived in a rural ag area like I do in Nebraska, I would most likely vote conservative, it would be a conservative area. And California is winner take all. Why even vote for the president? What would happen-- what happens in California is however LA, San Francisco, San Diego goes will determine who gets the electoral votes there. If all states did how Nebraska does it, then a presidential candidate would actually visit all 50 states. Wouldn't that be something? And not just the swing seven states or five states or wherever they fall. They would actually have to do the work to, to

meet with all their voters across the United States. And I think Senator Sorrentino mentioned it too, but a fun fact is that in 2012, if all states did how Nebraska does it, Romney would have beat Obama. So I think that's kind of interesting. That's what I wish, but unfortunately the reality is that 48 states will not switch. California's not going to switch. Texas is not going to switch, et cetera. I represent, interestingly also, a district that's divided in half by congregational district. York and most of Polk County for District 24 is in CD 3, and Seward and the little part of Butler County that I have is in CD 1. So I was-- I had a town hall-- gosh, it was probably about a month and a half ago-- that was more ag focused. So I had many conservative farmers and ag workers there. And it was very interesting because my CD 3 folks, the ones kind of from the York, Polk area, were just a little bit concerned how this might play out for them down the road, you know. I think people always think what, what the repercussions are 10 years from now, 20 years from now, et cetera. And they felt like CD 1 potentially could go blue, and therefore CD 3 would be the red dot, if you will. So I thought that was interesting, that they had that forethought. One thing is for sure: I am very glad we're debating this today. We are not immediately facing a presidential election. When there were rumors swirling last fall to hold a special session for this, I really thought that was bad timing. Kind of like trying to change the rules of the game in the final quarter. So this is the right time to have this discussion. So here we are. We had two bills introduced this year dealing with this winner-take-all issue: the one we're debating right now, LB3, by Senator Lippincott, and then also a constitutional amendment carried by Senator Dorn, LR24CA. I am a little disappointed that LB3 was the one prioritized. I think how Nebraska does our electoral votes really actually should belong in our constitution. And what better way to put this topic to bed because we heard how many numerous times this same debate has been brought up over the last 25-plus years-- but why not let the second house vote in 2026 and get it in our constitution? But the reality is that was not prioritized, and here we are debating LB3. So I see both sides to this. And for today, I am against the indefinitely postpone motion and will vote for LB3. Thank you, Mr. Chairman.

ARCH: Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Again, good afternoon, colleagues. I think this has been a really interesting debate. And it's been wonderful to hear each senator's diverse perspective on the lens that they're applying to this measure. I think it's also very telling that some of my friends in the body who are supporting LB3 haven't used their time on the mic to provide any sort of legal, policy, practical,

or economic arguments in favor of their position but instead have been relitigating inside legislative baseball matters, which shows that perhaps they're not confident in the legal policy, practical or economic basis that draws their support to LB3 and puts on display the naked partisanship in regards to their motives. I also want to talk a little bit about the broader issues that I had a chance to tee up in my opening on the, the motion in regards to Americans' ongoing dissatisfaction with the Electoral College. Again, this is a meas-- this a, a component within our constitutional framework that has been subject to more calls for abolition or reform than any other provision, with over 700 proposals introduced over 200 years. And the polling shows consistently and presently that well north of 60%, 70% of Americans also want major reform or abolition of the Electoral College because they see it as antiquated and undemocratic. But I think it's important to note that the mechanisms that exist to actually reform or abolish the Electoral College as provided in the United States Constitution have very, very high thresholds, and for good reason, right? It requires a two-thirds majority vote in the House and the Senate. It requires a three-fourths ratification in the states. And, and these are very, very high bars that I think would be practically impossible to, to overcome in this regard. Recognizing the impracticability of that process as set forward, many states, our sister states looking at the electorates' dissatisfaction with the Electoral College have embarked on a more creative path to explore the national popular vote option. This is indeed, I think, responsive to their constituent concerns and perhaps a more practical way to bring more representation to our democracy. However, I do want to note that I actually strongly prefer the Nebraska-Maine model to even national popular vote. And I want to acknowledge the existence of an ongoing legal debate about national popular vote and some of the tension contained therein with its grounding in the Compact Clause in Article I, Section 10, and buttressed against state's plenary power under the Elections Clause of Article II, Section 1, which I had already talked a little bit about in my opening on the motion. So when I've been communicating with citizens about this measure and-- by the way, for what it's worth, most of the folks that have contacted my office are self-identified Republicans, Independents, or Libertarians that actually support the current Nebraska model, as they always have over the course of many debates to revert to winner take all and repeal away from this. Nebraskans, regardless of political party, like our approach to governance, our nonpartisan Unicameral Legislature, a commitment to public power, setting up NRDs so we're at the vanguard of water management, and having a unique approach and nonpartisan approach to our electoral vote. Considering the dissatisfaction with the Electoral

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College, knowing the options to abolish or reform are a very, very high mark, knowing there's legal policy and practical problems with national popular vote, the Nebraska-Maine model is the commonsense, common ground way to ensure a more representative democracy that helps to ensure every voter's voice is heard and helps to strike a better balance about how states go about awarding their electoral votes and ensuring their citizens have an opportunity to participate robustly in their democracy. Thank you, Mr. President.

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

ANDERSEN: Thank you, Mr. President. I rise in opposition to the IPP, and I support LB3. Nebraska and Maine, the way we conduct our Electoral College, is not mainstream. We are the outlier. It's a failed experiment. We need to stop the influx of out-of-state funds, which is one of the detrimental side effects of all this. I think Senator Hallstrom mentioned \$5.5 million coming into CD 2. But the saying, a rising tide-- a rising tide raises all boats is true because that's why you have the, the liberal Democrats fighting so bad to bring the millions of dollars in. And this is one of the benefits, would be to stop the influx of out-of-state millions of dollars affecting Nebraska elections. The fact that Maine has a trigger in its bill based on the results of LB3 shows how important it is that we get this right. It'll provide national unity, bring Maine and Nebraska back in line with the other 48 states. Senator Dungan talked about the fundamental fairness. If it is so fair, then why haven't New York and California switched? It's one of the questions I'd ask them. If this is the best way to do it, most representative of the people, why haven't the greatest populated states changed to doing the divided system? I would submit that for unity we should switch to winner take all with the provision that when 50% of the sister states switch that we would switch back to divided as well. Stay unified as a nation. And lastly, Senator Dungan mentioned the fairness. The divided vote is not fair to the other states. We should all be conducting our elections at the macro level, on the Electoral College level exactly the same way. And with that, I yield my time to Senator Lippincott.

ARCH: Senator Lippincott, 3 minutes, 10 seconds.

LIPPINCOTT: Thank you, sir. I'd like to read a letter that was written toward the Government Committee by our Secretary of State, Bob Evnen. And he included in this letter some interesting statistics that I hadn't thought about before. I quote, it's foolish for our state to dilute its Electoral College votes when only one of the other 49 states does this as well. We should not play by the rules that run contrary to

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the 48 other states, particularly when it weakens the significance of our Electoral College presence. Moreover, apportioning Electoral College votes by congressional district would be bad policy if adopted nationwide. Such a policy places Electoral College outcomes not in the hands of the voters but instead in the hand of backroom congressional district line drawers. The gerrymandering of congressional districts around the country is legendary, and we should never elect our presidents this way. In 2024, Nebraska's voters elected President Trump by a nearly 195,000 vote margin statewide. Vice President Harris prevailed in the 2nd Congressional District by about 15,000 votes. Donald Trump won the state by a margin that is more than 13 times greater than the margin by which Kamala Harris won the 2nd Congressional District. We are supposed to be giving life to the idea of one person, one vote. But the way we assign votes to the Electoral College means that the marginal significance of Trump voters was 1/13 that of the Harris voters. This is fundamentally unfair and flies in the face of the one person, one vote principle. Thank you, sir. I yield my time.

ARCH: Senator Armendariz would like to recognize a special guest: Mackenzie Reidy from Omaha, Nebraska. She's located under the north balcony. Please rise, be welcomed by your Legislature. Returning to the queue. Senator Riepe, you're recognized to speak.

RIEPE: Thank you, Mr. President. Colleagues, I rise today to share my rationale for a "no" vote on LB3. First, I support the electoral-- elect-- electoral college. And in an ideal world, all states would allocate electoral college votes on-- by congressional district. This system moves us closer to a true national popular vote. But let's be honest, that's not going to happen any time soon. To Nebraska's credit, we're serving as a model for this approach, but to no avail. Second, winner take all is not a 2025 issue. It's an issue for 2028. The legislative session in 2027 or '28 would be more appropriate for this discussion. 2028 would present an opportunity to revisit the issue closer to the next presidential election. Third, Nebraska is one of only two states to allocate electoral college votes by congressional district-- as you know-- Maine being the other. And this has been discussed, that should Nebraska adopt a winner-take-all system, and-- will then stimulate and encourage all-- for Maine to go ahead and move, and they would remove their particularly electoral college approach. If that happens, we risk losing the one near-guaranteed Republican electoral vote from Maine in the second district. Fourth, in speaking with constituents-- certainly not all-- but many I've heard, they appreciate Nebraska's uniqueness both as a winner take all or as a divided division vote, but also, importantly, the Unicameral.

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Currently, the most-- I don't-- but they don't view this as a strict partisan issue. My constituents like the attention it brings to Omaha and the fact that campaigns have to be res-- campaigners have to be responsible to Omaha needs. People are drawn to recognition, whether in the form of campaign ads, billboards, or candidate visits. And our system gives voices to CD 2 a voice that isn't taken for granted. Those who live in safe states or in safe districts may not understand what it means to be courted. As the saying goes, you don't know what you've got until you lose it. As of today, at 12:30, I had statistics-- or, calls coming in. And from my constituents, Legislative District 12, I had a total of calls by 12:30 of 135. Of those who were proponents for winner take all was 9-- that's 7%-- and opponents were 126. Of all callers that we had in that time period was a total of 358. We had 3 proponents for winner take all, and we had 355 that were in opposition. Given the circumstances when it comes to the winner-take-all debate, I believe the status quo serves Nebraska best. And with that, if I do have any time, Mr. President, I would yield any time to Senator DeBoer.

KELLY: Thank you, Senator. Senator DeBoer, that'd be 1 minute, 25 seconds.

DeBOER: Well, thank you very much, Mist-- Mr. President and Senator Riepe. So I just have one quick statistic I want to throw out there as we're talking about the Electoral College and its original intention. In 1790, there were 340,000 people in the entire state of New York. 340,000 people in the entire state at the time the Constitution was adopted. There are currently about 761,000 people in each congressional district. So if we go by congressional district, we are still twice as many people as were in the intention of the Electoral College at the time it was made-- for a whole state. So trying to get the sort of divisions of our electoral votes down closer to the people is a laudable goal. It's something that we have done here in Nebraska. But remember that after you apportion the three electoral votes according to how the majority in each of those areas ruled, then the whole state has two additional electoral votes. And those go to the majority of the whole state. So it's a hybrid model, which I think best meets both the desire to have a democracy-- thank you, Mr. President.

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

PROKOP: Thank you, Mr. President. So I rise in opposition to LB3 and any efforts to change how Nebraska allocates our electical-- elect-- Electoral College votes, and I'm in support of the IPP motion. I've had the privilege of being sworn in as the state senator for Legislative

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District 27 for a little over three months now. And I can tell you since my time being able to serve the district, there is not a single issue that I have received more contacts about from constituents and received more bipartisan opposition to a bill, that being LB3. So it doesn't matter if they were Republicans, Democrats, or Independents. I've heard from many folks and have had bipartisan opposition. And I would say if we want to make Nebraska irrelevant in presidential politics, this is, this is the bill to do it. If we want to make presidential candidates not care about issues Nebraskans care about or not come in here and visit or not come here and campaign, this is the way to do it. We are really missing the obvious answer-- and I, I appreciate some of the-- some of the pretzel-twisting that we're seeing in some of the conversation here. It all comes down to just competing and, and winning the district, from my perspective. And I will tell you loud and, and clear is that constituents look at this as an attempt to restrict their voice and their vote. Since the implementation of Nebraska's congressional district-based system in 1992, we've seen voter engagement and participation significantly increase. I think those are good things, that we want more people participating and more people voting. And allocating the electoral votes at the district level incentivizes all regions of the state to vote and ensure that every district, urban or rural, is a contested battleground. And-- this way, voters in the districts know their vote matters and, again, increases voter turnout. You know, as I, as I-- as discussed a little bit earlier, Nebraska's system encourages presiden-- presidential candidates to campaign state-- statewide both on urban and rural issues and ensures that Nebraska's voices are heard on the national stage. It also brings resources to the state and investment, and I think that's-- those are, those are good things. One-- a couple, a couple final points I'd, I'd make is that a couple names have been mentioned in the process of debate this afternoon, and those two names are, are State Senator DiAnna Schimek and former Governor Ben Nelson. State Senator Schimek represented the district that I represented for many years, and Governor Ben Nelson is someone who I've had the opportunity to work with and, and someone who I consider a very good friend. And they are two of the finest public servants I've ever had the privilege of, of getting to know. And I know when they were doing this-- and I have had the opportunity to discuss this issue with them-- their heart is always in the place of wanting what's best for Nebraska. The last point I'd make is, you know-- and I'm thinking about, you know, just from a political context of our neighbors to the east, Iowa, and all of the conversation about where the caucuses fall in the, in the calendar schedule and what a big deal it is for Iowa up until recent years to be first and how-- what a big deal when, when that was being discussed to

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be changed. And the reason why Iowa cared so much about it is because they mattered. That could launch a president's campaign. And, and the way we do our Electoral College votes in Nebraska are much the, the same. It makes us relevant. It makes people that are running for president care about the issues in those, in those states. And so that's why I am opposed to LB3 and I'm supporting the IPP motion. And with that, I'd yield back my time.

KELLY: Thank you, Senator Prokop. Senator Clouse, you're recognized to speak.

CLOUSE: Yes. Thank you, Mr. President. Colleagues, as I've sat and listened and I've listened and learned a lot of things about the Electoral College, the history, it's, it's all fascinating and the various perspectives on what we're doing here. I would just share that in my district, District 37, the previous senators from that district have all been in support of the winner take all. And so the history of my district is, is different than maybe what you'll see with Senator Riepe and, and the 2nd Congressional District and-- but I'm talking about my legislative district. As I went through these things and was talking during my campaign-- that was just last year-- and people were asking me, what, what's your position on this? What, what do you think? And I said, well, I don't like it occurring in an election year in the tight timeframe that we had. So my preference was and still is to put it on the ballot. However, that's not at-- what we're doing here. Put it on the ballot. Let Nebraskans decide what you, what you want your state to look like. But that's not the, the option that I'm presented here. And I've always told my constituents that I have two buttons: a green one or a red one. And I have never been in this seat and been present, not voting. So my position on this is that I will be voting. And the choice that I have is to base my decision on, on something. And that's what we all have to base it off of. And it could be political pressure. It could be your own personal opinions. And so as I look at this and I look at the feedback that I get from my constituents-- and quite frankly, it's not overwhelming one way or the other. I have some very passionate on one hand and then very passionate on the other hand. But most of the constituents that, that I have and that I deal with, most of them are just ambivalent to it. They're like, well, this is just how it's always been. But that's not what's in front of me. And so I need to take a position on this. And I will base it on the fact that Nebraska elects its governor and our senators and other statewide officers based on the vote across the state and not by district. And it was mentioned earlier, there can a lot of-- be a lot of gerrymandering that goes on that can really have negative context on what we're doing if we're not careful. And, and so I firmly believe that we want to stay

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away from that gerrymandering if we can and the redistricting just for political gain. And so since we elect these-- elect these officers and offices on a statewide basis, I think that the winner take all fits that particular model. So I will be in opposition to the motion, to the bracketing, and then def-- and, and-- excuse me-- and the recommitting to committee. And I will be supporting LB3. So with that, I will yield my time. Thank you.

KELLY: Thank you, Senator Clouse. Senator Wordekemper, you're recognized to speak.

WORDEKEMPER: Thank you, Mr. President. Colleagues, I rise today in opposition to LB3. First, I want to sincerely thank Senator Lippincott for bringing this proposal forward and the thoughtful conversation we've had over this issue. As a member of the Government, Military and Veteran Affairs Committee, I voted to advance this bill to ensure that every voice in this Chamber could be heard on this matter. I committed to keeping an open mind throughout this process, and I have generally searched for a way to support this measure. After consider-- after careful deliberation, I cannot. I have the distinct privilege of representing Legislative District 15, the only district in our state that spans two counties and includes constituents from both Congressional Districts 1 and 2. This unique vantage point has given me a profound appreciation for Nebraska's split electoral system. The message from my constituents has been overwhelmingly clear: preserve our current system. 75% in my district do not want to change. Why does this matter so deeply? Because Nebraska's split electoral system isn't just a procedural clerk. It's part of our identity, just like the Unicameral. It ensures presidential candidates pay attention to our diverse state rather than writing us off as a foregone conclusion. I cannot support legislation that would relegate Nebraska to mere flyover-country status where our concerns and voices are ignored on the national level. My opposition goes beyond present circumstances. We must consider the long-term consequences of such a change. Our state is evolving demographically. Year after year, eastern Nebraska grows while western Nebraska population declines. Looking ahead, it's increasingly likely that Congressional District 1 will soon become competitive with shifting political alignments. Not long after, Nebraska could potentially deliver four electoral votes to candidates the state is not traditionally used to. The short-term political calculation of today could be tomorrow's regret. This concern isn't mine alone. At our January hearing, Warren Phelps, chairman of the Cheyenne County Republican Party, opposed LB3, stating, as long as the 3rd District of Nebraska has that electoral vote, we have a chip in the game. He continued with remarkable foresight, saying, what's going to happen is

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Lincoln and Omaha are going to grow faster in the next 10 to 20 years than rural Nebraska. There's going to be a lot more Democratic voters in this state at one time. I don't want to be drowned out by Democratic votes in the 3rd District. I want to keep our electoral vote in the 3rd District, said Phelps. Mr. Phelps is right, colleagues. I urge caution. Let's recognize the demographic trajectory of our state rather than yielding to temporary political pressure from Washington, D.C. While I believe our current system serves Nebraska exceptionally well, I also believe Nebraskans themselves should have the final say in this decision. That's why I currently support Senator Dorn's proposal, LR24CA, which currently-- or, which would place this question directly for the voters through a constitutional amendment. This represents the best path forward, allowing Nebraskans to determine directly how they want their electoral votes allocated. I take immense pride in Nebraska's distinctive approach to both election and governance. If LR-- if LR24CA advances, I intend to give it my support because I believe Nebraskans themselves should decide this consequential matter. My staff has tallied over 3,800 emails, phone calls, and 84% do not want to change this. So at this point, I do not support the change. I would also say, when we vote on this board, whether it is in favor of a motion or to not vote to pass on a motion, we don't change all the motions at the end of the vote. Thank you, Mr. President.

KELLY: Thank you, Senator Wordekemper. Senator Rountree, you're recognized to speak.

ROUNTREE: Good afternoon. And thank you, Mr. Speaker. And good afternoon, colleagues and all those that are watching with us online. I rise today in support of the motion to IPP this and against LB3. I was going to ask Senator Lippincott if he would yield to a question, but I'm going to bypass that route. In his introduction, he used a term that it was obscenely apparent, and I took an opportunity just to look up that obscenely to see what it meant, and I didn't think it applied really to what we have here. But I'm gonna pass on that. I just want to say today as I rise, if a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music which he hears, however measured or far away. And that's from Henry David Thoreau out of Walden. I can attest to this fact because, as Senator Wordekemper stated, the excess of emails that he's received, my box is, is innumerable what we have received, but we have taken the opportunity to read each one and to understand what it is that our constituents want. And categorically, they do not want to see a change in the way that we count our electoral votes. They don't want to see an opportunity for their voices to be silenced. And that's what they feel. But I want to take an opportunity to read a letter from an individual,

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Randy Fair, that has taken an opportunity just to share with us. And so I'll spend the rest of my time reading that. And if the light goes red, then we'll, we'll cease and may come back to get the rest of it. But it says, Randy Fair here with regard to LB3, winner-take-all proposal. Nebraska is a unique state in many of the things that we do compared to the rest of the U.S.A.-- and that's the beat of that different drummer. We are patriotic but loyal to individual rights when the government oversteps its bounds. We are helpful to our neighbor even if that neighbor may not agree with us religiously or politically. I attest to that. That's how we walk. I'm a Democrat in Ogallala, Keith County, Nebraska. And I have also had the privilege to be the Keith County attorney as a registered Democrat for the last 14 years and also have a private law office which began in 2002. Many of my conservative friends like to use the nomenclature that I am a commonsense or a business-minded Democrat. While we may be different in our policies, most of us want to make a better America. We just disagree on some of the ways to get there. But they have good dialogue. He says, while these are things I would like to change-- while there are things that I would like to change, the decision to move toward a winner-take-all Electoral College is not the right thing to do. If it was up to me, the Electoral College would be eliminated. But until then, I would prefer the closest thing with the current setup in Nebraska with the split of the Electoral College votes. And he goes on because there's a lot here, but I want to skip down to some of the other parts. Some of the reasons which have been cited by others that he's heard from-- and these also echo what we have received, as many of you have in your communications. Says, the split electoral vote system is excellent for a state like Nebraska. This ensures that our relatively small state is uniquely represented in national politics, giving every Nebraska vo-- Nebraska voter a genuine sense that their participation is critical. Plus, in Omaha especially, it brings significant economic benefits as campaigns spend money to compete for votes. Secondly, the split-vote process better reflects Nebraska's voter diversity. This system prevents one party from monopolizing the state's voice and gives a voice to urban centers like Omaha and more rural areas. Thirdly, it provides fairer representation in national elections. Unlike other states' winner-take-all approach, which can ignore minority votes-- voices, this system recognizes that Nebraska's voters are not monolithic. It offers an incentive for presidential campaigns to engage with all parts of the state, not just the ones assumed to vote overwhelmingly one way or the other. My light's gone yellow. It empowers local voters. That's what I really like. When people feel their vote matters, turnout increases. Nebraska's system energizes our voters to participate in presidential elections because their districts can impact the outcome.

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This fosters a more engaged electorate. And lastly, the last two, it preserves Nebraska's unique tradition of independence--

KELLY: That's your time, Senator.

ROUNTREE: --and is a safeguard against extremism from either side. Thank you so much, Mr. President.

KELLY: Thank you, Senator Rountree. Senator Jacobson, you're recognized-- oh. Excuse me. Mr. Clerk for items.

CLERK: Mr. President, your Committee on Health and Human Services, chaired by Senator Hardin, reports LB110, LB365 to General File, both having committee amendments. Amendments to be printed from Senator Quick to LB454, Senator Brandt to LB36, and Senator Hansen to LB676. That's all I have at this time.

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

JACOBSON: Thank you, Mr. President. I'm not sure a lot more can be said on this. Clearly, people have made up their minds. We understand that we're going to be two votes short of 33 to move the bill forward this year. So there was a companion bill that was introduced by Senator Dorn which would put this on the ballot. I doubt if anyone's going to go pick this up and prioritize it, but I think that will be the next move and let the people decide. There's been a lot of talk today about that we want everyone's vote to count. Well, let's, let's make it count. Let's put it on the ballot then and let the voters decide. So that'll be something probably for next year. But let's remember that, that what this is, is a partisan issue. OK? Then-Democrat Senator DiAnna Schimek in 1990 passed this and changed going from winner take all to the district balloting that goes on now with the-- with our congressional delegation. Passed it with a 25 vote, not 33. 25 vote. It wasn't filibustered. I think once recognizing that the bill wasn't going to be something that was going to cause the rest of the nation to do the same thing, no one else changed, as has been pointed out. And so then in 1995, there was enough votes on the floor of the Legislature to reverse it and go to winner take all, only to have the bill then be vetoed by then-Senator Ben Hansen [SIC]. Then it came back again in 1997 and once again passed and once again vetoed by Senator-- Democrat Senator Ben Hans-- or, Ben, Ben Nelson. That's who I'm looking for. Thank you. Ben Nelson. Not Ben Hansen. He's kind of libertarian, I think. So let's go with Ben Nelson. That's a better answer. So this issue's been around for a while. It tends to come down on party lines, as I recognize.

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There are-- been some-- there are some one-offs that come in and people read those letters on the, on the, the microphone. But I think let's put it on the ballot. Let's find out what happens. I think we'll find that there'll be a different outcome if we do that. So with that, I will be opposed to indefinitely postpone, will support the bill, LB3, and be prepared to come back next year. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. It's taken this long for me to get to the queue. Appreciate all the other comments that have come forward. The-- especially want to thank Senator Lippincott for the-- especially historical context of how our Founding Fathers came up with this system. He was talking about, starting in 1872, all states use the statewide winner-take-all rule. And Nebraska, as you know, came in in 1867. So Nebraska used the statewide system from 1872 until 1991, which is 119 years of using winner take all statewide. Nebraska is 158 years old this year; and for 119 of those, we used the statewide system of election. That is 75% of the state's existence since, since 1867. 48-- and I believe the system worked well. 48 other states still use this system, and I believe Nebraska should too. That's why I oppose M01 and I support LB3. The other thing that's been mentioned about out-of-state money that's been coming into Nebraska elections, that's a concern to me, not just for presidential elections but for ballot initiatives and other local elections. And I would like to see us put a limit on those out-of-state contributions or campaign funds and let Nebraskans decide what they want to do with elections. And so I think the history of Nebraska being a statewide winner take all for 119 years is good with me. I think that we have a-- not quite a supermajority but a broad majority of senators that support this. And I would urge everyone's green vote on LB3. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. And good afternoon, colleagues. I think this is the first time I've been on the mic all day today, and so appreciate the dialogue that we're having, all of the folks that are in the Rotunda here for this debate, as well as watching online and in the balcony. And so I first want to rise in support of indefinitely postponing LB3 and am in opposition in the bill itself. I am a proud Omaha senator, as you have heard from other Omaha senators. And being able to have a split electorate vote and what does it mean for voices to be heard is really important for my district. And so I want to also

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honor that as an informed voter and as a representative of them in this body. I know that there has been some comments made about folks supporting the other side of this around a constitutional amendment. There's been conversations around issues with the electoriate college and things in general. And what I have observed in our short time that we have been in session is that things that have been on the ballot have not been honored by this body. We have had lots of conversations for hours around-- and trying to battle that the voters actually know what they're voting for. There have been numerous comments that it wasn't clear what they were voting for or they were unsure what did that look like. And I argue that our second house are informed leaders who don't need people here telling them what does that look like. They want conduits for their voice. They don't need "patriarchial" leadership. And so that has, again, not been the case. And so I am not convinced that if we continue to put things on the ballot that this body will honor. We have talked about the process of two-thirds to overturn that. I mean, we've had lots of conversation. And so if we are going to say that now in the argument around the split electoriate vote, I hope our continued conversations as those bills that have come up to codify, clarify ballot initiative language that we keep that same framework. So we should be having this conversation again about paid sick leave. We should be this conversation again about minimum wage. We should be having this conversation again about continuing to erode abortion rights. And so I just wanna uplift that point, as that has been said numerous times. I think the other thing that is really important for me to mention that I don't think has been driven home here is that I'm disappointed that this is how we are spending our time as a body today. As a member of the Appropriations Committee, I'm spending lots of time with my colleagues trying to address some of our most complex issues in front of us of what are we going to fund with this deficit looming in front us. There are recommendations to cut the university, which is an economic driver for us and provides and creates the next workforce and really builds into our economy. There are proposals to sweep cash funds and change how they are allocated and, and change legislation, and that's not what the voters agreed to when they signed up to pass lottery wages, for example, to be used for environmental purposes. And so there are real issues that Nebraskans are facing. I knocked a bazillion doors. I spent four hours a day door-knocking. I went out on my own during my campaign. I've had numerous town halls. I send out newsletters. Folks are texting me. Changing our split electoriate process was never a top issue that they wanted me to bring legislation for. They would like me to protect the split electoriate vote, but there was no proactive legislation that I was asked to bring. There was no issue. What they have asked me for is

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to how to-- how do we address property taxes for lower and middle income folks? How do we address the child care crisis? What are we going to do about public education? What are we going to do about Medicaid support? And so, again, I would just encourage my colleagues as we continue this debate today and move forward that there are real issues that we were sent here to address, and we should be spending our time ensuring that we actually are bettering the lives of our constituents, our families, our communities instead of creating more harm through policy. Thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Senator Murman, you're recognized to speak.

MURMAN: Thank you, Mr. Lieutenant Governor. I've missed most of the debate today. I've been in the Executive Committee-- or-- excuse me-- the Revenue Committee and-- for that reason, didn't get in on a lot of the debate. Also planned on doing Education exec today but couldn't get that done. But-- because of the time spent in the Revenue Committee, which, by the way, was valuable and something we needed to do. But going back to the, the issue at hand. I am against the indefinitely postpone motion and support LB3. Nebraska shouldn't be different than other states in this situation. If other states went to-- or-- ex-- excuse me-- other states are winner take all, so we should be that way also. As an outlier, we are making our voice weaker because some states such as-- I'll give an example-- California, for example-- I don't know what the exact percentages are, but probably 40% red, 60% blue. Well, all of their delegates, which are-- way more delegates than we have in Nebraska will go blue. So-- in, in almost-- in most cases, at least. So I do think we ought to do whatever the other states do. That will be most fair. If we do have one part of the state different than the other-- the rest of the state like we do now, we are overrepresenting that part of the state and underrepresenting the rest of the state because we are a very red state in general. And then nationwide, if, if we did go to a, a split vote in the other states, we would have the coasts-- the candida-- the presidential candidates would concentrate on the coasts and the big cities. That's where the population is. If it was winner take all, that's where they would concentrate and would completely overlook rural Nebraska-- or, rural, rural U.S. and concentrate only on, on population centers. So as long as other states are winner-take-all, I think Nebraska should be that way. And I will yield back the rest of my time. Thank you.

KELLY: Thank you, Senator Murman. Senator Strommen, you're recognized to speak.

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STROMMEN: Thank you. I just wanted to get up and speak regarding District 47, western Nebraska as a whole. Our rural communities oftentimes feel that their voices aren't heard. And a lot of the feedback that I've gotten from District 47-- I was just on the phone with a number of constituents-- they are for this bill. They're for LB3 simply because of that feeling that we don't get the same say that the rest of the state gets. As rural communities being five, six hours to the west of, of Lincoln and Omaha, there's, there's sort of this, this feeling that, we don't count as much. And-- so this gives them that opportunity to feel like they can have more representation within the state. But I'd like to yield my time to Senator Lippincott. Thank you.

KELLY: Thank you, Senator Strommen. Senator Lippincott, you have 3 minutes, 50 seconds.

LIPPINCOTT: Thank you, sir. Some people ask what happens if no presidential candidate gets 270 electoral votes. Assuming that all 538 electoral votes are available, if no candidate receives a majority of electoral votes, the presidential election leaves the Electoral College process and moves to Congress. The House of Representatives elects the president from the three presidential candidates who received the most electoral votes. Each state delegation has one vote, and it is up to the individual states to determine how to vote. Since the District of Columbia is not a state, it has no state delegation in the House and cannot vote. A candidate must receive at least 26 votes-- a majority of the states-- to be elected. The Senate elects the vice president from the two vice presidential candidates with the most electoral votes. Each senator cast one vote for vice president. Since the District of Columbia is not a state, it has no senators, so it does not participate in the vote. A candidate must receive at least 51 votes-- a majority of senators-- to be elected. If the House of Representatives fail to elect a president by Inauguration Day, The vice president-elect serves as acting president until the deadlock is resolved in the House. Sir, I yield my time.

KELLY: Thank you, Senator Lippincott. Senator Juarez, you're recognized to speak.

JUAREZ: Thank you very much. Thank you to my colleagues and everyone who's listening online. It has been a truly amazing day today. I am pretty excited that we're voting on this matter, and I am looking forward to the, the outcome and hope that we defeat LB3. Because I can tell you that my district supports keeping with our Electoral College, and I'm very proud to be here to represent the views of District 5. I can tell you that my emails have definitely told me to vote no. And I,

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I have appreciated listening to everyone, and I especially appreciated Senator Jacobson's summary of his thoughts. That even got me more excited before I had my opportunity to speak right now. And I wanted to let you know, as you-- I've stated before when I've spoken on the mic that I like to present information on some statistics. And I was fortunate that one of the emails I received was from an instructor at Creighton University who has studied elections and electoral systems for the last few decades. And he wanted to share his opposition to winner take all and that he opposed the bill for many, many nonpartisan reasons. But he wanted to focus on one simple metric, and that was voter turnout. Voter turnout has been consistently higher since the current system became law in 1992. And he sent me a graphic, which-- if anybody wants to come and see my email, you're welcome-- I'll gladly share it with you. But he had on here from the presidential election of 1980 to 2024. And the voter-eligible population turnout went from 58.4% in 1980 to 67.96% in 2024. And the average turnout from '80 through '88 was 59.3%. And then from '92 through 2024, it was 63.4%. And I would like to share one of my emails that I received, which I thought did a good summary of the perspective of my district, and it says, hello, Senator. I am in your district and I just wanted to express my concern about the bill that has been introduced for Nebraska to go back to winner take all. I've always been very proud of our state for splitting its electoral votes because it gives a voice to each part of the state. It also makes me feel like my vote actually matters. If Nebraska went back to winner take all, my vote would feel useless. I am hopeful that this bill will not pass. And I just wanted to give you a perspective of someone in your district. Thank you. And I would like to say that many of my emails were definitely similar to that topic. And as I had mentioned earlier on another discussion on Vote the Poll [SIC]-- of course I have results from that tool that was used. And it was interesting to see the difference from January to March. There were 230 participants to 449. And-- keep the same process of our Electoral College. In January, it was 91.83%. And in March, it still stayed-- increased slightly of 94.12%. So again, I know that that's just a small fragment of representation, but it's interesting to see the results, and it was consistent with the support that my district showed in keeping the Electoral College. And I yield the rest of my time. Thank you.

KELLY: Thank you, Senator Juarez. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. Colleagues, I've learned a lot in the last three hours since my last time on the mic, including that Senator Sorrentino is unhappy with how our CD 2 leadership elections went and

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that he would like DEI for Republicans next time we have the opportunity to elect leadership and that he's unhappy with the merit-based system through which we picked our representatives for Committee on Committees. If he's unhappy with his committee assignments-- because I believe he got his first and second and third choices-- as did every other Republican in our caucus-- that would be news to me. But I'm listening and learning. And, you know, I'm encouraged by the opportunity to hear the perspectives of others. The points that Senator Sorrentino was making during his time in this one wild and precious life really belies the whole argument about LB3 and this whole debate, which is that you win and it's never enough. You win fair and square, you have the majority, you get the supermajority, and it's never enough. You have to keep grinding the minority down into the dirt until they have nothing. And we've seen that in Committee on Committees, as Senator Sorrentino felt the need to bring up. We see it with LB3. And we've seen it in numerous other times in our experience in this Legislature where there is one party and one political perspective that has the superminority. And, and then we have other people talking about the tyranny of the minority and the idea that three times over the span of the last 30 years that one electoral vote hasn't gone to a Republican is tyranny of the minority. Listen to yourself. Do you really think that? Do you know how you sound? If you really believe that, I, I-- you know, great. I think that's good to know. I think you should say that with your whole chest. But that's not how most Nebraskans feel. Supporters of this bill say that we need to move to winner take all-- such as Senator Lippincott, Senator Murman-- because everybody else does it, because we're weakening ourselves if Nebraska does something that everybody else doesn't do. But the whole point of our system nationally is that states get to decide how they run elections. Being an outlier isn't a flaw. It's not a weakness. It's federalism. So not only do you want DEI for Republicans in elections, you don't want federalism either? Listen to yourselves. Do you mean that or are you just being a sore loser? I think you need to do some introspection and reflection and think about that. I know that talking on the mic is cheaper than going to therapy-- which a lot of you don't believe in either-- but that's something you should look inside yourself and think about. If Nebraska's method gives voters in CD 2 or CD 3 or CD 1 or anywhere a real voice in presidential elections, why would we take that away? Unless you're not happy with losing sometimes. Three times in over 30 years. Can't stand it. Gotta change the whole law. Every other state does it is a lazy argument for dismantling one of the most democratic features in Nebraska, one of the things that allows people to feel most represented by their government. And we're not here to be like every other state. We're here to serve Nebraskans.

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And if the majority of people in your congre-- or, or your legislative district want you to support winner take all, then by all means represent them. But don't stand up here and say it's because it's fair. Say it's cause you're representing the people who sent you here. That's fine. The real reason we're debating this bill today is because one party lost CD 2 a couple times. And instead of working to win those voters back, you're changing the rules. I said last year or two years ago or whenever it was, Donald Trump, if you want CD 2's vote, come and take it. Come and earn it. Any Republican candidate for president, any Democratic candidate for president. You want CD 1's vote? You want CD 3's vote? Come and earn it. Come campaign and get it. It's free for the taking. And no matter who wins that electoral vote in Nebraska, with our system today, we can rest assured of two things: one, that that candidate earned it; and, two, that the people of that congressional district, win or lose, had more control over their representation than they would under LB3, than they would under winner take all. People in each district deserve the same voice, the same weight, the same respect for their vote as anybody else in any other congressional district. And under our current system, they get that. LB3 would take it away. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Senator Lippincott, you're recognized to speak.

LIPPINCOTT: Thank you, sir. A defensible response to the argument that the state's winner-take-all Electoral College system disenfranchises voters could focus on its mechanics and intent, using Nebraska's district plan as a contrasting example while addressing the critique directly. The winner-take-all system, where a state awards all of its electoral votes to the candidate who wins the statewide popular vote, does not disenfranchise voters. It reflects the state's collective choice. Emphasizing a unified voice in the Electoral College, this setup used by 48 states ensures that a state's electoral power aligns with its majority preference, incentivizing candidates to campaign broadly within its borders. Critics say it silences voters who back the losing candidate, like Democrats in deep-red Idaho, since their votes don't directly translate to electoral votes. But those votes aren't erased. They're tallied in a statewide count that determines the outcome. The system does not discard input. It just awards the prize to the winner, much like a sports game does, does not split points for the close loss. Nebraska and Maine offers a different approach: the district plan. Instead of winner take all, they allocate one electoral vote per congressional district-- one, plus two for the statewide winner. This granular method can better reflect a state's political diversity-- say, a Republican-leaning and rural district and a Democrat

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urban one both get their say. In 2008, Obama snagged an electoral vote from Nebraska's 2nd District despite losing the state overall, showing how it can amplify minority voices within a state. Critics of winner take all might point to this and argue it's more fair since a voter in Omaha is not steamrolled by the rest of Nebraska's red tilt. But here's the pushback: winner take all is not about granularity. It's about decisiveness. Nebraska's system might feel more representative, but it dilutes a state's cohesive impact. If every state split electors by district, campaigns would laser-focus on swing districts, potentially ignoring whole swaths of voters elsewhere, like rural Nebraska outside a competitive zone. Winner take all, by contrast, forces candidates to address a state's broader electorate, not just its hotspots. Plus, Nebraska's plan is not immune to critique. Gerrymandering can skew district lines, meaning electoral votes might reflect a map drawing more than voter will. In 2020, Nebraska's 2nd District went blue again. But if its boundaries were redrawn, that voice could vanish. Hardly a pure fix. The charge of disenfranchisement also overstates the case. A vote in a winner-take-all state still shapes the statewide result. It's just that the system does not carve up the reward proportionately. Nebraska's approach might soften the blow for the 49% in a 51-41-- 49 split, but it trades that for complexity and risk, magnifying local quirks over statewide consensus. Winner take all prioritizes clarity and unity. Your vote counts even if your side does not win the pot. It's not about silencing anyone. And it's about how the game is scored. I yield my time, sir.

KELLY: Thank you, Senator Lippincott. Senator Storm, you're recognized to speak.

STORM: Thank you, Mr. President. I represent District 23, which is Butler, Colfax, Saunders County. In Saunders County-- well, in that CD 1 and CD 2, Saunders County represented as part of CD 2. Saunders County, which is part of my district, is part of CD 2. And in the 2024 elections, 72% of the people in Saunders County voted for Donald Trump. 26 voted-- 26% voted for Kamala Harris. I will also add that 59% of the people statewide voted for President Trump and 39% voted for Kamala Harris. Using the opponent's arguments I've heard all day, that winner take all disenfranchises voters in Omaha, the current district system totally disenfranchises the Saunders County voters. So I wanted to make that clear. Also, I want to say that some of the opponents have advocated for moving Nebraska to the national popular vote throughout the day. What this would do is make the state of Nebraska almost entirely irrelevant in a presidential election. Why would a candidate ever visit Nebraska and it-- if we went off of a popular vote? Candidates would rather spend more time and money in areas with larger

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populations like New York, New York City, Chicago, Dallas, Fort Worth, Salt Lake City, exac-- et cetera, where they can reach a much larger number of voters in a single city than an entire state. I yield the rest of my time back to the chair.

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

HOLDCROFT: Thank you, Mr. President. I rise in, in opposition to the IPP and in support of LB3, but I just wanted to put out some, some good news from the Department of Health and Human Services. Governor Pillen des-- de-- declares the month of April Child Abuse Prevention Month. Governor Jim Pillen signed a proclamation declaring April as Child Abuse Prevention Month at a ceremony at the State Capitol Building. Child Abuse Prevention Month has been celebrated nationally since 1983. For more than 40 years, organizations across the country have recognized the month, providing important information regarding the prevention of child abuse and neglect. In 2008, the blue pinwheel became the national symbol for the month. Information on how to recognize signs of child abuse can be found at the website dhhs.ne.gov/pages/child-abuse.aspx. if you expe-- if you suspect a child is being abused or neglected please report the case to the child abuse and neglect-- and neglect hotline at, at 800-652-1999 or visit neabusehotline-dhhs.ne.gov. Also, the DHHS has hired a new state epidemiologist. DHHS hired Dr. Sydney Stein as the new state epidemiologist. Dr. Stein brings strong analytical skills and experience as a veterinary epidemiologist. She has been supporting DHHS since July 2023 as a Centers for Disease Control and Prevention Epidemic intelligence service officer. The role of the state epidemiologist is to oversee the work of protecting the health of Nebraskans by performing public health surveillance, responding to disease outbreaks, and preventing and controlling the spread of disease. Dr. Stein holds a combined master's of public health with a certificate in global public health and a doctor of veterinary medicine from the University of Missouri, Columbia. She completed the medical research scholars program at the National Institutes of Health from 2018 to 2019 and a postdoctorate research fellowship from 2019 to 2023, with areas of training expertise in the Zika virus, Ebola virus, and other emerging infectious diseases. And I'll relinquish the rest of my time. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. We're getting close to the end here and I think there's-- it's been an interesting conversation. And I think a lot of people approach this conversation-- well, first I support the IPP and oppose LB3. And I appreciate the, you know, folks who have approached this in a constructive conversation about what it really matters to our constituents and what it is we want. I, I don't think, with all due respect to the folks who have been advocating one way or another on this, I don't think it matters what other states do. We have the ability to impose a system here, and it is fundamentally more fair. So I-- and I've said this many times to other folks, but, I've been-- I'm a long anti-Electoral College guy. I wrote a paper in seventh grade saying that we should go to a national popular vote. And so I think different elections would obviously be different if we had a national popular vote. Famously, the 2000 election, the person who became president didn't win the popular vote. In 2016, the person who became president didn't win the popular vote. And so we've had a couple of times in our history-- and I think once in the 1800s-- where it's been different. But to say until California does it we shouldn't do it, that-- I mean, that's very much a two wrongs make a right sort of argument. If we are doing the right thing-- which we are. Our system is better than other states' system. We should have the courage of our convictions to stand by that regardless of what the outcome in the elections are. So this election-- and I don't remember off the top of my head, but I think that the Democratic candidate has won the 2nd Congressional District now three times, if I remember right, in the last 30 years, which means the Republican candidate has won, you know, six times or something like that. But regardless of what the outcome is, it is fundamentally more fair, more democratic, more representative to apportion the votes at a lo-- a closer level, a more granular level, at the congressional district. Going to a national popular vote would be more democratic as well. And, again, I might not agree with the outcome of an election that is done at, at a national popular vote, but you can't argue that it would not be representative of the will of the people. And so the way we do it in Nebraska and the folks who are advocating for going to winner take all do not like the result. If it had always been-- nobody's arguing we should take away CD 3's right to vote. I heard somebody say CD 3 has spoken. They want to go to winner take all. CD 3 wants to go winner take all because it means that then CD 2's vote will be determined by the votes in CD 3. That's the thing. Senator Lippincott's talking about all these smaller communities that get ignored. But what they want is more voting power proportional to the number of people they have. And they're not satisfied with that. At the hearing, we had an individual who came from Senator Lippincott's

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district who got up and said they felt underrepresented in the Legislature. And I said to Senator Lippincott that that person comes from a district that only had 37,000 people in it. My constituents-- some of who are on the balcony-- come from a district that has 41,000 people in it. So proportionately-- though I provide a very good product-- proportionately, my constituents have less representation here. But you have the folks who have fewer constituents, more land, standing here arguing that because of that disparity, that they have fewer constituents, that they should get more say in this body and they should get more say in how the state is represented at the national level and they should get more say in how we register our electoral vote. That is fundamentally unfair, undemocratic. So I stand in support of the IPP, in opposition to LB3. I stand with the people of the 2nd Congressional District. I stand with all the rest of the people across the state of Nebraska who would like to have their voice heard in this election, the next election, and in perpetuity at the local level, at the congressional district level when it comes to the presidential election. Because we did hear from the Cheyenne County Republican Party chair who came and testified against this bill, saying that he is concerned if we go this route, if we pass Senator Lippincott's bill, that what will happen is, in a few years, when the city of Omaha and Lincoln grow together and the natural demographic shifts there, lead to a majority Democrat vote. They will lose their voice in the 3rd District. So think about that. Thank you, Mr. President.

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

DORN: Thank you, Mr. Lieutenant Governor. And if nothing else today, I thank everybody for the conversation on this LB3, Senator Lippincott's winner-take-all bill. As it's been mentioned several times, I have the LRCA that-- brought forward. Just so everybody knows where that's sitting, and I think many people have the, the concept of it, it's-- was voted out of committee. It's just sitting there. Has not been made a priority. I did not make it a priority. Nobody else did either, so it's just sitting there today. What's the path forward on that? That's gonna require some conversation. But part of my bill, why I introduced it was, I call it, to have another avenue. But I told Senator Lippincott that I fully am support of his. I am definitely in support of LB3. I will be against the motion by-- indefinitely postpone or whatever. We had the talk of a special session this summer. We had the talk of-- for the-- the election last year was Nebraska's one vote, one electoral vote in the Omaha area, was that going to maybe even be a determining factor in the presidential election? And wow, did that, I call it, bring a lot of conversation, a lot of passionate people on

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both sides of the aisle. That continued on through, I call it, after the election and continued on through when Senator Lippincott introduced LB3. We've had this, I call it, conversation all along here. The positive thing for me is, is LB3. We're gonna have a vote today, and we're gonna see where the vote's at. We're going to know. People have told me, well, LB3 won't be back up again this year. It'll be killed. And I said-- and I've told I think four or five senators today, I've been around here long enough-- and if you were around here with Se-- Senator-- from Omaha, Senator-- oh. Now I can't remember her name. Revenue chair. Anyway. Lou Ann Linehan. Yes. Thank you. She could bring back bills that you thought were dead twice. And she could bring it back bills. So I wouldn't put it back somebody-- past somebody to bring something back here. Never know what's going to happen or whatever. I am 100% for putting an LRCA also in front of the vote of the people. Just sit here and listening to John Cavanaugh. And I listened to a lot of other people too that we are trying to diminish the vote for the people in the Omaha district, that it wouldn't mean much. Well, I also believe that for us in the rest of the state, if we're going to be like 48 other states, us and the rest of the state now, we get to be part of an election and part of a vote that doesn't mean as much as if I was in some other state. It's not going to be, I call it, 100% of the vote. We elect our state senators by a statewide vote. We have had numerous discussions the past several weeks on the floor about paid medical lea-- paid sick leave, about minimum wage, and all of those things. And I don't remember-- I hesitate to think of how many times we had it come up. The vote of the people was this way, and that should dictate something. That should mean something. I will get up and talk very strongly for my LR24CA. If you believe that in those elections the vote of people means something, why are you afraid to put it out in front of the vote of the people to have this discussion on the winner take all? Shouldn't we put it out in front of the people and let them all decide whether statewide this is what we want to do? And I don't know why people would not be in support of that. I think the people of the state of Nebraska can tell us all, yes, this is how the state wants to do it. Last I knew, we weren't just an Omaha district, we weren't just a Lincoln district, we weren't just an LD 3. We are a state. And if it means anything to you and if all those people making all those comments in the last couple weeks, all those election results mean anything to you, then you should be in favor of LR24CA. Thank you.

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

McKINNEY: Thank you, Mr. President. I rise in support of the motion to indefinitely postpone LB3. Senator Dorn, I think people are hesitant to

put something on the ballot because, this session, this body has shown that it doesn't matter what the people say. This bo-- body will vote against it as they did with the paid sick leave and with the minimum wage. So it's really a lack of trust in this body to uphold the will of the people. And that's the issue at hand. I oppose LB3 because it's trying to take away, I would say, one of the things that motivates people to vote in, in CD 2. It, it is also kind of interesting for people to say this is about fairness and we should be like all 48 other states. If that is so-- and-- like, y'all want that argument, then why are we a unicameral? Please answer that question for me. If y'all wanna be like 48 other states. If you wanna be like 48 other states, why don't we-- well, I don't think all 48 other states have it, but a good portion of them do-- why don't we have recreational marijuana? Why do we gotta put a ballot initiative up again for online sports betting? I could go on about other states and what they do and what we choose not to do because Nebraska is Nebraska and it seems to not be for a lot of people unless you're from certain parts of the state. And that's the issue, that this has only happened three times since 1991, 1992. But you're so afraid of it happening again. What for? Why can't the people who vote a certain way get a vote? What is wrong with that? We're supposed to be in a democracy, but we've been working-- well, not me-- but a lot of people have been working to strip away a lot of fundamental things that I thought people cared about in this democracy. And that's the problem. And that's the problem with this session. It's the problem with people here. On one hand we care about the people, on one hand we don't. So Senator Dorn, if there was a trust that this body wouldn't strip away the will of the people, people might be open to it. But, sorry, the examples that have been shown thus far in, in, in this session don't bode well for any type of trust that this Legislature will uphold the will of the people if it is anything against what certain people like or dislike. And that's the problem. You-- the argument that, why don't you support it because-- you say you care about the will of the people. We do. But this body has shown multiple times this session that it doesn't care about the will of the people. Because we wouldn't be watering down the paid sick leave petition. We wouldn't be watering down minimum wage. We wouldn't be struggling to get medical marijuana passed. It-- it's so many things. So that's the issue here. And, honestly speaking, what it-- like, I'm, I'm trying to-- cause I've been listening to debate all day and I've been trying to, like, summarize everything I've heard. The Founders wanted this. And when people come into committees and they talk about the Founders' values and what the Founders believed in, we have interesting conversations. Because when that Constitution was written, it wasn't written for people like me. And the Founders might have written it a

way that they felt was right, and you might deem it as right, but at the end of the day, we have this. It's been working for 30-plus years. It's only actually went to a blue dot, I think, three times. So this whole fear of it happening again or lack of fairness, what about the other times? Would that-- was that a lack of fairness for the people on the other side? Can you answer that question? Was that unfair when all of the votes went to one side? Was that unfair? Answer that question. Was it unfair when all the votes went to one side in 2020? Was it 2020? Or-- one of those years. But you get what I'm saying. Was it unfair then? Think about that. Thank you.

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

DUNGAN: Thank you, Mr. President. And colleagues, I rise again in favor of the indefinitely postpone motion and opposed to LB3. The conversation that we've had today I think has been interesting. It's certainly been illuminating, I think, as to some of the concerns that people have and also some of reasons that folks are supportive of LB3. But at the end of the day, I just can't help but continue to think this is a lot more simple than we are acting like it is. There has been a ongoing and pervasive effort in this Legislature since I've gotten here a couple years back to quash the voice of the minority. And we saw this during my first year when there was a conversation over a rules debate. And for those who are avid Legislature watchers, you know that we have sort of a perennial conversation about the filibuster. And it's this ongoing conversation that we have about whether or not we should change the rules in order to essentially allow the majority to steamroll those who may oppose what they want. And you tend to hear the same arguments over and over and over again about that conversation. And, and one of them that ends up cutting across party lines is that you realize as a legislator when you get in here you're not going to be in the majority on everything. And you're going to be in the minority in everything. And so what we do as a unicameral is we have a system that is put in place to ensure that the system works by not quashing or squashing the voice of the minority, because those people matter too. The constituents who voted those senators here matter too. And we have the rules that we, we have in the Unicameral because we are unique. We are literally one of a kind. We are the one unicameral in the country. And our rules have been crafted over a long period of time to make sure that we had this balance. And we do this tightrope walk, right? We do this tightrope walk to ensure that we get work done and that, you know, we don't just always have one person maybe stopping every single debate because they're upset about something. But you do ensure that the rules work in such a way that it gives voice to the minority. And so when I

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think about the changes that are proposed by LB3 to the way that we allocate our Electoral College votes, it seems to me to be in the same vein. It seems to me that this is a continuation of this might makes right mentality, where we have the votes, we have the people, so shut up. We're gonna do whatever we can. And I think that's problematic because, like I said my first time on the mic, to me, when you talk about voting, it does come down to a, a, a fundamental fairness argument. And what is more fair than apportioning the votes of the Electoral College to the individual districts based on how they voted? It just makes sense. And you can see that this is a thinly veiled political effort. We heard conversation during I think Senator Dorn's time on the mic about the special session and it was this sort of very poorly kept secret that Donald Trump-- who was running for president at the time-- was trying to call senators here on the floor of the Legislature to influence them to support going to a winner-take-all system. Well, why would he do that? It's because he was scared of losing, right? I mean, we all know it's because President Trump saw certain math that showed that there was at least one potential situation where CD 2 could decide the outcome of the election. So rather than make a decision based on what is right and whe-- rather than making a decision based on how these things should work and what is fair, there was an effort by some to change the rules in order to rig the outcome with a hope that it would change the outcome of a presidential election. I mean, we heard in here times on the mic where people were talking about we should follow the rules. Changing the rules right before a presidential election in order to get the outcome that some people want doesn't strike me as fundamentally fair. And so I don't want us, Nebraska, to be bullied. I don't want us to kowtow to outside influence because we're scared of what the ramifications might be. And I am proud to stand up as a Nebraskan, along with many of my colleagues, and say we're not gonna do what you want us to do just to get a desired outcome. We're gonna stand up for what's right. We're gonna stand up for the voice of the people. And we're gonna stand up for a system that makes sure those voices are protected. So colleagues, I would encourage you to vote yes on the IPP. If we get to it, I would encourage you to vote no on LB3. And please continue to support a system that represents every Nebraskan. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I didn't actually think I was going to get to talk again. So I, I, I hate to burst Senator Lippincott's bubble, but I have, I have decided that I am not going to be voting for LB3. I've tried to maintain a open mind this afternoon,

but cloture's in a few minutes and I don't want to be stringing him along. I'm going to be a no on cloture. But if cloture happens, I'm going to be a yes on Senator Conrad's motion to indefinitely postpone, which I just realized is MO1, Senator Conrad. It's the first motion that was filed this year. Congratulations on that. That's a-- that-- I mean, I keep an eye on those things. So, yes, I, I do not support eliminating our electoral voting system that we currently have in Nebraska. I think that, as many of my colleagues have already stated here today, that anything that encourages civic engagement and voter participation is a good thing. And I, I know that having this singular electoral vote that has the potential to go either way is exciting for people and they want to be a part of that on, on both sides of the issue. So I will be staying in opposition to this particular process-- or, this particular bill. But I do-- I mean, I remember when, you know, this was in the '90s again, and this was passed, and there were those elections in the early 2000s. And it was still exciting. And there was no hope of it going to be a blue dot. We knew it was gonna be red. And it was exciting to have just the option, just to have people talking about that it could happen. It got people interested and engaged in a different way than in other communities. You know, we don't have presidential candidates flocking to Nebraska of either party unless there's some sort of contest, because the Republican Party tends to take it for grant-- the state for granted and the Democratic Party tends to ignore the state entirely. And so if we don't have this sort of excitement and a reason to get people out, we lose that. And I think it has showcased Nebraska-- and, yes, Omaha-- in a great light that we are a thoughtful, deliberative state that takes votes seriously and, and we won't just be a monolith. We will be voting in different ways with different values across the state. And it really signifies that for us as a state. And we still have the two winner-take-all votes of the five votes. There's two that are-- just our two votes. And then we have our three congressional votes. So we still have two winner-take-all votes. But we also have representation in our congressional districts, and we can get votes that represent those constituents in a different way than the whole state. So we actually have the best of both worlds. We have the winner-take-all system with those two votes and we have the up-for-grabs system in the, the three other votes. And I, for one, think that's pretty cool. And I love that that's-- we have the fourth graders that come here every year and dozens and dozens and dozens of them from schools, hundreds of dozens of them from schools across the state learning about Nebraska history. And this is part of our history. This is part of the fabric of who we are as a state. And it's just one more area that we can have pride in that we do something differently and we do it in a way that achieves

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greater engagement in our citizens, in the electoral process. And that, to me, is really cool. So I will be voting against cloture and for the IPP motion if it comes to that. Thank you, Mr. President.

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

GUERECA: Thank you, Mr. President. Good afternoon, Nebraskans. I-- again, I, I do rise in support of the motion to indefinitely postpone, in opposition to LB3. Like I stated earlier on the mic, I can't in good conscience vote for a piece of legislation that devalues our electoral power and takes a, a system that provides tens of millions of dollars of revenue into the state. But I wanted to take this time to speak about something else. Over the weekend, I had the privilege of being in our nation's capital. For the first time, I was able to walk up the steps and visit the Lincoln Memorial, taking in the, the gravity of that amazing patriot. After that, I walked over to the Vietnam Veterans Memorial, which is just down the way a little bit. That was a humbling experience. And for those of you who've never seen or haven't had the privilege of visiting the Vietnam Veterans Memorial, it's 246 feet long, 72 black granite panels that list out the 58,200-- 58,320 men and women that gave their lives during that conflict. 246 feet worth of American fighting men and women, 72 black granite panels, who gave their last full measure of devotion for this country. To honor a few of those, I, I said their name out loud on the off chance that they didn't have family to make sure that they would always be remembered, always be valued for their ultimate sacrifice for our nation. The work that we do here matters, but we also need to remember our veterans who put their lives on the line in countless conflicts across this world in defense of freedom and in defense of this great nation. So as we work forward with legislation, let's continue to build the good life to honor their sacrifice, to honor that full-- last full measure of devotion. Thank you, Mr. President.

KELLY: Thank you, Senator Guereca. Senator Conrad, you're recognized to speak. And this will be your final time before your close on the motion.

CONRAD: Thank you, Mr. President. And again, good-- well, now good evening, colleagues and those watching at home, Nebraska neighbors who are watching at home. We are just kind of quickly approaching the end of our four-hour debate in regards to LB3 before we will see the anticipated cloture motion filed and on the board that will be an attempt to see if we can end extended debate and move the measure forward or if in fact there will be a successful death by filibuster to

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LB3 at this stage of debate. And it sounds like supporters of LB3 are not interested in moving the measure forward through other means this session but are content with having full and fair debate for four hours today, having a clear record vote for accountability and posterity purposes to see where each senator is and to let citizens know where their elected representatives are. And then perhaps supporters of this issue will pivot to either a constitutional amendment referral or seek a path to the ballot through other means using our robust citizen initiative process as designed in the Nebraska Constitution. Or perhaps, I guess, it could be a referendum on an existing law. Have to go back and think through that. But nevertheless, we should have a definitive vote on this issue in terms of at least process within the next 15 to 20 minutes. So I know members are eagerly anticipating that. I do think that we've had a very measured and thoughtful debate today. A lot of deep, historical information has been presented, some modern-day applications, and giving a significant amount of voice to Nebraska voters themselves, our second house, who have turned out in mass yet again this year on this issue as they have in past efforts to revert to winner take all and to end Nebraska's unique and effective approach to all-- allocation of our electoral votes when those attempts have previously been before the body. So I wanted to just lift up, perhaps, in advance of this vote-- we've talked a lot about the law and the policy and the practical concerns and the economic concerns. I also want to give a real shout-out for citizen engagement not only in terms of casting a vote for, for president and allocating our electoral votes but to the citizens of Nebraska themselves for their engagement on this and other important measures that are before the Legislature. In this time when our politics can be very acrimonious and toxic and divisive a lot of times-- and you've heard me talk about this at the mic before-- I think that that can be another form of voter suppression, wherein the hotter the temperature, the more good people kind of throw up their hands or wrinkle their brow and say, this is not for me. And they turn away because they're busy with family and jobs and a host of other community responsibilities. But this and other measures like the backpedaling on LB645 regarding the sweep of teacher retirement, the Attorney General's effort to abolish key federal protections for students with disabilities, and this, Nebraska's approach to awarding electoral votes, the people of Nebraska have spoken out in force very recently on those three topics, and we've seen it make a significant difference. So if anybody ever tries to tell you that your voice doesn't matter or you shouldn't send that email or you shouldn't make that phone call or you shouldn't write that letter to the editor or you shouldn't speak out online, they're wrong. Citizen engagement matters still today. And we have a lot of session in front of us and a lot more

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important issues. So hopefully take the momentum and the wind that we may generate today and carry that forward for other key civil rights and economic justice issues before your Nebraska Legislature. Thank you.

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

SPIVEY: Thank you, Mr. President. I didn't think I would be able to get back on the mic again. And Senator Conrad, you stole a little bit of my thunder thanking our constituents and folks watching around their engagement. I have in real time been receiving emails, and folks have been calling our office because they're watching. They're watching, and they're paying attention. And they have a voice and perspective that they are asking us to represent and bring forward. And so I wanted to thank folks for the calls, again, and the emails and being civically engaged. We are navigating a lot. Folks have work, family stuff, and you are making time to actively ensure that this body is representing your best interests. And I appreciate the engagement and the feedback that I have been receiving. I wanted take a, a little bit of a point of privilege for my time and talk about an experience that I specifically had yesterday. So I have been intentional about bringing legislation that addresses our carceral system. Senator McKinney and my predecessor, Senator Wayne, have really done a good job of addressing folks that are system impacted as people from our communities are overrepresented within our state corrections system. And so I've talked about this before on the mic that my father was incarcerated most of my life, and so I understand what it looks like when someone is removed from community, from family, and the impacts that it has on their children, their families, and friends, what it-- the impacts it has on economy, and even them as that individual. And so coming into this-- in-- into my elected role, I have been intentional about how do I bring forth legislation and awareness to address what we're seeing around mass incarceration. And so yesterday, I had the opportunity to go and visit Tecumseh and spend some time with the folks there. I have a bill that was brought by a community advocate that I have been excited to carry around restrictive housing because we know that the impacts that restrictive housing has on folks that are inside around their mental health deterioration and doesn't really provide a rehabilitative experience so that they are ready to come home in a very different way. And so while I was there, I had talked to folks that were in restrictive housing. There were two people that I specifically spent time with who were there for eight years. They have been in restrictive housing for eight years. The, the cells are smaller. Their experience with their program is very different. Their mental health is

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deteriorating. And we had a very productive conversation around what does it look like for their experience to be changed, but just the system in general. I think sometimes-- and we've heard it in this body-- people discount the lived experience and expertise that folks bring as it relates to creating solutions. I truly believe that everyone has leadership and value add, and the folks that I talked to while being incarcerated were able to help me process and think about what needs to happen so we can address not only the system but change the experience for other people so that it's truly, one, rehabilitative-- which there's a lot of conversation around that-- but that they are not even there, that community members are not going inside. How do we prevent that? Folks are watching the Legislature. They were following Senator Holdcroft's LB215 bill. I got lots of questions around that. I got a lot of questions around LB50, which we're waiting for a Supreme Court ruling that AG Hilgers has taken up, to Senator Conrad's point, to address that really important piece of legislation. And so I-- again, I just-- I wanted to bring forth this experience because as someone who has navigated what it's like to have someone system impacted for most of their lives, what that does to me, but then again also, how do we really invest in the livelihood of our community? And again, I think our time in this body is best well spent doing that, addressing the overcrowding in our, our carceral system, addressing preventative measures, honoring the, the will of the second house. And so I, I appreciate being able to take time to express my experience and, and the hope that people and accountability that people have for us in this body and the work that they want us to do as they send us here to be a conduit for their voices and their perspective. Thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Senator Strommen, you're recognized to speak.

STROMMEN: Thank you, Mr. President. I just wanted to reiterate what I said earlier, just that, you know, our, our western districts, District 47, oftentimes feels underrepresented. And this gives them the opportunity to get that representation that they feel that they deserve. I wanted to yield the rest of my time to Senator Lippincott. Thank you.

KELLY: Senator Lippincott, you have 4 minutes, 33 seconds.

LIPPINCOTT: Thank you, sir. We're coming close to the end here, and this has been a great example of diplomacy and, of course, people just sharing their thoughts and various things. My first year in the State Legislature a couple years ago, I spoke to the students in the Palmer

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High School and Junior High School District in my district in Merrick County. And after I did my dog and pony show, I opened up to questions. And one of the students asked me what is the biggest thing I've learned in the Legislature. And the thought that came to me immediately was this-- and this is something that's true for families, relationships, in college, and certainly here in the Legislature, but that is this: it's important to keep issues at arm's length and maintain your relationship. Now, a couple of my very close friends here that are fellow Republicans are not-- have stated that they're not going to vote for this. But you know what? That does not change my relationship with them one bit. I still respect them. I honor them. This is not a black-and-white issue. This is an issue that has validity on both sides, and I appreciate that. Senator Murman over-- Riepe over here, very good friend of mine. Dave Wordekemper also, very good friend of mine. And I respect their choices, and I appreciate them as people. So that's the biggest thing that I've learned here in the Legislature, and that is to maintain relationships regardless of the differences that we have. And I think that that's something that we can all use, whether we're in college, whether we're in the Legislature, a business, or in our, our families. I yield the rest of my time, sir.

KELLY: Thank you, Senator Lippincott. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. Colleagues, as we close debate on LB3, I want to take us back to what this is really about. Not party, not power, not even the presidency. It's about what kind of democracy we want to have in Nebraska. Because what we have here is special. We're the only state in the nation with a unicameral. We're just one of two states that splits our electoral votes by congressional district. And that means Nebraskans don't just cast votes for president. They cast meaningful votes, ones that can actually move the needle. And that's the issue, isn't it? That the votes in one district did move the needle. And now some folks don't like that, so they're trying to change the rules of the entire game-- not because the system is broken but because it works. But it didn't work in their favor. We've heard a lot today about every other state. Well, let me remind you the point of our system is that states don't all have to do things the same way. That's not a flaw. It's federalism. It's how it's built. And it's why we have local control and why local control is a strong Nebraska value. It's why we pass laws tailored to our people, our geography, our economy, our industries. And it is why Nebraska voters have historically supported keeping this system. Let's be honest, this bill isn't about fairness. It's about control. It's about being a sore loser, sour grapes, and your disappointment that even though you have the power,

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you don't have all the power. It's about taking power away from the voters in one part of our state to make sure that their voices can't create outcomes that some people don't like in another part of the state. But what happens when the tides turn, colleagues? What happens if Nebraska continues trending younger, more urban, more progressive? What happens if CD 3 becomes the outlier? Will we rush back to split the votes again when it benefits a different side? Is that what we're going to do, redraw the rules every single time we lose? Wouldn't you want your district to still have a voice? Wouldn't you want your voters to be able to cast a meaningful electoral vote that reflects your community's values? Because that's what our current system guarantees. It doesn't matter whether you're in Omaha or Scottsbluff or Valentine. If your neighbors organize, turn out, cast their ballots, your congressional district gets a say. This isn't a system that was ever built to benefit Democrats or Republicans. It's a system built to benefit voters. And I'm telling you right now, if you take that away because it's politically inconvenient today, you might regret it tomorrow. And that's not what Nebraskans want. Nebraskans are tired of political games that they see at the federal level. They don't want to see that at the state level. Bills like LB3 are not the things Nebraskans are crying out for. They want representation. They want their votes to matter. And whether they live-- Bellevue, McCook, Minden, wherever, they want their votes to count. I know we all care about this state and we all want to do right by our constituents, which I heard many supporters of LB3 say on the mic today. But if we pass this bill today, we are sending a message that the people of Nebraska only get a voice if it's convenient for those who are in charge. We should be working to strengthen our elections, not erode them. We should be building a democracy where everybody has a stake, not dismantling one of the few systems that we still have in this country that gives voters a real voice. So I'll be voting no on LB3 because I care deeply about what it means to be represented and what it means to live in a state that puts party before politics. Wouldn't you want your district to still have a voice? If you want to talk about fairness, let's talk about real fairness. Fairness is not erasing the votes of voters who disagree with you. It's not pushing districts. It's not silencing people to make political outcomes more predictable for your party. If you truly believe in representative government, in serving all Nebraskans, not just the ones who vote like you, then I urge you to reject LB3, which is what I think we're about to do. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Mr. Clerk, you have a motion on your desk.

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

KELLY: Senator Lippincott, for what purpose do you rise?

LIPPINCOTT: Call of the house, sir.

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

CLERK: 40 ayes, 0 nays on the call of the house, Mr. President.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Armendariz, Dover, Bosn, Hansen, and Brandt, please return to the Chamber and record your presence. The house is under call. All unexcused members are now present. There was a request for a roll call. And members, this is the first vote, is the motion to invoke closure. Mr. Clerk.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting no. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting, voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting no. Senator Quick voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting no. Vote is 31 ayes, 18 nays, Mr. President, on the motion to invoke cloture.

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KELLY: The cloture motion fails. Debate ceases on that bill for today. I raise the call. Mr. Clerk for items.

CLERK: Mr. President, your Committee on Judiciary, chaired by Senator Bosn, reports LB422 to General File with committee amendments. Amendment to be printed from Senator Dungan to LB80. New LR: LR144--LR114 and LR115 from Senator Holdcroft. Those will both be laid over. Name adds: Senator DeKay name added to LB693. Priority motion: Senator Ibach would move to adjourn the body until Wednesday, April 9 at 9:00 a.m.

KELLY: Members, you've heard the motion to adjourn. All those in favor say aye. Those opposed, nay. The Legislature is adjourned.